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Senate

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

PRAYER

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

Blessed are the pure in heart, for they shall see God.—Matthew 5:8.

Holy God, just as the fluid in our physical eyes keeps our eyes cleansed, so may Your Holy spirit cleanse, dilate, and focus the vision of the spiritual eyes of our hearts. As we begin this day, we open our hearts to be filled with Your Holy spirit. We desire to be pure in heart so that we may see You more clearly and love You more dearly. We know that mixed motives prevent us from seeing You. We long for our hearts to be free of the admixtures of pride, selfishness, manipulation, lust for power, jealousy, envy, negative criticism, and resentment. We reaffirm our desire to be single minded for You, God—to put You first in our life and and make an unreserved commitment that enables us to rivet our attention upon You.

Today, we accept the gifts of Your Holy spirit and live supernaturally. We will gratefully be a channel for the flow of the fruit of Your spirit—love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. We pray that we will see more clearly Your presence in the world, in circumstances, in people, and in the new person You are creating in us. We want to start this day with pure hearts so that we may behold more of the wonder of Your grace and goodness. Through Jesus Christ, our Lord. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of H.R. 3540, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simpson amendment No. 5088, to strike the provision which extends reduced refugee standards for certain groups.

Lieberman amendment No. 5078, to reallocate funds for the Korean Peninsula Energy Development Organization.

AMENDMENT NO. 5088

The PRESIDING OFFICER (Mrs. FRAHM). There will now be 2 minutes of debate, equally divided, on the amendment of the Senator from Wyoming.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, what is the status of matters in order? Is the first amendment the Simpson amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Is that 2 minutes or 1 minute?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. SIMPSON. Madam President, the purpose of this amendment is to go back to the 1980 Refugee Act. The 1980 Refugee Act provided for case-by-case determination of all refugees.

In 1989, we had the Lautenberg amendment, which was very appropriate at that time. It simply said we would presume that people who were Jewish or Angelical Christians or Pentacostals would be refugees. That was appropriate when the Soviet Union was our enemy.

In this bill, we give them $640 million. They are a G–7 partner. They are our ally.

Now we are still using 48,000 precious numbers out of an entire number of 78,000 to give to people who are presumed to be refugees—we give them the status. Some of them wait a year before they even come. Then we find it being misused by fraud and abuse with the Russian mafia coming through the system with regard to this presumption of refugee status.

We ought to go back to case by case, and no one will be left out.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I hope that my colleagues will vote against the amendment by Senator SIMPSON. He wants to strike out extension of current law, which frankly I think is essential. When we look at the new Russia, the former Soviet Union, we see, though they apparently are democratized in many areas, the fact of the matter is that an integral part of the political platform in the last election was to rail against Jews and other religions not satisfactory to them.

Zhirinovsky, the head of the Nationalist Party, said that the way the country has to resolve its problems is to get rid of its Jews.

Lebed, the now National Security Adviser to President Yeltsin, made derogatory remarks about Jews and about Mormons, calling them a ''scum'' religion.

So, if that tells you where we are going, I hope that my colleagues will vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On

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

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

The assistant legislative clerk called the roll.

The result was announced—yeas 22, nays 78, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—22

Bond	Grams	Murkowski
Brown	Gregg	Roth
Campbell	Hatch	Shelby
Chafee	Helms	Simpson
Cochran	Jeffords	Thomas
Domenici	Kassebaum	Thurmond
Faircloth	Lugar	
Gorton	McCain	

NAYS—78

Abraham	Feinstein	Lott
Akaka	Ford	Mack
Ashcroft	Frahm	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Hollings	Pryor
Burns	Hutchison	Reid
Byrd	Inhofe	Robb
Coats	Inouye	Rockefeller
Cohen	Johnston	Santorum
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Simon
Craig	Kerrey	Smith
D'Amato	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Kyl	Stevens
Dodd	Lautenberg	Thompson
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Feingold	Lieberman	Wyden

The amendment (No. 5088) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5078, AS AMENDED

The PRESIDING OFFICER (Mr. COVERDELL). The question occurs on amendment No. 5078, as amended. There are 2 minutes evenly divided on the amendment.

The Senate will come to order. Please remove all conversations to the Cloakroom.

Will the Senators please remove audible conversations to the Cloakroom? The Chair requests that audible conversations be removed to the Cloakroom.

The Senate will come to order. Please remove audible conversations to the Cloakroom.

The Chair requests that audible conversations be removed to the Cloakroom so the Senate may come to order.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is amazing to me that the Presiding Officer of the U.S. Senate requests silence of the Senate and is ignored by so many people who blatantly continue to talk while the Presiding Officer has now for 3 minutes requested silence.

I hope the Presiding Officer takes whatever measures are necessary to get quiet in this body. It is unbelievable we would not pay attention to the Presiding Officer.

The PRESIDING OFFICER. The Chair appreciates the cooperation of the Senator from West Virginia.

The Chair is asking that audible conversations be removed to the Cloakroom so the Senate can proceed with its business.

The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Lieberman amendment, upon which we are about to vote, doubles aid to North Korea from last year's level from $13 million to $25 million. I expect a lot of Senators did not even know we were providing aid to North Korea. To provide this aid, President Clinton will have to say the fact that North Korea is a terrorist state doesn't matter.

In addition, we know under the current agreement that the North has diverted oil, and nothing in this amendment will prevent that from continuing to happen.

Finally, let me say, Mr. President, the House is strongly opposed to an increase from $13 to $25 million, which is encompassed in this amendment, and this is going to be an extraordinarily difficult position to sustain in conference, even if this amendment is approved.

I hope that my colleagues will not approve this amendment.

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

Mr. LIEBERMAN. Mr. President, this amendment, now amended in the second degree by Senators MURKOWSKI and MCCAIN, would enable the President to fulfill the promise made as part of the agreed framework signed in October 1994 to avoid the escalating probability of the North Koreans attaining nuclear capability and perhaps entering into a conflict with South Korea.

A conflict, a major regional conflict on the Korean Peninsula, as Secretary Perry would say, would put countless lives in jeopardy and would cost billions of dollars.

For $25 million, we have the opportunity to continue an agreement which, thus far, the North Koreans, at least as to the nuclear component, have kept.

I yield 15 seconds to Senator MURKOWSKI, and then the remainder of the time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Senator. I assure my colleagues, if we don't have adequate funding, there is no point in pursuing this. That is the problem with the proposal that has been offered by the Senator from Kentucky. This requires full compliance with all provisions of the agreed framework, no significant diversion of U.S. assistance of food or oil, and full cooperation on storage of spent fuel.

If we are going to do this right, we have to give them the tools to do it. We can't cut it in half and expect it to be done right. That is what we are up against here.

It is a significant foreign policy question. I am very pleased Senator MCCAIN, Senator LIEBERMAN and others feel there is a job to be done over there and we can't take it lightly and we can't just cut funding in half.

I might add, there is a full accounting of MIA's in this thing. There are more MIA's in North Korea, about 8,400, in fact.

The PRESIDING OFFICER. The time of the Senator has expired. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent for an additional 10 seconds.

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

Mr. LEVIN. Mr. President, we are trying very hard to put the nuclear genie back into the bottle in North Korea. General Shalikashvili and the uniformed military strongly support the framework agreement that will allow us to do that. If we cut the funds to implement that agreement, instead of putting the nuclear genie back in the bottle, we will be breaking that bottle.

I hope the Lieberman amendment is adopted with an overwhelming vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 5078, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—73

Abraham	Frist	Murkowski
Akaka	Glenn	Murray
Baucus	Graham	Nunn
Biden	Grams	Pell
Bingaman	Harkin	Pressler
Bond	Hatfield	Pryor
Boxer	Heflin	Reid
Bradley	Hollings	Robb
Breaux	Inouye	Rockefeller
Bryan	Jeffords	Roth
Bumpers	Johnston	Santorum
Byrd	Kassebaum	Sarbanes
Campbell	Kennedy	Simon
Chafee	Kerrey	Simpson
Coats	Kerry	Snowe
Cochran	Kohl	Specter
Cohen	Lautenberg	Stevens
Conrad	Leahy	Thomas
Coverdell	Levin	Thompson
Daschle	Lieberman	Thurmond
Dodd	Lugar	Warner
Exon	McCain	Wellstone
Feingold	Mikulski	Wyden
Feinstein	Moseley-Braun	
Ford	Moynihan	

NAYS—27

Ashcroft	Faircloth	Inhofe
Bennett	Frahm	Kempthorne
Brown	Gorton	Kyl
Burns	Gramm	Lott
Craig	Grassley	Mack
D'Amato	Gregg	McConnell
DeWine	Hatch	Nickles
Domenici	Helms	Shelby
Dorgan	Hutchison	Smith

So the amendment (No. 5078) as amended, was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

INTERNATIONAL MILITARY EDUCATION AND TRAINING [IMET]—INDONESIA

Mr. COCHRAN. Mr. President, I congratulate the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, and the ranking Democrat, Senator LEAHY, for the fine job they've done putting together the fiscal year 1997 foreign operations appropriations bill. This legislation is very important in helping the United States to influence events and protect American interests around the world, and I know that the bill takes a great deal of hard work on the part of Senators MCCONNELL and LEAHY, and their staffs, to move it to the floor.

One of the important functions funded by this legislation is the International Military Education and Training, or IMET, Program. Title III of this bill provides $40 million for IMET for fiscal year 1997. According to the Defense Department, IMET has three principal objectives:

First, to encourage mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security.

Second, to improve the ability of participating foreign countries to utilize their resources, including defense articles and services obtained from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries; and,

Third, to increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

In fiscal year 1995, 109 countries participated in IMET.

The pending legislation includes a few restrictions on use of IMET funds: None of the funds appropriated are available for either Zaire or Guatemala, and Indonesia is eligible for what is described as an expanded IMET Program. With regard to Indonesia specifically, on page 129 the bill says,

––* funds appropriated under this heading for grant financed military education and training for Indonesia may only be available for expanded military education and training.

I'm not quite sure why the phrase ''expanded'' is used, though, because the expanded IMET Program is in fact highly restrictive, allowing IMET funds for Indonesia only to be used for human rights-related training.

I am opposed to this provision of the bill. I know that those who support restrictions on IMET for Indonesia do so out of concern for the human rights situation in Indonesia. And there is reason for concern, though we should take note of the fact that the Indonesians have undertaken to improve their policies and actions with regard to human rights. Is their room for continued improvement? Of course there is, but excluding Indonesia from the benefits of full IMET participation is not the best way to help Indonesians make progress on human rights. I also wonder, though, why it is that of all the countries participating in IMET, only Indonesia is singled out for restrictions. Think about the other 108 fiscal year 1995 unrestricted IMET participants, Burundi, Ethiopia, Cambodia, Russia, and Algeria. Are we saying they don't have any human rights problems?

IMET is of vital importance in helping military officers from other countries to learn from the example of the United States, to help sensitize these officers to the proper role of the military and the rule of law in a civil society. Bringing military officers from Indonesia for human rights training, under the expanded IMET, can be helpful. But it would be more helpful to bring Indonesian officers to the United States for full IMET training, thereby exposing these officers to daily exchanges with their American counterparts. If we want to help correct human rights abuse, it makes more sense to take officers, both junior and field grade officers, and involve them in our military training, side by side, with our own officers.

As an example, every year we send hundreds of our own lieutenants through the infantry officers basic course at Fort Benning, GA. Included in these classes, as full members, are officers sent from other countries as part of the IMET Program. These foreign officers get human rights training along with the American officers in the infantry officers basic course, and they're also taught respect for the rule of law and the proper relations between military and civil authorities in a free society. The most important part of this experience for foreign military officers is not what they're taught in a classroom, though that is valuable. More important is the involvement in our military culture, being treated as equals of the American lieutenants in the course and learning by the example their American friends. They learn the role of the military in a free society, and also the responsibilities of each and every officer to that society.

Indonesia is important to the United States. We shouldn't ignore the fact that it is the world's fourth most populous country, and we can't ignore the fact that our Navy must transit its sea lanes in seeking to move rapidly between the Pacific and the Indian Oceans. But this is more than simply a question of what is strictly in the national interest of the United States, though that alone should be sufficient. Indonesia is also becoming an important force for peace and stability in Asia, something that is also very important to the United States. The growing friendship between the United States and Indonesia is not something that should be taken lightly or for granted.

During my recent visit to Indonesia our Ambassador, Stapleton Roy, was clear in expressing his desire for full access to IMET for Indonesia. I learned from my visit that when human rights problems occur, invariably it is not American-trained officers involved, but the officers not trained in the United States.

If we are serious about helping our friends in Indonesia preaching to them about human rights is not the most productive use of our resources or their time. By including Indonesia in the normal IMET program, they learn about human rights by word and deed; we create lasting friendship that aren't based upon lecturing, and build support for and orientation toward United States policies; and, in so doing, we advance United States bilateral and regional interests.

Let's be consistent. Either all nations with human rights problems should be excluded from full IMET participation, or none should. Singling out Indonesia for this treatment is not only wrong; it creates suspicion and misunderstanding of our reliability as a leader.

I understand that this has been a contentious conference issue for this bill in the past and will not offer an amendment this year to strike the restrictive bill language on Indonesian IMET participation. I hope, though, that during the year the issue of how nations are permitted to participate in IMET will receive close scrutiny, and that consideration be given to supporting a bill that eliminates this unfair and ill-conceived restriction.

Mrs. BOXER. Mr. President, I wish to express my support for the fiscal year 1997 Foreign Operations Appropriations Act.

I am very pleased that this bill continues to fund United States commitments to our Camp David Accord partners, Israel and Egypt. Foreign assistance to our Middle East allies is a critical tool needed to keep the peace process moving ahead. Even as our overall foreign assistance budget declines, I believe it is imperative to maintain our aid programs to our Camp David partners at current levels.

I strongly supported the Dorgan-Hatfield code of conduct amendment and was very disappointed that the Senate voted to table it. The United States is now the world's leading arms exporter. Too often, arms exported by the United States have been used for internal repression by dictators. On many occasions, arms exports have been resold to hostile third parties and used directly against U.S. interests. The Dorgan-Hatfield proposal would have imposed reasonable restrictions on exports. I will continue to work with the amendment's sponsors to move the code of conduct forward.

I also supported the McConnell-Leahy sanctions on Burma that were included in the committee reported version of the bill. Unfortunately, these sanctions were eliminated by the

Cohen amendment. It is universally agreed that the current regime in Burma is illegitimate, undemocratic, and abusive of even the most basic human rights standards. It is a virtual certainty that every dollar finding its way to the ruling party in Burma will be used to oppress the legitimately elected government. The United States must not participate in this kind of unconscionable oppression in any way.

I also wish to explain my vote against the Helms amendment on U.N. taxation. Of course, I do not believe that the United Nations has the authority to tax U.S. citizens, nor should it. I opposed the amendment because I view it as totally unnecessary and as a gratuitous attack on valuable U.N. programs, such as development assistance and UNICEF.

I would like to call attention to committee report language urging the U.S. Agency for International Development to fund microenterprise programs at their current levels. I supported earmarking funds for this purpose, but understand the managers reluctance to earmark. Microenterprise has been a remarkable success in the developing world. The small local banks created through microenterprise programs truly have the ability to wipe out poverty in their regions. I want to add my voice to that of the committee and urge AID, in the strongest possible terms, to allocate the maximum possible level of funding to microenterprise programs.

Finally, I wish to note my opposition to the Coverdell amendment, which would increase funding for counterdrug programs at the expense of development assistance and U.N.-sponsored international organizations, such as UNICEF and UNFPA. I support the counterdrug program, but would note that its budget had been increased dramatically in the committee reported bill. Development assistance, on the other hand, has been slashed. The Coverdell amendment would exacerbate the existing shortfall in development assistance, and thus reduce our influence and leadership position in the world.

Mr. MCCONNELL. I yield back my 2 minutes.

Mr. LEAHY. I yield back my 2 minutes.

The PRESIDING OFFICER. Without objection, the committee substitute, as amended, is agreed to.

The committee amendment, as amended, was agreed to.

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

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

The bill was read a third time.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that the yeas and nays have not been ordered.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient is second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, and all time having been yielded back, the question is, Shall the bill pass?

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

The bill clerk called the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—93

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

NAYS—7

Byrd	Helms	Smith
Craig	Hollings	
Faircloth	Kempthorne	

The bill (H.R. 3540), as amended, was agreed to, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3540) entitled ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $730,000,000 to remain available until September 30, 1998: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2012 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1997 and 1998: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $40,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, none of the funds made available by this or any other Act may be made available to pay the salary and any other expenses of the incumbent Chairman and President of the Export-Import Bank unless and until he has been confirmed by the United States Senate: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1997.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by

transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1997 and 1998: Provided further, That such sums shall remain available through fiscal year 2005 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997, and through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1997, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1997, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,262,000,000, to remain available until September 30, 1998: Provided, That of the amount appropriated under this heading, up to $18,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that agency: Provided further, That of the amount appropriated under this heading, up to $10,500,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under title II of this Act that are administered by the Agency for International Development and made available for family planning assistance, not less than 65 percent shall be made available directly to the agency's central Office of Population and shall be programmed by that office for family planning activities: Provided further, That of the funds appropriated under this heading and under the heading ''Population, Development Assistance'' that are made available by the Agency for International Development for development assistance activities, the amount made available to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) shall be in at least the same proportion as the amount identified in the fiscal year 1997 draft congressional presentation document for development assistance for sub-Saharan Africa is to the total amount requested for development assistance for such fiscal year: Provided further, That funds appropriated under this heading shall be made available, notwithstanding any other provision of law, to assist Vietnam to refom its trade regime through, among other things, reform of its commercial and investment legal codes: Provided further, That up to $5,000,000 of the funds appropriated under this heading may be made available for necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading or under the heading ''Population, Development Assistance'', may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $17,500,000 shall be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That not less than $650,000 of the funds made available under this heading shall be available only for support of the United States Telecommunications Training Institute: Provided further, That of the amount appropriated under this heading, not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad program under section 214 of the Foreign Assistance Act of 1961.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961, $410,000,000, to remain available until September 30, 1998.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated by this Act to carry out the provisions of chapter 8 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $2,500,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma, for the purposes of fostering democracy in Burma, supporting the provision of medical supplies and other humanitarian assistance to Burmese located in Burma or displaced Burmese along the borders, and for other purposes: Provided, That of this amount, not less than $200,000 shall be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the ''Foreign Assistance and Related Programs Appropriations Act, 1985'' (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to

eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying direct loans extended to least developed countries, as authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, as authorized under subsection (a) under the heading ''Debt Reduction for Jordan'' in title VI of Public Law 103–306, $27,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committee on Appropriations.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1998.

HOUSING GUARANTY PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $4,000,000, to remain available until September 30, 1998: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $43,826,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $495,000,000: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be made available for expenses necessary to relocate the Agency for International Development, or any part of that agency, to the building at the Federal Triangle in Washington, District of Columbia.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $28,000,000, to remain available until expended, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,340,000,000, to remain available until September 30, 1998: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of non-military exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available to establish an independent radio broadcasting service to Iran: Provided further, That none of the funds appropriated under this heading shall be made available for Zaire: Provided further, That of the funds appropriated under this heading by prior appropriations Acts, $36,000,000 of unobligated and unearmarked funds shall be transferred to and consolidated with funds appropriated by this Act under the heading ''International Organizations and Programs''.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $475,000,000, to remain available until September 30, 1998, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Central and Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 534 of this Act shall apply.

(e) With regard to funds appropriated under this heading that are made available for economic revitalization programs in Bosnia and Hercegovina, 50 percent of such funds shall not be available for obligation unless the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Hercegovina has complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Hercegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has been terminated.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $640,000,000, to remain available until September 30, 1998: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That of the funds appropriated under this heading $25,000,000 shall be available for the legal restructuring necessary to support a decentralized market-oriented economic system, including enactment of necessary substantive commercial law, implementation of reforms necessary to establish an independent judiciary and bar, legal education for judges, attorneys, and law students, and education of the public designed to promote understanding of a law-based economy.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization or nonproliferation programs.

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the

former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h)(1) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $11,000,000 shall be available only for assistance for Mongolia, of which amount not less than $6,000,000 shall be available only for the Mongolian energy sector.

(2) Funds made available for assistance for Mongolia shall be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations: Provided, That grantees and contractors should, to the maximum extent possible, place in key staff positions specialists with prior on the ground expertise in the region of activity and fluency in one of the local languages.

(j) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(k) Of the funds made available under this heading, not less than $225,000,000 shall be made available for Ukraine, of which funds not less than $25,000,000 shall be made available to carry out United States decommissioning obligations regarding the Chornobyl plant made in the Memorandum of Understanding between the Government of Ukraine and the G–7 Group: Provided, That not less than $35,000,000 shall be made available for agricultural projects, including those undertaken through the Food Systems Restructuring Program, which leverage private sector resources with United States Government assistance: Provided further, That $5,000,000 shall be available for a small business incubator project: Provided further, That $5,000,000 shall be made available for screening and treatment of childhood mental and physical illnesses related to Chornobyl radiation: Provided further, That of the amount appropriated under this heading, $5,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chornobyl..

(l) Of the funds made available for Ukraine, under this Act or any other Act, not less than $50,000,000 shall be made available to improve safety at nuclear reactors: Provided, That of this amount $20,000,000 shall be provided for the purchase and installation of, and training for, safety parameter display or control systems at all operational nuclear reactors: Provided further, That of this amount, $20,000,000 shall be made available for the purchase, construction, installation and training for Full Scope and Analytical/Engineering simulators: Provided further, That of this amount such funds as may be necessary shall be made available to conduct Safety Analysis Reports at all operational nuclear reactors.

(m) Of the funds made available by this Act, not less than $95,000,000 shall be made available for Armenia.

(n) Of the funds made available by this or any other Act, $25,000,000 shall be made available for Georgia.

(o) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(p) Of the funds appropriated under this heading, $15,000,000 shall be provided for hospital partnership programs, medical assistance to directly reduce the incidence of infectious diseases such as diphtheria or tuberculosis, and a program to reduce the adverse impact of contaminated drinking water.

(q) Of the funds appropriated under this heading and under the heading ''Assistance for Eastern Europe and the Baltic States'', not less than $12,000,000 shall be made available for law enforcement training and exchanges, and investigative and technical assistance activities related to international criminal activities: Provided, That of this amount, not less than $1,000,000 shall be made available for training and exchanges in Russia to combat violence against women.

(r) Of the funds appropriated under this heading, not less than $50,000,000 should be provided to the Western NIS and Central Asian Enterprise Funds: Provided, That obligation of these funds shall be consistent with sound business practices.

(s) Of the funds made available under this heading, not less than $10,000,000 shall be made available for a United States contribution to the Trans-Caucasus Enterprise Fund.

(t) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(u) Funds appropriated under this heading may not be made available for the Government of Ukraine if the President determines and reports to the Committees on Appropriations that the Government of Ukraine is engaged in military cooperation with the Government of Libya.

(v) Of the funds appropriated under this heading, not less than $15,000,000 shall be available only for a family planning program for the New Independent States of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion.

(w) Funds made available under this Act or any other Act (other than assistance under title V of the FREEDOM Support Act) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

(x) Of the funds appropriated under this heading, not less than $2,500,000 shall be made available for the American-Russian Center.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $205,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1998.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $213,000,000: Provided, That during fiscal year 1997, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided, That, of the funds appropriated under this heading, $2,000,000 shall be available only for demining operations in Afghanistan.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $140,000,000 to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act for demining activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for the acquisition and provision of goods and services, or for grants to Israel necessary to support the eradication of terrorism in and around Israel: Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for

such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That, notwithstanding any prohibitions in this or any other Act on direct or indirect assistance to North Korea, not more than $25,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for heavy fuel oil costs and other expenses associated with the Agreed Framework, of which $13,000,000 shall be from funds appropriated under this heading and $12,000,000 may be transferred from funds appropriated by this Act under the headings ''International Organization and Programs'', ''Foreign Military Financing Program'', and ''Economic Support Fund'': Provided further, That such funds may be obligated to KEDO only if, prior to such obligation of funds, the President certifies and so reports to Congress that (1)(A) the United States is taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by the end of fiscal year 1997; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which such assistance was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President deems it necessary in the vital national security interests of the United States: Provided further, That no funds may be obligated for KEDO until 30 calendar days after the submission to Congress of the waiver permitted under the preceding proviso: Provided further, That before obligating any funds for KEDO, the President shall report to Congress on (1) the cooperation of North Korea in the process of returning to the United States the remains of United States military personnel who are listed as missing in action as a result of the Korean conflict (including conducting joint field activities with the United States); (2) violations of the military armistice agreement of 1953; (3) the actions which the United States is taking and plans to take to assure that North Korea is consistently taking steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula and engage in North-South dialogue; and (4) all instances of non-compliance with the agreed framework between North Korea and the United States and the Confidential Minute, including diversion of heating fuel oil: Provided further, That the obligation of such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $40,000,000: Provided, That up to $100,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of a government: Provided further, That none of the funds appropriated under this heading shall be available for Zaire and Guatemala: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia may only be available for expanded military education and training.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,224,000,000: Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That Poland, Hungary, and the Czech Republic shall be designated as eligible for the program established under section 203(a) of the NATO Participation Act of 1994: Provided further, That of the funds made available under this paragraph, $30,000,000 shall be available for assistance on a grant basis for Poland, Hungary, and the Czech Republic to carry out title II of Public Law 103–477 and section 585 of Public Law 104–107: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That, for the purpose only of providing support for NATO expansion and the Warsaw Initiative Program, of the funds appropriated by this Act under the headings ''Assistance for Eastern Europe and the Baltic States'' and ''Assistance for the New Independent States of the Former Soviet Union'', up to a total of $20,000,000 may be transferred, notwithstanding any other provision of law, to the funds appropriated under this paragraph: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $540,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That of the funds appropriated under this paragraph $20,000,000 shall be made available to Poland, Hungary, and the Czech Republic: Provided further, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $122,500,000 only for Greece and $175,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Peru, Liberia, and Guatemala: Provided further, That none of the funds appropriated or otherwise made available for use under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for activities related to the clearance of landmines and unexploded ordnance, and may include activities implemented through nongovernmental and international organizations: Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1997 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only

through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $65,000,000: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $35,000,000, to remain available until September 30, 1998.

CONTRIBUTION TO THE INTERIM TRUST FUND AT THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the Interim Trust Fund administered by the International Development Association by the Secretary of the Treasury, $700,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $6,656,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $10,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $27,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $11,916,447, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $27,805,043.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,250,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $270,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $3,000,000 of the funds appropriated under this heading shall be made available for the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA): Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $35,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1997, and that no later than February 15, 1997, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1997: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1997 shall be deducted from the amount of funds provided to UNFPA after March 1, 1997 pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Serbia, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the

Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1997, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1997.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8 and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Development Assistance'', ''Population, Development Assistance'', ''International organizations and programs'', ''Trade and Development Agency'', ''International narcotics control'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the New Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping operations'', ''Operating expenses of the Agency for International Development'', ''Operating expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Export-Import Bank of the United States'', ''Foreign Military Financing Program'', ''International military education and training'', ''Peace Corps'', ''Migration and refugee assistance'', and for the ''Inter-American Foundation'' and the ''African Development Foundation'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for ''International Organizations and Programs'' shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1997.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

POPULATION PLANNING ASSISTANCE LIMITATIONS

SEC. 519. (a) PROHIBITION ON ABORTION FUNDING.—None of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning, or to coerce or motivate any person to practice abortions.

(b) PROHIBITION ON ABORTION LOBBYING.—None of the funds made available under this Act may be used to lobby for or against abortion.

(c) ELIGIBILITY.—In determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

REPORTING REQUIREMENT

SEC. 520. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 521. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Guatemala, Haiti, Liberia, Pakistan, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 522. For the purpose of this Act, ''program, project, and activity'' shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 523. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 525. Section 61(a) of the Arms Export Control Act is amended by striking out ''1996'' and inserting in lieu thereof ''1997''.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 526. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 527. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 531. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 533. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SEPARATE ACCOUNTS

SEC. 534. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading ''Sub-Saharan Africa, Development Assistance'' as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 535. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 536. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may be, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and

(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.

POW/MIA MILITARY DRAWDOWN

SEC. 537. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1997, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 538. For the four year period beginning on October 1, 1996, the President shall ensure that excess defense articles will be made available under section 516 and 519 of the Foreign Assistance Act of 1961 consistent with the manner in which the President made available excess defense articles under those sections during the four year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, Related Programs Appropriations Act, 1990.

CASH FLOW FINANCING

SEC. 539. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 540. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 541. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA AND HERZEGOVINA

SEC. 542. (a) The President is authorized to direct the transfer, subject to prior notification of the Committees on Appropriations, to the government of Bosnia and Herzegovina, without reimbursement, of defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value of not to exceed $100,000,000 in fiscal years 1996 and 1997: Provided, That the President certifies in a timely fashion to the Congress that the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region.

(b) Within 60 days of any transfer under the authority provided in subsection (a), and every 60 days thereafter, the President shall report in

writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(c) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 543. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

SPECIAL AUTHORITIES

SEC. 544. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That none of the funds appropriated by this Act may be made available, and funds previously obligated may not be expended, for assistance for any country or organization that the Secretary of State determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations, or to the military of any country that is not acting vigorously to prevent its members from facilitating the export of timber from Cambodia by the Khmer Rouge: Provided further, That the Secretary of State shall submit reports to the Committees on Appropriations on February 15, 1997 and September 15, 1997, on whether there are any countries, organizations, or militaries for which assistance is prohibited under the previous proviso, the basis for such conclusions and, if appropriate, the steps being taken to terminate assistance.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1997, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 545. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 546. (a) Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 547. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1997, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 548. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 549. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 550. (a) During fiscal year 1997, the authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used to provide nonlethal excess defense articles to countries for which United States foreign assistance has been

requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

(b) During fiscal year 1997, the authority of section 516 of the Foreign Assistance Act of 1961, as amended, may be used to provide defense articles to Jordan, Tunisia, Estonia, Latvia, Lithuania, and to countries eligible to participate in the Partnership for Peace and to receive assistance under Public Law 101–179: Provided, That not later than May 1, 1997, the Secretary of State shall submit a report to the Committees on Appropriations describing actions by the Government of Tunisia during the previous six months to improve respect for civil liberties and promote the independence of the judiciary.

(c) Section 516(f) of the Foreign Assistance Act of 1961, as amended, is repealed.

(d) Section 31(d) of the Arms Export Control Act is amended by deleting the words ''or pursuant to sales under this Act''.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 551. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

USE OF AMERICAN RESOURCES

SEC. 552. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 553. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 554. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 555. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 556. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 557. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 558. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 559. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1997 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 560. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information and intelligence regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

TRANSPORTATION OF EXCESS DEFENSE ARTICLES

SEC. 561. Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1997, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of excess defense articles transferred under the authority of sections 516 and 519 to countries eligible to participate in the Partnership for Peace and to receive assistance under Public Law 101–179.

LANDMINES

SEC. 562. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out ''During the five-year period beginning on October 23, 1992'' and inserting in lieu thereof ''During the eight-year period beginning on October 23, 1992''.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 563. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 564. None of the funds appropriated or otherwise made available by this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' or ''FOREIGN MILITARY FINANCING PROGRAM'' for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

HUMANITARIAN ASSISTANCE

SEC. 565. The Foreign Assistance Act of 1961 is amended by adding immediately after section 620H the following new section:

''SEC. 620I. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT RESTRICT UNITED STATES HUMANITARIAN ASSISTANCE.—

''(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any country when it is made known

to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

''(b) EXCEPTION.—Assistance may be furnished without regard to the restriction in subsection (a) if the President determines that to do so is in the national security interest of the United States.''.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 566. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 567. None of the funds appropriated in this Act under the heading ''North American Development Bank'' and made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank.

POLICY TOWARD BURMA

SEC. 568. (a) Until such time as the President determines and certifies to Congress that Burma has made measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) BILATERAL ASSISTANCE.—There shall be no United States assistance to the Government of Burma, other than:

(A) humanitarian assistance,

(B) counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, if the Secretary of State certifies to the appropriate congressional committees that—

(i) the Government of Burma is fully cooperating with United States counter-narcotics efforts, and

(ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) VISAS.—Except as required by treaty obligations or to staff the Burmese mission to the United States, the United States shall not grant entry visas to any Burmese government official.

(b) CONDITIONAL SANCTIONS.—The President shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after the date of enactment of this Act, the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition.

(c) MULTILATERAL STRATEGY.—The President shall seek to develop, in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

(d) PRESIDENTIAL REPORTS.—Every six months following the enactment of this Act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees on the following:

(1) progress toward democratization in Burma;

(2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

(3) progress made in developing the strategy referred to in subsection (c).

(e) WAIVER AUTHORITY.—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines and certifies to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(f) DEFINITIONS.—

(1) The term ''international financial institutions'' shall include the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term ''new investment'' shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a nongovernmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development;

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation:

Provided, That the term ''new investment'' does not include the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

REPORTS ON THE SITUATION IN BURMA

SEC. 569. (a) LABOR PRACTICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State, shall submit a report to the appropriate congressional committees on—

(1) Burma's compliance with international labor standards including, but not limited to, the use of forced labor, slave labor, and involuntary prison labor by the junta;

(2) the degree to which foreign investment in Burma contributes to violations of fundamental worker rights;

(3) labor practices in support of Burma's foreign tourist industry; and

(4) efforts by the United States to end violations of fundamental labor rights in Burma.

(b) DEFINITION.—As used in this section, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(c) FUNDING.—(1) There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for expenses necessary to carry out the provisions of this section, $30,000 to the Department of Labor.

(2) The amount appropriated by this Act under the heading ''DEPARTMENT OF STATE, INTERNATIONAL NARCOTICS CONTROL'' shall be reduced by $30,000.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 571. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 572. (a) BILATERAL ASSISTANCE.—Funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act may not be provided for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 573. (a) None of the funds appropriated or otherwise made available by this Act, may be provided to the Government of Haiti until the President reports to Congress that—

(1) the Government is conducting thorough investigations of extrajudicial and political killings; and

(2) the Government is cooperating with United States authorities in the investigations of political and extrajudicial killings.

(b) Nothing in this section shall be construed to restrict the provision of humanitarian, development or electoral assistance.

(c) The President may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is in the national interest of the United States or necessary to assure the safe and timely withdrawal of American forces from Haiti.

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION

SEC. 574. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

UNITED STATES GOVERNMENT PUBLICATIONS

SEC. 575. Beginning in fiscal year 1997, all United States Government publications shall refer to the capital of Israel as Jerusalem.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 576. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 1996'' and inserting ''1996, and 1997''; and

(B) in subsection (e), by striking out ''October 1, 1996'' each place it appears and inserting ''October 1, 1997''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out ''September 30, 1996'' and inserting ''September 30, 1997''.

TRANSPARENCY OF BUDGETS

SEC. 577. (a) LIMITATION.—Beginning three years after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) does not have in place a functioning system for a civilian audit of all receipts and expenditures in the portions of its budget that fund activities of the armed forces and security forces;

(2) has not provided a summary of a current audit to the institution; and

(3) has not provided to the institution an accounting of the ownership and financial interest in revenue-generating enterprises of the armed forces and security forces.

(b) DEFINITION.—For purposes of this section, the term ''international financial institution'' shall include the institutions identified in section 535(b) of this Act.

PROMOTION OF HUMAN RIGHTS

SEC. 578. A senior official, or former senior official, of a government that receives funds appropriated by this Act, who applies for a visa to travel to the United States, shall be denied such visa if the Secretary of State has credible evidence that such official has committed, ordered or attempted to thwart the investigation of a gross violation of an internationally recognized human right: Provided, That for purposes of this section ''senior official'' includes an officer of the armed forces or security forces: Provided further, That the Secretary of State may waive the restrictions of this section on a case-by-case basis if he determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

GUARANTEES

SEC. 579. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''fiscal year 1994 and 1995'' and inserting in lieu thereof ''fiscal years 1994, 1995, and 1997'' in both places that this appears.

INFORMATION ON COOPERATION WITH UNITED STATES ANTI-TERRORISM EFFORTS IN ANNUAL COUNTRY REPORTS ON TERRORISM

SEC. 580. Section 140 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)—

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

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following:

''(3) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests, information on—

''(A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing the individual or individuals responsible for the act; and

''(B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism against United States citizens in the foreign country; and

''(4) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B).''; and

(2) in subsection (c)—

(A) by striking ''The report'' and inserting ''(1) Except as provided in paragraph (2), the report'';

(B) by indenting the margin of paragraph (1) as so designated, 2 ems; and

(C) by adding at the end the following:

''(2) If the Secretary of State determines that the transmittal of the information with respect to a foreign country under paragraph (3) or (4) of subsection (a) in classified form would make more likely the cooperation of the government of the foreign country as specified in such paragraph, the Secretary may transmit the information under such paragraph in classified form.''.

FEMALE GENITAL MUTILATION

SEC. 581. (a) LIMITATION.—Beginning 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) has, as a cultural custom, a known history of the practice of female genital mutilation;

(2) has not made the practice of female genital mutilation illegal; and

(3) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(b) DEFINITION.—For purposes of this section, the term ''international financial institution'' shall include the institutions identified in section 535(b) of this Act.

SENSE OF CONGRESS REGARDING THE UNITED STATES-JAPAN INSURANCE AGREEMENT

SEC. 582. (a) FINDINGS.—The Congress makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Japan is the second largest insurance market in the world and the largest life insurance market in the world.

(4) The share of foreign insurance in Japan is less than 3 percent, and large Japanese life and non-life insurers dominate the market.

(5) The Government of Japan has had as its stated policy for several years the deregulation and liberalization of the Japan insurance market, and has developed and adopted a new insurance business law as a means of achieving this publicly stated objective of liberalization and deregulation.

(6) The Governments of Japan and the United States concluded in October of 1994 the United States-Japan Insurance Agreement, following more than one and one-half years of negotiations, in which Agreement the Government of Japan reiterated its intent to deregulate and liberalize its market.

(7) The Government of Japan in June of 1995 undertook additional obligations to provide greater foreign access and liberalization to its market through its schedule of insurance obligations during the financial services negotiations of the World Trade Organization (WTO).

(8) The United States insurance industry is the most competitive in the world, operates successfully throughout the world, and thus could be expected to achieve higher levels of market access and profitability under a more open, deregulated and liberalized Japanese market.

(9) Despite more than one and one-half years since the conclusion of the United States-Japan Insurance Agreement, despite more than one year since Japan undertook new commitments under the WTO, despite the entry into force on April 1, 1996, of the new Insurance Business Law, the Japanese market remains closed and highly regulated and thus continues to deny fair and open treatment for foreign insurers, including competitive United States insurers.

(10) The non-implementation of the United States-Japan Insurance Agreement is a matter of grave importance to the United States Government.

(11) Dozens of meetings between the United States Trade Representative and the Ministry of Finance have taken place during the past year.

(12) President Clinton, Vice President Gore, Secretary Rubin, Secretary Christopher, Secretary Kantor, Ambassador Barshefsky have all indicated to their counterparts in the Government of Japan the importance of this matter to the United States.

(13) The United States Senate has written repeatedly to the Minister of Finance and the Ambassador of Japan.

(14) Despite all of these efforts and indications of importance, the Ministry of Finance has failed to implement the United States-Japan Insurance Agreement.

(15) Several deadlines have already passed for resolution of this issue with the latest deadline set for July 31, 1996.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Ministry of Finance of the Government of Japan should immediately and without further delay completely and fully comply with all provisions of the United States-Japan Insurance Agreement, including most especially those which require the Ministry of Finance to deregulate and liberalize the primary sectors of the Japanese market, and those which insure that the current position of foreign insurers in Japan will not be jeopardized until primary sector deregulation has been achieved, and a three-year period has elapsed; and

(2) failing satisfactory resolution of this matter on or before July 31, 1996, the United States Government should use any and all resources at its disposal to bring about full and complete compliance with the Agreement.

SENSE OF CONGRESS REGARDING THE CONFLICT IN CHECHNYA

SEC. 583. (a) CONGRESSIONAL DECLARATION.—The Congress declares that the continuation of the conflict in Chechnya, the continued killing of innocent civilians, and the ongoing violation of human rights in that region are unacceptable.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) condemns Russia's infringement of the cease-fire agreements in Chechnya;

(2) calls upon the Government of the Russian Federation to bring an immediate halt to offensive military actions in Chechnya and requests President Yeltsin to honor his decree of June 25, 1996 concerning the withdrawal of Russian armed forces from Chechnya;

(3) encourages the two warring parties to resume negotiations without delay so as to find a peaceful political solution to the Chechen problem; and

(4) supports the Organization for Security and Cooperation in Europe and its representatives in Chechnya in its efforts to mediate in Chechnya.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 584. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in that fiscal year.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

REPORT ON DOMESTIC FEDERAL AGENCIES FURNISHING UNITED STATES ASSISTANCE

SEC. 585. (a) IN GENERAL.—Not later than June 1, 1997, the Comptroller General of the United States shall study and report to the Congress on all assistance furnished directly or indirectly to foreign countries, foreign entities, and international organizations by domestic Federal agencies and Federal agencies.

(b) DEFINITIONS.—As used in this section:

(1) DOMESTIC FEDERAL AGENCY.—The term ''domestic Federal agency'' means a Federal agency the primary mission of which is to carry out functions other than foreign affairs, defense, or national security functions.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 551(1) of title 5, United States Code.

(3) INTERNATIONAL ORGANIZATION.—The term ''international organization'' has the meaning given the term in section 1 of the International Organization Immunities Act (22 U.S.C. 288).

(4) UNITED STATES ASSISTANCE.—The term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 586. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) if the United Nations attempts to implement or impose any taxation or fee on any United States persons or borrows funds from any international financial institution.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations or such agency, as the case may be, is not engaged in, and has not been engaged in during the previous fiscal year, any effort to develop, advocate, promote, or publicize any proposal concerning taxation or fees on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section:

(1) The term ''international financial institution'' includes the African Development Bank, the African Development Fund, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the International Monetary Fund, and the Multilateral Insurance Guaranty Agency; and

(2) The term ''United States person'' refers to—

(A) a natural person who is a citizen or national of the United States; or

(B) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI

SEC. 587. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard, except as otherwise stated in law: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

TRADE RELATIONS WITH EASTERN AND CENTRAL EUROPE.

SEC. 588. (a) FINDINGS.—The Congress makes the following findings:

(1) The countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Romania, Slovenia, Lithuania, Latvia, Estonia, and Bulgaria, are important to the long-term stability and economic success of a future Europe freed from the shackles of communism.

(2) The Central and Eastern European countries, particularly Hungary, Poland, the Czech Republic, Romania, Slovakia, Slovenia, Latvia, Lithuania, and Estonia, are in the midst of dramatic reforms to transform their centrally planned economies into free market economies and to join the Western community.

(3) It is in the long-term interest of the United States to encourage and assist the transformation of Central and Eastern Europe into a free market economy, which is the solid foundation of democracy, and will contribute to regional stability and greatly increased opportunities for commerce with the United States.

(4) Trade with the countries of Central and Eastern Europe accounts for less than one percent of total United States trade.

(5) The presence of a market with more than 140,000,000 people, with a growing appetite for consumer goods and services and badly in need of modern technology and management, should

be an important market for United States exports and investments.

(6) The United States has concluded agreements granting most-favored-nation status to most of the countries of Central and Eastern Europe.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should take steps to promote more open, fair, and free trade between the United States and the countries of Central Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Romania, and Slovenia, including—

(1) developing closer commercial contacts;

(2) the mutual elimination of tariff and nontariff discriminatory barriers in trade with these countries;

(3) exploring the possibility of framework agreements that would lead to a free trade agreement;

(4) negotiating bilateral investment treaties;

(5) stimulating increased United States exports and investments to the region;

(6) obtaining further liberalization of investment regulations and protection against nationalization in these foreign countries; and

(7) establishing fair and expeditious dispute settlement procedures.

LIMITATION ON FOREIGN SOVEREIGN IMMUNITY

SEC. 589. (a) IN GENERAL.—Section 1605(a)(7) of title 28, United States Code, is amended to read as follows:

''(7) in which money damages are sought against a foreign state for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act, if—

''(A) such act or provision of material support was engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency;

''(B) the foreign state against whom the claim was brought—

''(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of such act; or

''(ii) had no treaty of extradition with the United States at the time the act occurred and no adequate and available remedies exist either in such state or in the place in which the act occurred;

''(C) the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; and

''(D) the claimant or victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to actions brought in United States courts on or after the date of enactment of this Act.

SENSE OF CONGRESS REGARDING CROATIA

SEC. 590. (a) FINDINGS.—The Congress makes the following findings:

(1) Croatia has politically and financially contributed to the NATO peacekeeping operations in Bosnia;

(2) The economic stability and security of Croatia is important to the stability of South Central Europe; and

(3) Croatia is in the process of joining the Partnership for Peace.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that:

(1) Croatia should be recognized and commended for its contributions to NATO and the various peacekeeping efforts in Bosnia;

(2) The United States should support the active participation of Croatia in activities appropriate for qualifying for NATO membership, provided Croatia continues to adhere fully to the Dayton Peace Accords and continues to make progress toward establishing democratic institutions, a free market, and the rule of law.

ROMANIA'S PROGRESS TOWARD NATO MEMBERSHIP

SEC. 591. (a) FINDINGS.—The Congress makes the following findings:

(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament by 1991, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property;

(2) Local elections, parliamentary elections, and presidential elections have been held in Romania, with 1996 marking the second nationwide presidential elections under the new Constitution;

(3) Romania was the first former Eastern bloc country to join NATO's Partnership for Peace program and has hosted Partnership for Peace military exercises on its soil;

(4) Romania is the second largest country in terms of size and population in Central Europe and as such is strategically significant;

(5) Romania formally applied for NATO membership in April of 1996 and has begun an individualized dialogue with NATO on its membership application; and

(6) Romania has contributed to the peace and reconstruction efforts in Bosnia by participating in the Implementation Force (IFOR).

(b) SENSE OF THE CONGRESS.—Therefore, it is the sense of the Congress that:

(1) Romania is making significant progress toward establishing democratic institutions, a free market economy, civilian control of the armed forces and the rule of law;

(2) Romania is making important progress toward meeting the criteria for accession into NATO;

(3) Romania deserves commendation for its clear desire to stand with the West in NATO, as evidenced by its early entry into the Partnership for Peace, its formal application for NATO membership, and its participation in IFOR;

(4) Romania should be evaluated for membership in the NATO Participation Act's transition assistance program at the earliest opportunity; and

(5) The United States should work closely with Romania and other countries working toward NATO membership to ensure that every opportunity is provided.

SENSE OF CONGRESS REGARDING EXPANSION OF ELIGIBILITY FOR HOLOCAUST SURVIVOR COMPENSATION BY THE GOVERNMENT OF GERMANY

SEC. 592. (a) FINDINGS.—The Congress makes the following findings:

(1) After nearly half a century, tens of thousands of Holocaust survivors continue to be denied justice and compensation by the Government of Germany.

(2) These people who suffered grievously at the hands of the Nazis are now victims of unreasonable and arbitrary rules which keep them outside the framework of the various compensation programs.

(3) Compensation for these victims has been non-existent or, at best, woefully inadequate.

(4) The time has come to right this terrible wrong.

(b) SENSE OF CONGRESS.—The Congress calls upon the Government of Germany to negotiate in good faith with the Conference on Jewish Material Claims Against Germany to broaden the categories of those eligible for compensation so that the injustice of uncompensated Holocaust survivors may be corrected before it is too late.

SENSE OF SENATE ON DELIVERY BY CHINA OF CRUISE MISSILES TO IRAN

SEC. 593. (a) FINDINGS.—The Senate makes the following findings:

(1) On February 22, 1996, the Director of Central Intelligence informed the Senate that the Government of the People's Republic of China had delivered cruise missiles to Iran.

(2) On June 19, 1996, the Under Secretary of State for Arms Control and International Security Affairs informed Congress that the Department of State had evidence of Chinese-produced cruise missiles in Iran.

(3) On at least three occasions in 1996, including July 15, 1996, the Commander of the United States Fifth Fleet has pointed to the threat posed by Chinese-produced cruise missiles to the 15,000 United States sailors and marines stationed in the Persian Gulf region.

(4) Section 1605 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) both requires and authorizes the President to impose sanctions against any foreign government that delivers cruise missiles to Iran.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of the People's Republic of China should immediately halt the delivery of cruise missiles and other advanced conventional weapons to Iran; and

(2) the President should enforce all appropriate United States laws with respect to the delivery by that government of cruise missiles to Iran.

SENSE OF SENATE ON DELIVERY BY CHINA OF BALLISTIC MISSILE TECHNOLOGY TO SYRIA

SEC. 594. (a) FINDINGS.—The Senate makes the following findings:

(1) Credible information exists indicating that defense industrial trading companies of the People's Republic of China may have transferred ballistic missile technology to Syria.

(2) On October 4, 1994, the Government of the People's Republic of China entered into a written agreement with the United States pledging not to export missiles or related technology that would violate the Missile Technology Control Regime (MTCR).

(3) Section 73(f) of the Arms Export Control Act (22 U.S.C. 2797b(f)) states that, when determining whether a foreign person may be subject to United States sanctions for transferring technology listed on the MTCR Annex, it should be a rebuttable presumption that such technology is designed for use in a missile listed on the MTCR Annex if the President determines that the final destination of the technology is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

(4) The Secretary of State has determined under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979 that Syria has repeatedly provided support for acts of international terrorism.

(5) In 1994 Congress explicitly enacted section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations.

(6) The presence of ballistic missiles in Syria would pose a threat to United States Armed Forces and to regional peace and stability in the Middle East.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is in the national security interests of the United States and the State of Israel to prevent the spread of ballistic missiles and related technology to Syria;

(2) the Government of the People's Republic of China should continue to honor its agreement with the United States not to export missiles or related technology that would violate the Missile Technology Control Regime; and

(3) the President should exercise all legal authority available to the President to prevent the spread of ballistic missiles and related technology to Syria.

REFUGEE STATUS FOR ADULT CHILDREN OF FORMER VIETNAMESE REEDUCATION CAMP INTERNEES RESETTLED UNDER THE ORDERLY DEPARTURE PROGRAM

SEC. 595. (a) ELIGIBILITY FOR ORDERLY DEPARTURE PROGRAM.—For purposes of eligibility for the Orderly Departure Program for nationals of Vietnam, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a national of Vietnam who—

(A) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; and

(B) has been accepted for resettlement as a refugee under the Orderly Departure Program on or after April 1, 1995;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

(c) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

SEC. 596. Ninety days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities;

(c) steps taken to reduce the DPRK level of forces; and

(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.

PROSECUTION OF MAJOR DRUG TRAFFICKERS RESIDING IN MEXICO

SEC. 597. (a) REPORT.—(1) Not later than 30 days after the date of enactment of this Act, the Administrator of the Drug Enforcement Administration shall submit a report to the President—

(A) identifying the 10 individuals who are indicted in the United States for unlawful trafficking or production of controlled substances most sought by United States law enforcement officials and who there is reason to believe reside in Mexico; and

(B) identifying 25 individuals not named under paragraph (1) who have been indicted for such offenses and who there is reason to believe reside in Mexico.

(2) The President shall promptly transmit to the Government of Mexico a copy of the report submitted under paragraph (1).

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for any program, project, or activity for Mexico.

(2) EXCEPTION.—Paragraph (1) shall not apply if, not later than 6 months after the date of enactment of this Act, the President certifies to Congress that—

(A) the Government of Mexico has extradited to the United States the individuals named pursuant to subsection (a)(1); or

(B) the Government of Mexico has apprehended and begun prosecution of the individuals named pursuant to subsection (a)(1).

(c) WAIVER.—Subsection (b) shall not apply if the President of Mexico certifies to the President of the United States that—

(1) the Government of Mexico made intensive, good faith efforts to apprehend the individuals named pursuant to subsection (a)(1) but did not find one or more of the individuals within Mexico; and

(2) the Government of Mexico has apprehended and extradited or apprehended and prosecuted 3 individuals named pursuant to subsection (a)(2) for each individual not found under paragraph (1).

DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS

SEC. 598. Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by adding at the end the following:

''SEC. 668. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

''(a) REQUIREMENT TO DEOBLIGATE.—

''(1) IN GENERAL.—Except as provided in subsection (b) of this section and in paragraphs (1) and (3) of section 617(a) of this Act, at the beginning of each fiscal year the President shall deobligate and return to the Treasury any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a project or activity for a period of more than 4 years but have not been expended.

''(2) FUNDS.—Paragraph (1) applies to funds made available for—

''(A) assistance under chapter 1 of part I of this Act (relating to development assistance), chapter 10 of part I of this Act (relating to the Development Fund for Africa), or chapter 4 of part II of this Act (relating to the economic support fund);

''(B) assistance under the Support for East European Democracy (SEED) Act of 1989; and

''(C) economic assistance for the independent states of the former Soviet Union under chapter 11 of part I of this Act or under any other provision of law authorizing economic assistance for such independent states.

''(b) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirement of subsection (a)(1) if the President determines and reports to the Congress that it is in the national interest to do so.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

SENSE OF SENATE REGARDING THE GOVERNMENT OF BURUNDI

SEC. 599. (a) The Senate finds that:

(1) The political situation in the African nation of Burundi has deteriorated and there are reports of a military coup against the elected Government of Burundi.

(2) The continuing ethnic conflict in Burundi has caused untold suffering among the people of Burundi and has resulted in the deaths of over 150,000 people in the past two years.

(3) The attempt to overthrow the Government of Burundi makes the possibility of an increase in the tension and the continued slaughter of innocent civilians more likely.

(4) The United States and the International Community have an interest in ending the crisis in Burundi before it reaches the level of violence that occurred in Rwanda in 1994 when over 800,000 people died in the war between the Hutu and the Tutsi tribes.

(b) Now, therefore it is the sense of the Senate that:

(1) The United States Senate condemns any violent action intended to overthrow the Government of Burundi.

(2) Calls on all parties to the conflict in Burundi to exercise restraint in an effort to restore peace.

(3) Urges the Administration to continue diplomatic efforts at the highest level to find a peaceful resolution to the crisis in Burundi.

SENSE OF THE SENATE REGARDING ENVIRONMENTAL IMPACT ASSESSMENTS

SEC. 599A. (a) FINDINGS.—Congress finds that—

(1) Environmental Impact Assessments as a national instrument are undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority;

(2) in 1978 the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of Environmental Impact Assessments for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area;

(3) subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment; and

(4) on October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should encourage the governments of other nations to engage in additional regional treaties regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities are undertaken in environmentally sound ways and under careful controls designed to avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 599B. FINDINGS.—

(1) The United Nations, recognizing the need for justice in the former Yugoslavia, established the International Criminal Tribunal for the former Yugoslavia (hereafter in this resolution referred to as the ''International Criminal Tribunal'');

(2) United Nations Security Council Resolution 827 of May 25, 1993, requires states to cooperate fully with the International Criminal Tribunal;

(3) The parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and associated Annexes (in this resolution referred to as the ''Peace Agreement'') negotiated in Dayton, Ohio and signed in Paris, France, on December 14, 1995, accepted, in Article IX, the obligation ''to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law'';

(4) The Constitution of Bosnia and Herzegovina, agreed to as Annex 4 of the Peace Agreement, provides, in Article IX, that ''No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina'';

(5) The International Criminal Tribunal has issued 57 indictments against individuals from

all parties to the conflicts in the former Yugoslavia;

(6) The International Criminal Tribunal continues to investigate gross violations of international law in the former Yugoslavia with a view to further indictments against the perpetrators;

(7) On July 25, 1995, the International Criminal Tribunal issued an indictment for Radovan Karadzic, president of the Bosnian Serb administration of Pale, and Ratko Mladic, commander of the Bosnian Serb administration and charged them with genocide and crimes against humanity, violations of the law or customs of war, and grave breaches of the Geneva Conventions of 1949, arising from atrocities perpetrated against the civilian population throughout Bosnia-Herzegovina, for the sniping campaign against civilians in Sarajevo, and for the taking of United Nations peacekeepers as hostages and for their use as human shields;

(8) On November 16, 1995, Karadzic and Mladic were indicted a second time by the International Criminal Tribunal, charged with genocide for the killing of up to 6,000 Muslims in Srebrenica, Bosnia, in July 1995;

(9) The United Nations Security Council, in adopting Resolution 1022 on November 22, 1995, decided that economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska would be reimposed if, at any time, the High Representative or the IFOR commander informs the Security Council that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement;

(10) The so-called Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic;

(11) Efforts to politically isolate Karadzic and Mladic have failed thus far and would in any case be insufficient to comply with the Peace Agreement and bring peace with justice to Bosnia and Herzegovina;

(12) The International Criminal Tribunal issued international warrants for the arrest of Karadzic and Mladic on July 11, 1996.

(13) In the so-called Republika Srpska freedom of the press and freedom of assembly are severely limited and violence against ethnic and religious minorities and opposition figures is on the rise;

(14) It will be difficult for national elections in Bosnia and Herzegovina to take place meaningfully so long as key war criminals, including Karadzic and Mladic, remain at large and able to influence political and military developments;

(15) On June 6, 1996, the President of the International Criminal Tribunal, declaring that the Federal Republic of Yugoslavia's failure to extradite indicted war criminals is a blatant violation of the Peace Agreement and of United Nations Security Council Resolutions, called on the High Representative to reimpose economic sanctions on the so-called Republika Srpska and on the Federal Republic of Yugoslavia (Serbia and Montenegro); and

(16) The apprehension and prosecution of indicted war criminals is essential for peace and reconciliation to be achieved and democracy to be established throughout Bosnia and Herzegovina.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate finds that the International Criminal Tribunal for the former Yugoslavia merits continued and increased United States support for its efforts to investigate and bring to justice the perpetrators of gross violations of international law in the former Yugoslavia;

(2) the President of the United States should support the request of the President of the International Criminal Tribunal for the former Yugoslavia for the High Representative to reimpose full economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska, in accordance with United Nations Security Council Resolution 1022 (1995), until the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb authorities have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal;

(3) the NATO-led Implementation Force (IFOR), in carrying out its mandate, should make it an urgent priority to detain and bring to justice persons indicted by the International Criminal Tribunal; and

(4) states in the former Yugoslavia should not be admitted to international organizations and fora until and unless they have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal.

TITLE VI—NATO ENLARGEMENT FACILITATION ACT OF 1996

SEC. 601. SHORT TITLE.

This title may be cited as the ''NATO Enlargement Facilitation Act of 1996''.

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central and Eastern Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945. Their admission into NATO will not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(5) The active involvement by the countries of Central and Eastern Europe has made the Partnership for Peace program an important forum to foster cooperation between NATO and those countries seeking NATO membership.

(6) NATO has enlarged its membership on 3 different occasions since 1949.

(7) Congress supports the admission of qualified new members to NATO and the European Union at an early date and has sought to facilitate the admission of qualified new members into NATO.

(8) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe should be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(9) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(10) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, can assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(11) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(12) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(13) The admission to NATO of emerging democracies in Central and Eastern Europe which are found to be in a position to further the principles of the North Atlantic Treaty would contribute to international peace and enhance the security of the region. Countries which have become democracies and established market economies, which practice good neighborly relations, and which have established effective democratic civilian control over their defense establishments and attained a degree of interoperability with NATO, should be evaluated for their potential to further the principles of the North Atlantic Treaty.

(14) A number of Central and Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities.

(15) The Caucasus region remains important geographically and politically to the future security of Central Europe. As NATO proceeds with the process of enlargement, the United States and NATO should continue to examine means to strengthen the sovereignty and enhance the security of United Nations recognized countries in that region.

(16) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(17) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(18) The Congress of the United States finds in particular that Poland, Hungary, the Czech Republic, and Slovenia have made significant progress toward achieving the stated criteria and should be eligible for the additional assistance described in this Act.

(19) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

(20) The process of NATO enlargement entails the agreement of the governments of all NATO members in accordance with Article 10 of the Washington Treaty.

(21) Some NATO members, such as Spain and Norway, do not allow the deployment of nuclear weapons on their territory although they are accorded the full collective security guarantees provided by article V of the Washington treaty. There is no prior requirement for the stationing of nuclear weapons on the territory of new NATO members, particularly in the current security climate, however NATO retains the right to alter its security posture at any time as circumstances warrant.

SEC. 603. UNITED STATES POLICY.

It is the policy of the United States—

(1) to join with the NATO allies of the United States to adapt the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 604. SENSE OF THE CONGRESS REGARDING FURTHER ENLARGEMENT OF NATO.

It is the sense of the Congress that in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine—

(1) the United States should continue and expand its support for the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership;

(3) the United States Government and the North Atlantic Treaty Organization should continue and expand their support for military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia; and

(4) the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members to the NATO Alliance.

SEC. 605. SENSE OF THE CONGRESS REGARDING ESTONIA, LATVIA, AND LITHUANIA.

In view of the forcible incorporation of Estonia, Latvia, Lithuania into the Soviet Union in 1940 under the Molotov-Ribbentrop Pact and the refusal of the United States and other countries to recognize that incorporation for over 50 years, it is the sense of the Congress that—

(1) Estonia, Latvia, and Lithuania have valid historical security concerns that must be taken into account by the United States; and

(2) Estonia, Latvia, and Lithuania should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union.

SEC. 606. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d) of such Act: Poland, Hungary, the Czech Republic, and Slovenia.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) meet the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Estonia, Latvia, Lithuania, Romania, Slovakia, Bulgaria, Albania, Moldova, Ukraine, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 607. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) not less than $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the ''Foreign Military Financing Program'');

(2) not less than $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the ''Foreign Military Financing Program''); and

(3) not more than $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 608. REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.

(a) IN GENERAL.—Funds described in subsection (b) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(1) the procurement of items in support of these programs; and

(2) the transfer of such items to countries participating in these programs, which may include Poland, Hungary, the Czech Republic, Slovenia, Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Moldova, Ukraine, and Albania.

(b) FUNDS DESCRIBED.—Funds described in this subsection are funds that are available—

(1) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(2) during fiscal year 1997 under any Act to carry out the Warsaw Initiative.

SEC. 609. EXCESS DEFENSE ARTICLES.

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(c) (1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extent feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 610. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses efforts by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, Slovenia, and any other countries designated by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease to such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 611. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 30 days after the President makes a certification under paragraph (2) unless, within the 30-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO Alliance; or

''(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this title affects the eligibility of countries to participate under other provisions of law in programs described in this Act.''.

SEC. 612. AMENDMENTS TO THE NATO PARTICIPATION ACT.

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking ''countries emerging from communist domination'' each place it appears and inserting ''emerging democracies in Central and Eastern Europe''.

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–446; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

''SEC. 206. DEFINITIONS.

''The term 'emerging democracies in Central and Eastern Europe' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

SEC. 613. DEFINITIONS.

As used in this title:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term ''emerging democracies in Central and Eastern Europe'' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

TITLE VII—MIDDLE EAST DEVELOPMENT BANK

SEC. 701. SHORT TITLE.

This title may be cited as the ''Bank for Economic Cooperation and Development in the Middle East and North Africa Act''.

SEC. 702. ACCEPTANCE OF MEMBERSHIP.

The President is hereby authorized to accept membership for the United States in the Bank for Economic Cooperation and Development in the Middle East and North Africa (in this title referred to as the ''Bank'') provided for by the agreement establishing the Bank (in this title referred to as the ''Agreement''), signed on May 31, 1996.

SEC. 703. GOVERNOR AND ALTERNATE GOVERNOR.

(a) APPOINTMENT.—At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 3 of the Bretton Woods Agreements Act, shall serve ex-officio as a Governor and the alternate for

the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) COMPENSATION.—Any person who serves as a governor of the Bank or as an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

SEC. 704. APPLICABILITY OF CERTAIN PROVISIONS OF THE BRETTON WOODS AGREEMENTS ACT.

Section 4 of the Bretton Woods Agreements Act shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

SEC. 705. FEDERAL RESERVE BANKS AS DEPOSITORIES.

Any Federal Reserve Bank which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

SEC. 706. SUBSCRIPTION OF STOCK.

(a) SUBSCRIPTION AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Treasury may subscribe on behalf of the United States to not more than 7,011,270 shares of the capital stock of the Bank.

(2) EFFECTIVENESS OF SUBSCRIPTION COMMITMENT.—Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For payment by the Secretary of the Treasury of the subscription of the United States for shares described in subsection (a), there are authorized to be appropriated $1,050,007,800 without fiscal year limitation.

(c) LIMITATIONS ON OBLIGATION OF APPROPRIATED AMOUNTS FOR SHARES OF CAPITAL STOCK.—

(1) PAID-IN CAPITAL STOCK.—

(A) IN GENERAL.—Not more than $105,000,000 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of paid-in capital stock.

(B) FISCAL YEAR 1997.—Not more than $52,500,000 of the amounts appropriated pursuant to subsection (b) for fiscal year 1997 may be obligated for subscription to shares of paid-in capital stock.

(2) CALLABLE CAPITAL STOCK.—Not more than $787,505,852 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of callable capital stock.

(d) DISPOSITION OF NET INCOME DISTRIBUTIONS BY THE BANK.—Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

SEC. 707. JURISDICTION AND VENUE OF CIVIL ACTIONS BY OR AGAINST THE BANK.

(a) JURISDICTION.—The United States district courts shall have original and exclusive jurisdiction of any civil action brought in the United States by or against the Bank.

(b) VENUE.—For purposes of section 1391(b) of title 28, United States Code, the Bank shall be deemed to be a resident of the judicial district in which the principal office of the Bank in the United States, or its agent appointed for the purpose of accepting service or notice of service, is located.

SEC. 708. EFFECTIVENESS OF AGREEMENT.

The Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Bank and the entry into force of the Agreement.

SEC. 709. EXEMPTION FROM SECURITIES LAWS FOR CERTAIN SECURITIES ISSUED BY THE BANK; REPORTS REQUIRED.

(a) EXEMPTION FROM SECURITIES LAWS; REPORTS TO SECURITIES AND EXCHANGE COMMISSION.—Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities as to both principal and interest, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 and section 3(a)(12) of the Securities Exchange Act of 1934. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) AUTHORITY OF SECURITIES AND EXCHANGE COMMISSION TO SUSPEND EXEMPTION; REPORTS TO THE CONGRESS.—The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

SEC. 710. TECHNICAL AMENDMENTS.

(a) ANNUAL REPORT REQUIRED ON PARTICIPATION OF THE UNITED STATES IN THE BANK.—Section 1701 (c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) is amended by inserting ''Bank for Economic Cooperation and Development in the Middle East and North Africa,'' after ''Inter-American Development Bank''.

(b) EXEMPTION FROM LIMITATIONS AND RESTRICTIONS ON POWER OF NATIONAL, BANKING ASSOCIATIONS TO DEAL IN AND UNDERWRITE INVESTMENT SECURITIES OF THE BANK.—The seventh sentence of paragraph 7 of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by inserting ''Bank for Economic Cooperation and Development in the Middle East and North Africa,'' after ''the Inter-American Development Bank''.

(c) BENEFITS FOR UNITED STATES CITIZEN-REPRESENTATIVES TO THE BANK.—Section 51 of Public Law 91–599 (22 U.S.C. 276c–2) is amended by inserting ''the Bank for Economic Cooperation and Development in the Middle East and North Africa,'' after ''the Inter-American Development Bank,''.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997''.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I move that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. COVERDELL) appointed Mr. MCCONNELL, Mr. SPECTER, Mr. MACK, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

Mr. McCONNELL. Mr. President, let me take a couple of minutes. I will take my 2 minutes now.

Mr. President, I think the bill we just passed by an overwhelming vote serves U.S. vital interests. The Camp David Accord commitments are in the bill. There is full funding for the NIS. The New Independent States of the former Soviet Union are earmarked for Ukraine, Armenia, and Georgia, and there is a significant commitment to nuclear safety improvements in Ukraine. As a result of the amendment of the occupant of the Chair, there is full funding for our narcotics effort. NATO expansion—we are taking further steps down the road to NATO expansion not only with the provisions in the underlying bill but also with the amendment of Senator BROWN last night which designated Poland, Hungary, and the Czech Republic eligible for $50 million, the transition fund which is part of the underlying original bill. So I think it is an important step in the right direction.

I thank in particular my long-time assistant Robin Cleveland for her outstanding work on this piece of legislation, and Jim BOND from the Appropriations Committee who always does an excellent job, and also Tim Rieser of the minority staff, who we always enjoy working with, and certainly my friend and colleague Pat LEAHY who it is a pleasure to work with. I have enjoyed our association on this kind of legislation over the last few years, and I look forward to working with him in the future on it.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

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

Mr. LEAHY. Mr. President, I congratulate the distinguished chairman in getting the foreign operations bill through in record-setting time. For the last few years, even though we have had to work without an authorizing bill, we have moved this bill through each year in record time. I appreciate the fact that he has had a strong commitment to our responsibilities worldwide.

I worry that at a time—as I said earlier, when it is so easy to get the quick applause lines back home for Members of Congress—when they say, ''Well, by gosh. I will never send money to foreign countries,'' or, ''We are only going to spend it here at home,'' that really what they are saying is that we are not going to develop our export markets worldwide; we are not going to help establish democracy so we do not have to send our men and women into harm's way to protect American interests when democracy fails; and that we as the most wealthy nation history has never known we are not going to carry out our moral responsibility to help those who are less fortunate.

I think next year the President, whoever that may be, and the leaders of this committee and the House committee, the leaders of the Senate and the House, whoever they may be, ought to sit down and honestly face the whole question of what our foreign assistance programs should consist of as we enter the next century.

Senator MCCONNELL has taken a very progressive attitude as he always has on this. Many others want to make it a political kickball. I hope after the elections that enough people in both parties would sit down to form a bipartisan consensus, which is always the best way to develop foreign policy, and determine how we should spend our money.

It should not escape the notice of Members that over a dozen countries spend a larger percentage of their budget on foreign aid and foreign policy than we do. Many of these countries face difficult budgetary problems as we do. Some actually spend more dollars; Japan, for example. Some of these countries do it out of altruism but most do not. Most of them do it out of hard-eyed realism. They know that the money they spend is helping to create jobs and, frankly, Mr. President, I would expect that there are those in a country like Japan which relies heavily on exports who are delighted to see the United States withdrawing from the world stage because they know what is going to happen. But the reality is that it is in everyone's interest, both ours and our allies, for the United States, the world's oldest democracy, the world's strongest military power, and the world's largest economy, to remain actively engaged.

It is the American workers who will be laid off because exports decline. It will be Americans who will be a greater burden on their Government because the jobs leave our shores. Our competitors will increase their foreign markets because they have taken an interest in foreign aid and they have created jobs in the developing countries—in Asia, Latin America, and we are seeing the beginnings of a potentially huge market in Africa. Our markets in Europe and the First World are very saturated. If we are going to expand out exports, it is going to be in the Third World, where 95 percent of new births are occurring.

So that is the nonaltruistic argument. If we want to look at just dollars and cents, I hope that those who go home and make the great speeches and get the applause for cutting foreign aid will also at the same time say, oh, and by the way, that plant that once exported tractors that just closed and those 500 workers who are without jobs, I helped that, too. I helped close that plant. I helped shut off our access to markets worldwide, because that is really what they do.

Then ultimately we should ask ourselves the moral question. We in this country spend a few pennies per capita in some of the poorest parts of the world such as sub-Saharan Africa, a few pennies per capita even though we are the wealthiest nation on Earth. We are less than 5 percent of the world's population, but we use a quarter of the world's resources. We have a moral responsibility. In this bill, when we cut everything from UNICEF to assistance for refugees, we should ask ourselves: what do we stand for? Are we really living up to our responsibility to help ease the suffering of the billion or more people who go hungry every day?

As appropriators we have done the very best we could with the resources and the allocation we had. We have really tried to be responsible in all of these areas. But sooner or later, we are going to have to sit down and ask, can we year after year continue to cut these programs? Not if we expect to preserve or influence in the world as a protector of democracy and human rights, not if we expect to see our economy grow, not if we expect to alleviate some of the misery in the world.

With that, Mr. President, I will yield, but I do thank not only my distinguished colleague from Kentucky but also Robin Cleveland, who he mentioned and whose willingness to work in a bipartisan way with my staff was very appreciated, and Jim Bond, the clerk of the Foreign Operations Subcommittee, who I have worked with now for 22 years in the Senate and for whom I have great respect and appreciation. I also want to mention Juanita Rilling of the Committee staff, who has been an especially strong voice for protecting programs that benefit needy women and children; Anne Bordonaro, a Vermont intern from South Burlington who has been assisting the Foreign Operations Subcommittee this summer, and Emelie East, who is a member of the Appropriations Committee staff and manages the affairs of four different subcommittees; and the man who does the work of 20, Tim Rieser, who has worked on everything from the landmine ban to trying to make sure that we are responsible in what we do. Tim, who does the work on our side of the authorizing and appropriating committees, and does it on 20-hour days, deserves credit and our thanks. He is typical of many on our Senate staffs on both sides who are the unsung heroes who make this place work. I also want to thank several other staff members on our side who helped along the way, including Dick D'AMATO of the Appropriations Committee staff whose expertise in trade issues was very helpful, and who worked hard to ensure that humanitarian assistance can get to needly people in Azerbaijan. Diana Olbaum of the Foreign Relations Committee staff was as always a great help, as was Janice O'Connell, and Sheila Murphy of the majority leader's office.

I see the distinguished majority leader on the floor, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I extend my appreciation to the distinguished Senator from Kentucky [Mr. MCCONNELL], for the outstanding work he did in managing this bill, and also to the Senator from Vermont, who is always ready to go to work and do the job. They indicated they could do it in a reasonable period of time, and while I like for the subcommittee chairmen to get their bills through in 3 hours or less on the appropriations committees, I think they did an excellent job. They did take 16 hours and 15 minutes, which is pretty good considering the long history on foreign operations appropriations bills. There were 11 rollcall votes.

So the Senate is certainly working and producing results, and I thank these two Senators and all Senators for their cooperation and their work in completing the foreign operations appropriations bill.

I might say the Senate now, I believe, has completed action on five appropriations bills. We are ready to begin on the sixth one. I see the Senator from New Mexico is ready to go. I understand that the order of last night provided that the Senate is now to begin consideration of the energy and water appropriations bill. The managers have indicated that they would anticipate amendments to be offered to that bill today. Therefore, I will announce that additional rollcall votes can be expected today unless an agreement can be reached to limit the amendments to the energy and water appropriations bill.

Also, it is my intent and hope that a similar agreement can be reached with respect to the legislative appropriations bill for Monday, thereby allowing all votes to be set at 10 a.m. on Tuesday. So all Senators are urged to cooperate in formulating that agreement. If we can do that, we could work today on energy and water, Monday on the legislative appropriations bill, and then have them both completed with the votes at 10 a.m. on Tuesday.

I hope all Senators who intend to offer amendments to the energy and water appropriations bill will do so as early as possible today so that we can complete action, advise the Members what they can expect on the bill, and then move on to the remaining appropriations bills.

Mr. President, I yield the floor to the chairman of the energy and water appropriations bill.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1959, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum for just a moment until Senator JOHNSTON arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I first wish to thank the distinguished majority leader for scheduling our bill this morning. It is obvious that we are trying on our side to get as many appropriations bills through as possible. This will be another of those bills, and it is important that we get this one done.

As I understand it, for those Senators or staffers informing Senators who are listening, it is the intention of the leader that we proceed and that there be votes today. However, there is an alternative being circulated, and that is if you would give us the amendments, at least by name, we could agree on what all the amendments are shortly. Then we would urge consent that there not be votes today and that the amendments will be offered the remainder of the day and part of Monday, which I think is a very good approach. But we would like to know what the amendments are today, and that is what we are circulating in the Cloakrooms and on the hot lines.

Mr. President, first, I note the presence of Senator BENNETT JOHNSTON, who for 22 years either chaired or served on this subcommittee, and, frankly, I take over the chairmanship with full understanding that I have a great deal to learn about the intricacies of the Department of Energy, its accounts and all of its various functions, and certainly the Corps of Engineers and the Bureau of Reclamation, which are two very major institutions out there in America that do a lot of good and are frequently criticized, but I believe both are doing a very excellent job in terms of projects and programs they are undertaking. But, essentially, Senator JOHNSTON has taken the lead in many important aspects of building science and research through the Department of Energy, and he has been an advocate of keeping our nuclear arsenal safe, sound and responsive, and much of that occurs by virtue of the policies in this bill and the money appropriated. Since this is his last undertaking on the floor for this bill, I would like to yield to him for his opening remarks, and then I will follow with some.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I very much appreciate the very warm and generous remarks of my colleague from New Mexico. While he is new in the chairmanship on this committee, he is not new to the committee. We have worked side by side for all of these 22 years, because New Mexico, of course, has a very vital interest in the work of this committee.

The State of New Mexico can thank Senator PETE DOMENICI for the presence and the health and viability of much of that State's Federal presence. The Federal presence in the State of New Mexico is rather overwhelming and would not have been such an overwhelming presence but for Senator PETE DOMENICI. We have worked together to make that so, and it is in the Nation's interest. The national labs, particularly, are an American resource that needs to be nurtured and used and developed and continued for the benefit of this country. So we are very pleased for that.

Also, since this is my last time to manage this bill for the minority, I would like to mention the longstanding relationship I have with the chairman of the full committee, Senator HATFIELD, who was the chairman of this subcommittee and the ranking member. We would trade off on those roles every time the Congress would change. That was a very productive and most pleasant relationship as well. So this committee and its staff and its work are some of the most pleasant and most productive times I have had in this Congress. I thank all for giving me that chance.

Mr. President, I am pleased to join with the senior Senator from New Mexico [Mr. DOMENICI] in presenting to the Senate the Energy and Water Development appropriation bill for the fiscal year 1997 beginning October 1, 1996. This bill, S. 1959, an original bill reported by the committee on July 16, 1996, was approved by a unanimous vote. Yesterday, the House of Representatives passed H.R. 3816. The markups in the House and Senate subcommittees and committees occurred simultaneously, rather than our normal process or House acting first and our waiting receipt of the House bill.

At the outset, I want to commend the chairman of the subcommittee, Senator DOMENICI. He has done an excellent job in putting this bill together, under very difficult budgetary constraints and circumstances. He is an outstanding Member of the Senate and I am pleased to work with him in connection with this bill and on other matters.

I also want to thank the distinguished Senator from Oregon, Senator HATFIELD, the chairman of the full Committee on Appropriations. Senator HATFIELD and I had probably one of the longest running twosomes in the Appropriation Committee on the Energy and Water Subcommittee, I having chaired on and off for a number of years, and Senator HATFIELD having chaired on and off for a number of years, and having rotated as ranking minority member. We. always shared a productive, pleasant, bipartisan, and always, I think, the kind of relationship that Senators seek and glory in when it is present. I treasure his friendship and appreciate the cooperation and assistance given to me.

Mr. President, the Senator from New Mexico has presented the committee recommendations and explained the major appropriations items, as well as the amounts recommended, so I will not undertake to repeat and elaborate on the numerous recommendations. Instead I will just have a few brief remarks summarizing the bill.

PURPOSE OF THE BILL

The bill supplies funds for water resources development programs and related activities, of the Department of the Army, civil functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activties—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title V.

602(B) ALLOCATION FOR THE BILL

The Energy and Water Development Subcommittee allocation under section 602(b)(1) of the budget act total $20,308,000,000 in budget authority and $20,202,000,000 in outlays for fiscal year 1997. Of these amounts the Defense discretionary allocation is $11,600,000,000 in budget authority and $11,233,000,000 in outlays. For domestic discretionary the budget authority allocation is $8,708,000,000 and the allocation for outlays is $8,969,000,000. The committee recommendation uses all of the budget authority allocation in both categories, so there is no room for add-ons to the bill. Therefore, any amendments to add will have to be offset by reductions from within the bill.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1997 budget estimates for the bill total $20,648,952,000 in new budget obligational authority. The recommendation of the committee provides $20,735,645,000. This amount is $86,693,000 over the President's budget estimates and about $800 million over the appropriations amounts for the current fiscal year 1996. The large increases in the bill over last year are principally associated with the Defense activities and related Defense programs—what we refer to at 050 national defense accounts. Domestic discretionary spending continues to decline especially in the Department of Energy domestic discretionary functions.

Mr. President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the Committee Report No. 104–320, accompanying the bill, which has been available since July 17.

TITLE I, ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, the recommendation is for a total of

new budget authority of $3,455,623,000, which is $89 million over fiscal year 1996 and $163 million more than the budget estimate.

The committee received a large number of requests for various water development projects including many requests for new construction starts. However, as the chairman has stated, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does include a small number of new studies and planning starts but no new construction starts. The committee has deferred without prejudice new construction starts and hopes to fashion a small package of new projects before this bill is completed. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continued to monitor each projects progress to ensure that it is ready to proceed to construction when resources become available. As the committee report points out, the committee recommendation does not agree with the policies proposed by the administration in its budget.

TITLE II, DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior Bureau of Reclamation, the recommendation provides new budget authority of $852,788,000, which is $9 million more than the budget estimate and about the same amount as for fiscal year 1996.

TITLE III, DEPARTMENT OF ENERGY

Under title III, Department of Energy, the committee provides a total of $16.1 billion. This amount includes $2.750 billion for energy supply, research and development activities, an appropriation of $42.2 million for uranium supply and enrichment activities, offset fully by gross revenues; $220.2 million for the uranium enrichment decontamination and decommissioning fund, $1 billion for general science and research activities, $200 million from the nuclear waste disposal fund for a total of $400 million for civilian nuclear waste activities when the $200 million appropriated under the defense activities is included, and $6.4 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of $11.583 billion comprised of $3.979 billion for weapons activities; almost $6.0 billion for defense environmental restoration and waste management; $1.607 billion for other defense programs and $200 million for defense nuclear waste disposal.

For departmental administration $218 million is recommended offset with anticipated miscellaneous revenues of $125 million for a net appropriation of $93 million. A total of $245.6 million is recommended in the bill for the Power Marketing Administrations and $146.3 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

A net appropriation of $159.8 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar and renewable energy, $246.6 million, a decrease of about $20 million less than fiscal year 1996.

For nuclear energy programs, $229.7 million is recommended, of which about $100 million is for termination costs and activities associated with previous decisions ending support for several activities and projects. The recommendation includes $22 million in funds to continue the advanced light water reactor cost-shared program and the committee has provided funds under termination costs to wind up the first-of-a-kind engineering program.

For the magnetic fusion program, the committee is recommending $240 million, which is $15 million less than the budget. An amount of $389 million is included for biological and environmental research and $649.6 million for basic energy sciences.

TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $313 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $165 million; Nuclear Regulatory Commission, $471.8 million offset by revenues of $457.3 million; and for the Tennessee Valley Authority, $113 million.

Mr. President, this is a good bill. I wish there were additional amounts for domestic discretionary programs in our allocation but that is not the case. A large number of good programs, projects and activities have been either eliminated or reduced severely, because of the allocation, but such action is required under the budget constraints we are facing. I hope the Senate will act favorably and expeditiously in passing this bill so we can get to conference with the House and thereafter send the bill to the White House as soon as possible.

Mr. President, the big disappointment with this bill, as with other bills, is the paucity of resources given to these most important functions of Government. I think it is a real mistake to starve these functions, which are infrastructure, water projects, ports, harbors, flood protection, and water resources, which are the basis of the economy in much of our country. They have been deferred and deferred and deferred, as well as the national labs and science endeavors, which are funded at, I believe, much too low a level. I hope in the next Congress we will find additional funds to do this.

In the meantime, I think we have done a good job under the leadership of Senator DOMENICI in allocating these scarce resources well.

With thanks to my chairman, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to repeat—Senator JOHNSTON has completed his opening statement; mine will not take but a few moments—the distinguished majority leader has indicated we will have votes. We know of a couple of amendments. We can call Senator JEFFORDS, and there are a couple of others around. What we are trying to do now, and it is being worked through the offices and I urge Senators' offices to help us, if we want to get a unanimous consent that we are not going to have any votes today, then we need to know what amendments are going to be proposed to this bill. That is what we are waiting for. I once again urge that, and we will be here and will be ready to vote on an amendment that might be offered here shortly.

Mr. President, I am pleased to bring to the floor S. 1959, the energy and water development appropriation bill for fiscal year 1996 for consideration by the full Senate. The Energy and Water Development Appropriations Act is normally one of the first appropriations bills considered by the Senate. However, this year the House experienced some early delays because the Energy and Water Development Subcommittee was provided with an allocation that would appear on its face to be insufficient to take care of the mandates of this bill. As a result, the Senate Appropriations Committee took the unusual step of reporting an original bill in order to speed consideration of this act.

I am pleased to report the House completed consideration of its Energy and Water Development Act earlier yesterday and, indeed, additional resources were given to the committee from the first allocation that caused the delay. The Energy and Water Subcommittee marked up the bill on July 11, and the full committee reported it by unanimous vote last Tuesday, July 16. The bill and report have been available to Senators and their staffs since last Wednesday.

I, first, thank the former chairman of the committee, as I already have, Senator JOHNSTON. I thank Senator HATFIELD for his extraordinary work with reference to this subcommittee and its activities over all the years.

I feel confident we have done a good job this year with the resources that were made available. Indeed, with reference to the Department of Energy and, in particular, the Department of Energy's efforts to continue the cleanup in this country from the atomic years and nuclear bomb development era, that has significant increases to continue that cleanup, but under a regime that is causing more work to be done and the work to be done more efficiently.

In addition, some new projects and some additional money have been provided for the whole new concept that is now being used by the Department to maintain the safety of our nuclear weapons. That new stewardship, the science-based stockpile stewardship program, was a few years in development. It is now about 2½ years old, but

it is receiving the full attention of the three major laboratories that dealt with nuclear weapons and the nuclear deterrent threat.

It is also having its impact on other facilities that we have in this country to maintain our nuclear bombs in a safe and trustworthy manner.

Some do not recognize, and perhaps they choose not even to think about it, but the Department of Energy, whether one likes the Department or not, is, in a sense, doing very major defense work for America. They are the custodians of the nuclear weapons. We all know we are building down from a very high number to a much smaller number of nuclear warheads. Since we have decided as a matter of national policy that there will be no more underground testing, we have decided that this new science-based stockpile stewardship program will be the scientific source of evaluation of our residual nuclear weapons, the ones we are going to keep, to make sure that they are safe and trustworthy.

You know, the American military men from the Navy all the way through—it is those people out there that we are worried about. It is for them that we want to make sure we keep weapons in the highest quality of maintenance. For they are the front line and we want the weapons in their hands to be the very best, in terms of safety and trustworthiness and reliability. That is a big mission.

So, in this bill, as in the defense authorization bill, a significant new asset was added this year, a resource so that the three major laboratories can continue to develop the technologies and techniques and equipment that will be necessary to maintain these weapons without the benefit of the science and technology that would come from underground testing, which is a very big undertaking.

Will it work? We hope so. The greatest scientists in America working at the laboratories are bound and determined to make it work. In fact, they have committed to the Joint Chiefs of Staff that it will work. The Joint Chiefs of Staff have, thus, approved this approach, but they have made it very, very clear that they do not want to abandon the test site in Nevada.

It must be maintained in a readied posture, because if this new approach fails, we will have to verify and secure our weapons performance and trustworthiness through other means.

So at the same time we are moving ahead in a new approach, we have to maintain some of the old. That costs a little bit of extra money, but not an amount that this Senator believes our taxpayers would not willingly pay if the issue is, since we must maintain a nuclear arsenal, let's make sure we maintain it in the best possible way in terms of reliability, trustworthiness, safety, and security. I am sure that as the Department of Energy moves through the next few years with this new approach, there will be plenty of opportunity for this subcommittee, the Armed Services Committee, the Joint Chiefs of Staff and other groups within the executive branch, to make sure that it is being done right.

The Energy and Water Development Subcommittee funds are used not only for the Department of Energy's defense activities, but, obviously, there are three other major activities. The Department of Energy does some nondefense work, and we have to pay for that in this bill. Then we have the Bureau of Reclamation and the Corps of Engineers.

Let me suggest that we are operating on the nondefense side. We are operating at a freeze level for the corps and the Bureau. The Corps of Engineers, nonetheless, in an overall macrosense, will increase $89 million. Energy supply and research, $22 million and high-energy physics, $20 million. These are programs and activities that are nondefense oriented.

Also, uranium supply enrichment, a minus $29 million; uranium enrichment decontamination and dismantling, a minus $59 million; departmental administration, we have reduced that by $149 million, $37 million more than the Department proposed when they suggested $122 million should be saved at the administrative level of the Department.

We have made some difficult decisions in the nondefense activities. While we have reduced popular programs such as solar and renewables, we have held the line on fusion, high-energy physics, nuclear physics, and biological and environmental research, all very, very important functions for our Nation's future.

There are many who are not even aware that these are taking place within the Department of Energy, but they are, and they are programs that contribute mightily to America's basic science and to the future of our Nation. I am very hopeful that we can fund them adequately as we come out of conference with the House, although I must say that the allocation of resources to the House subcommittee, both for nondefense and for defense activities, is substantially lower than the Senate's. In fact the sum total by which it is lower than ours is almost $1 billion—$900 million. A little over $200 million of that is nondefense work and about $700 million is DOE defense work.

Since we have a firewall, we cannot move the money back and forth in this bill between the defense allocation and the nondefense allocation. So some might want to offer an amendment to take something out of defense and put it in domestic. They should know that is subject to a point of order and will require 60 votes because it violates what the U.S. Senate has agreed for this year as a firewall between defense spending and domestic.

I could go on with a few more discussions of what we are doing here, but let me just talk a minute further about the water resources projects.

Frankly, the U.S. Senate should know that for all that is being said by some in America that we should not be engaged in so many projects of flood protection and Bureau of Reclamation-type activities, the Senators and the States they represent seem to indicate with a very loud voice that they need these projects. We received hundreds of requests either to start projects or to put more money in projects that we have for these two online agencies of the U.S. Government.

The Corps of Engineers, in its civil works program, has a budget authority in this bill of $3,455,623,000, as I indicated, an increase of $89 million.

Title II of the bill funds activities associated with the Department of the Interior's Bureau of Reclamation and the central Utah completion project. Total funding recommended for these activities is $852,788,000. This is a reduction of a little over a half a million dollars from the enacted level and about $8,900,000 above the budget request.

We still have a number of requests in both title I and title 2 with which we have been unable to comply. I must say to Senators, consistent with a starting rule, that we will have no new starts. We have done our very best to be fair and equitable and I believe satisfied many of the requests.

I do not say that Senators request and we grant them their requests. These are projects that go through the professionals in the Department and actually are confirmed to us by them as being worthwhile and the kind of things we ought to be doing.

Obviously, there is much more I could speak about of an exciting nature that is going on in the science and research part of the Department of Energy. I have just touched the surface of it, but if there are amendments that address any of these projects or programs, we will spend additional time with the Senate explaining why we think the levels of funding in this bill are appropriate and the activities that we have recommended be funded are in the best interest of the United States.

As my ranking member and former chairman said, a lot of this bill is investment, either investment in the water ports of this Nation or the infrastructure of water projects, reclamation projects, flood protection projects and a lot of it is an investment in the Department of Energy, for when you invest in nuclear physics, when you invest in the highest science around to determine what the atom is all about and what the physics of that is, you are investing in the future of mankind and certainly in America's future.

These kinds of funds do not stay in the Department, nor do they go exclusively to laboratories. Much of it goes to the great universities and science activities going on in this country.

So I am very proud of the bill. Let me repeat, many Senators have stopped me on the floor and wanted to know if we are going to vote today.

The answer is, there is a way that we will not have any votes, and that is if Senators will cooperate, as they have been, and tell us whether they have amendments. If they have amendments, we want to list them, and then we will be here part of today to accept any of them that Senators want to offer. Then we will ask in a consent request that on Monday, there also be an opportunity for further offering of those amendments that we have agreed to, with votes on Tuesday, is what I understand on this bill. There may be other votes on Monday, but on this bill, I assume that is going to be the scenario.

I yield the floor at this point, and 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. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COATS. Mr. President, I came to the Senate in January 1989. I was not here very long before I realized our State was facing a very difficult problem with the sudden surge of the importation of out-of-State waste. Our capacity to dispose of our own waste was quickly being filled to overflowing, and action needed to be taken.

The State of Indiana Legislature has taken a number of steps to attempt to limit this flow of unwanted waste coming from other States. Yet, each one of their attempts was met by a court challenge, and a challenge that was successful in that it said we were violative of the interstate commerce clause of the Constitution.

In reviewing the court opinions on that subject, we discovered the court said if the Congress specifically and affirmatively grants States the authority to regulate its flow of out-of-State waste, then it would meet constitutional muster. So, I then proceeded to offer legislation on that subject to find a solution to not only our problem but a number of importing States' problems throughout the country.

That was a contentious issue at the time, and it was tied up in filibuster and a whole number of procedural delays. We persisted, and in September of 1990, a modified version of my original amendment passed the Senate by a vote of 67 to 31, as an amendment to the District of Columbia appropriations bill. It was not a partisan issue. It was a bipartisan issue—Democrats and Republicans joined together to pass this legislation.

Unfortunately, in the conference on the appropriations bill in 1990 in October, just before we adjourned for the elections, that provision was stripped. That was the 101st Congress.

In the 102d Congress, early on in that Congress, March of 1992, I introduced new legislation which, after some considerable debate and maneuvering, we managed to pass by an even more overwhelming vote. I was joined by the Senator from Montana in that effort. He was very helpful in allowing us to move forward on that legislation. It passed the Senate in July of 1992 by a vote of 89 to 2. We had addressed a number of the objections that were raised in the original legislation, States that had particular and peculiar problems, and we even worked with the exporting States that were putting the waste into play on an international basis, and satisfied a number of their demands.

In other words, we achieved a balance, a balance between the legitimate needs of those States that found State waste overwhelming their own environmental plans to adequately dispose of their own waste to protect their environment, and we addressed the needs of the exporting States who needed some time to ratchet down their exports, out-of-State exports, and deal with their waste on an intrastate basis. That accommodation resulted, as I said, in that vote in 1992. The support from the Senator from Montana was critical to that success.

Unfortunately, the House failed to act on that legislation, which brought us to the 103d Congress. In February 1993, I again introduced the interstate waste bill, and after considerable negotiations and work, we passed that bill in the Senate, the Coats-Baucus bill, in September 1994. In October, it passed the House and came to the waning days of the 103d Congress, and because of procedural reasons we needed unanimous consent to proceed with that. We moved the legislation through the House, through some very difficult negotiations, got 435 Members of the House to agree to that, and we got 99 Members of the U.S. Senate to agree. Unfortunately, we could not get that last vote. Because we needed all 100 and needed unanimous consent to proceed to the legislation, it failed.

Then the 104th Congress came, and in March 1995 I reintroduced the legislation. In May, on May 16, 1995, on my birthday—I do not think it was a birthday present from the Senate to me, but it happened to fall on that particular date—the Senate passed that new legislation by a vote of 94 to 6. The House subsequently has done nothing.

Now, I am hoping that Members will detect there is a pattern here, that there is a pattern that this issue is not going to go away, and that I will keep introducing that as long as I have voice to speak and the good people of Indiana choose to send me back to the U.S. Senate. This is an issue that is not only important to my State, the people who I represent, but it is important to the Nation.

Given the votes that we have had here in the Senate, a lot of people are wondering, why can't we finalize this? We cannot finalize it now because the House refused to act on it for a number of reasons.

We are not going to give up. The pattern is we will just keep coming back and back and back and back and back until this issue is resolved and we strike the necessary legislation and put it into law, giving States control over their own borders.

The legislation before the Senate is a bipartisan effort. I am being joined this morning by Senator LEVIN from Michigan, another importing State. I know a number of other Senators here have a vested interest in this issue, and whether they need to come to the floor to discuss this or not, I am not sure. I am confident we can move forward. But, again, we want to make the point that this legislation is not going to go away. My effort is not going to go away. We are going to persist with this until we finalize this.

This is an amendment, with due respect to the chairman and the ranking member of the Energy and Water Appropriations Subcommittee, this is an effort to try to attach it to somewhat relevant legislation so that we can get it into conference and hopefully convince the conferees that this strongly bipartisan, strongly supported effort, after literally years of intense negotiations—with importing States, exporting States, all involved; waste haulers, all involved—we have reached a reasonable agreement that ought to be enacted into law.

I am offering it this morning along with my colleague from Michigan, Senator LEVIN. We do strike an appropriate balance. What we are offering today is exactly the same legislation that the Senate has voted on in this Congress and passed by a vote of 94 to 6. In the interests of time and in the interests of Senators who I know are trying to make plans to travel back to their States for this weekend, and to move this appropriations bill forward, I am going to limit my remarks to this, unless I need to respond to questions or opposition raised on this particular legislation.

I thank the chairman for his tolerance and willingness and his support in this effort to, once again, move this legislation. I yield the floor.

Mr. DOMENICI. Mr. President, I know Senator LEVIN wants to speak to this very important legislation.

Mr. COATS. Will the Senator yield?

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

AMENDMENT NO. 5092

(Purpose: To provide authority for States to limit the interstate transportation of municipal solid waste)

Mr. COATS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. LEVIN, proposes an amendment numbered 5092.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. COATS. Mr. President, I ask for the yeas and nays.

Mr. JOHNSTON. Mr. President, I think we are willing to accept it.

Mr. DOMENICI. I believe we are willing to accept it. That is what I told the Senator.

Mr. COATS. Mr. President, I will withhold that request at this time.

Mr. DOMENICI. We will have to talk about it. We are working on the premise that if we get all the Senators to agree to the amendments on a list, there would be no votes today. We would like very much to see if we can get that worked out.

That would not preclude the Senator from having a yea and nay vote on Tuesday, although I recommend that he not do that. We are not taking anything away.

The PRESIDING OFFICER. Does the Senator withdraw the request for the yeas and nays?

Mr. COATS. I temporarily withdraw that request.

Mr. DOMENICI. Mr. President, once again, I want to say publicly what I told the distinguished Senator from Indiana. We are willing to accept this amendment and take it to conference. It is obvious that, at one time or another, legislation like this has received almost the unanimous support of Congress. Because of that, we will take it.

I want to say to Senators one more time—not those here, but Senators and staff in their offices—who are concerned about what is going to happen for the rest of today, Monday, and Tuesday. We are asking each office to tell us if they have amendments to this bill. We are making some real headway. There are a few offices we have not been able to work this out with. But it is important to get that done. That will define the schedule for the remainder of the day.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am pleased to cosponsor the amendment of the Senator from Indiana. He has worked on it so long and hard, and so many other Members of this body, particularly Senator BAUCUS of Montana, the Senators from Louisiana, and so many others, to finally give States and local government some control over the flow of waste both into their jurisdictions and out of their jurisdictions.

The Senate has expressed its will on this issue over and over again—most recently, in May of last year by an overwhelming vote of 94 to 6. The Senator from Indiana has gone through the number of times that the Senate has expressed its will. He has gone through the number of ways in which the vast majority of House Members have expressed their will on this matter in support of this legislation, made necessary by a Supreme Court decision which said it is up to Congress to decide whether or not it wants to give these powers to the State and local governments.

Now, Michigan, my State, my counties, and my townships have plans for waste disposal. They have invested in it. They spent a lot of time with these investments and a lot of money on these investments to dispose of their waste locally. Those plans and those investments are totally disrupted when contracts are entered into without consideration by State, county, or local government of the impact of those contracts for importing waste into those areas, because when you import waste in that way, without consideration of plans, and without consideration of the efforts that local governments have made to dispose of their own waste, it totally disrupts those efforts and those expenditures. It is not right.

States and local governments have a right to do that planning and to make those investments in order to dispose of their own waste and not see their own plans displaced by the import of waste from other places, based on contracts between haulers and those other places.

Our local people should not be dumped on any longer. They should have some control over their own jurisdictions, and over their own land. That is what this issue is really all about. And so I want to commend all the Senators who have been involved in this effort for so many years. It has been truly a bipartisan effort all along. It will continue to be that. It will continue to be made until we finally not just get a bill passed in the Senate, which we have done over and over again, but get the same bill passed by the Senate and the House. And this effort to adopt this amendment on this particular appropriations bill is another statement to the House that we expect action this year.

Here we are with, perhaps, 30 legislative days left in this session. Last year the Senate expressed itself. I, on at least one occasion, have stood up saying I was going to offer this kind of amendment, and have been dissuaded from doing so based on the assurance that there would be efforts made to get the House to act. The House has not acted. There are a few people there who oppose it, who have been able to displace the will of what appears to be a clear majority of House Members.

It is simply time that we again express ourselves as a Senate on this issue, not just speaking into the ether, but speaking directly to the House and saying we are very serious that we want this bill—at least we want consideration of both parts of this bill by the House this year, on both the questions of interstate waste coming into a State and the question of flow control of waste from a State. Both of those subjects are covered in this bill in a balanced way, as the Senator from Indiana has said, in consideration of both importing and exporting States.

Before I yield the floor, I simply again want to thank my good friend from Indiana, and particularly single out the Senator from Montana, who, for so many years, has fought this battle. It will be essential not just to his State, my State, Indiana, Louisiana, and other States, but to all of our States that we finally have some control over our own land, over our own plans, over our own investment for waste disposal. The Senators from Indiana and Montana have been leaders in that effort.

Mr. JOHNSTON. If the Senator will yield. Mr. President, I cosponsored a bill on this subject matter filed by my colleague, Senator BREAUX, a few years ago. Does this differ in any way from that?

Mr. LEVIN. I wonder if I could ask my friend from Indiana, I understand this bill is precisely the same as S. 534, which passed in May 1995 by a vote of 94 to 6, and that that bill is this amendment. That is my understanding.

Mr. COATS. Mr. President, the Senator is correct. The amendment we are offering today is identical, word-for-word, to the legislation that passed this body earlier in this session of Congress.

Mr. JOHNSTON. That was this session?

Mr. COATS. Yes, it was. I can give you the exact date.

Mr. JOHNSTON. Is it the same as we had a few years ago?

Mr. COATS. It has been modified from the original legislation. We have addressed some of the concerns of the exporting States and struck a balance between the timetables, in terms of their ratcheting down the exports, and we made some adjustments on the importing State side. We allow, for instance, local jurisdictions to enter into what are called host agreements. We do not upset those agreements. We don't want to breach any contractual obligations already entered into. We have added flow control language to address that particular issue, also. This is identical to what we passed in 1995 in this Congress.

Mr. JOHNSTON. Well, Mr. President, I commend the Senators for proposing this legislation. Being one of these recipient States of this waste, who has never been able to control this situation, I commend them for coming up with a solution that I believe will work. Of course, the minority will enthusiastically accept the amendment.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I don't want the sponsors to have any concern about whether the Senator from New Mexico favors this when we go to conference. I favor it 100 percent.

We were a State that was at least threatened with all kinds of external dumping of garbage in our State. We talk about solid waste, but this is not nuclear waste. This is essentially garbage with maybe a little frill on the edges.

So I will take the bill. I want the Senator to know I will take it. I will take it and try to keep it. I think we ought to pass it. Whether our bill gets to the President and gets signed, we

may have that confronting us. We are going to do our share of trying to keep it in conference.

Mr. COATS. If the Senator will yield, I am fully aware of the perils and pitfalls of moving appropriations bills to the executive branch and having the President sign them. I know that is not directly related, although I think it is indirectly related to energy and water.

I appreciate the commitment from the Senator from New Mexico in doing his very best to see if we can add this in an appropriations bill and get it accepted in conference.

As I said, this is not a partisan issue. The President has already indicated that he would sign this particular provision. So this will not be a deal breaker.

If I can get the commitment from the Senator from New Mexico and the Senator from Louisiana that they will fight for this effort in conference and do their best to reflect the Senate position on this, in deference to my colleagues, who I know are seeking to catch planes and wrap up the session, if there are no other votes ordered on this legislation, I will not be the one to scuttle the picnic here. So I will make that commitment to the Senator.

Mr. DOMENICI. I want to make one additional point. I have just received word that Senator CHAFEE wants to come down and speak on the measure. I think it is quite appropriate. He is chairman of the subcommittee of original jurisdiction. We did not intend to vote or accept this in the next few minutes anyway. So if Senator CHAFEE wants to speak, we urge that he come down as soon as he can.

Mr. BAUCUS. Mr. President, I am happy the Senator from Indiana offered this amendment. He has been committed, including the Presiding Officer, for many years to trying to get this passed.

There has been a development which makes this legislation more imminent. Recently, the city of New York announced that it is going to close its Fresh Kills landfill. Fresh Kills landfill is probably the biggest landfill in this country. They receive 13,000 tons of garbage a day at Fresh Kills landfill in New York. That amounts to 1,200 trucks a day of garbage dumped at the Fresh Kills landfill. That is going to be closed. It will be closed in 2 years. I think it will be phased out ultimately by the year 2001.

That is a problem. It is a problem for a lot of so-called importing States, States that receive other States' garbage. It is a problem because States are having a very difficult time enacting laws providing for incinerators. People do not want incinerators to burn garbage.

This is a major proposal in the State of New York for the State of New York to build a major incinerator in Brooklyn. It has been turned down. It is the old not-in-my-backyard syndrome. Nobody wants an incinerator in their backyard.

So incinerators are not getting anywhere, which means that New York has a problem. New York City has a big problem with Fresh Kills closed. Where is all that garbage going to be, 13,000 tons, 1,200 trucks a day?

That is just an example of the problem that we face.

I might say that my State is typical; that is, Montana has wide open spaces. A lot of folks from the East think that is a good place to dump garbage. ''Let's dump it out in the West. They have wide open space out there.''

Regrettably, a major entrepreneur in an Eastern State decided that he wanted to open up a big landfill in Miles City, MT. We in Montana do not want this big landfill in Miles City. He was able to cut a deal with a couple of folks in Miles City to build this landfill, whereas the vast majority do not want this landfill in Montana. The State of Montana could not pass legislation prohibiting this, could not pass legislation limiting the dumping of out-of-State garbage in our own State. Why? Because the Supreme Court says the States cannot do that. It is in violation of the commerce clause of the Constitution.

Very simply, this is a very basic proposal. Basically, we are saying that by the passage of this legislation, with some modifications, the States have the right to say no. They have a right to say no to the shipment of out-of-State garbage being dumped in their State.

We talk a lot around here about local control. We talk a lot around here, ''Gee, let States decide their own destiny, and let local communities decide their own destiny.'' This legislation will allow States to do that. They will be able to say no to the dumping of out-of-State garbage in their own States.

I hope that the House conferees take this provision. It is going to be difficult.

I very much appreciate the statement of the manager of the bill, the chairman of the Budget Committee, Senator DOMENICI, as well as its ranking member of the subcommittee, Senator JOHNSTON, that they will push for this amendment in conference. The trouble is that the House has not looked very favorably on this legislation recently. It is basically because of who is on what committee over in the House and what States are exporting States. It is a problem.

But I urge our Senate conferees to be very vigorous in pushing this amendment in conference, because then, finally, we are going to get this thing enacted.

I can tell you that there are a lot of people in our country who very much want to control their own destiny in a lot of ways, and one way is to be able to say no to the shipment of out-of-State garbage. I have been working with Senator COATS on this for years.

When the Democrats were in the majority, I had the subcommittee that got this legislation passed a couple of years ago. This is very similar to that legislation, this proposal before us.

I very strongly commend the Senator from Indiana for his very, very deep dedication to this issue. I hope we can finally get it passed.

I yield the floor.

Mr. COATS. Mr. President, I would like to add as original cosponsors to the bill Senator SPECTER, Senator BAUCUS, and Senator MCCONNELL.

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

Mr. MCCONNELL. Mr. President, I am pleased to be an original cosponsor of this amendment that will get a grip on the serious problem of interstate waste. I am also pleased to be working again with Senator COATS on an issue that affects both our States—the unchecked flow of interstate waste.

As you and many of my colleagues are aware, out-of-State waste creates problems for States that are unable to control the amount of trash that is sent across the border for disposal. This imported waste takes up landfill space, which complicates State and local waste planning and requires States to devote valuable resources to the problem other States have neglected. Scarce landfill space in Kentucky should be allocated for Kentuckians, not trash from hundreds of miles away.

During my tenure in this Senate, I have committed myself to resolving this issue and ensuring that Kentucky doesn't become a dumping ground to out-of-State waste. In 1990, and every year since, I have introduced legislation or worked with Senator COATS in crafting language that has ultimately led to the compromise legislation that came so close to passing last year.

In 1990, I introduced S. 2691, a bill to give States the ability to fight long-haul dumping by charging higher fees for disposal of waste coming from other States. This bill passed the Senate with 68 votes.

During the 102d Congress, I introduced S. 197 to once again provide States the authority to impose a fee differential for out-of-State waste. In 1992, Senator COATS and I joined forces and produced comprehensive legislation to provide States the authority to regulate waste. That same year, the Senate passed an interstate waste bill by an overwhelming vote of 88 to 2. Unfortunately, the bill died in the House.

During the 103d Congress, I joined with Senators COATS and BOREN in introducing S. 439. Although the Senate didn't act until late in the session, Congress came extremely close to passing an interstate waste bill. Again, the House stalled long enough to effectively kill the bill on the last day of the session.

Last year, the Senate passed a waste bill, S. 543 which passed 94 to 6. This legislation is a fair proposal that gives communities control of not only their own waste streams, but the flow of trash from other States, it will protect

importing States like Kentucky and Indiana from becoming garbage colonies for States who aren't willing to deal with their own waste problems.

Mr. President, this issue has recently come to the forefront of national news with the announcement of the closure of Fresh Kills landfill in New York. This 3,000-acre monstrosity located on Staten Island receives 26 million pounds of garbage daily. The 48-year-old landfill, known as the world's largest garbage dump, is so enormous that it can actually be seen by orbiting astronauts.

Closure of this facility will necessitate an astounding outflow of garbage from New York City that will be absorbed by States as far away as Kentucky. I, for one, refuse to stand by and allow Kentucky to become a garbage colony.

Unfortunately, the House has absolutely stalled on this issue. Hopefully, with the inclusion of the Coats amendment, interstate waste problems will finally be addressed during a conference with the House of Representatives.

Mr. ROBB. Mr. President, I rise today in support of the interstate waste amendment offered by the Senator from Indiana.

Last Congress, I introduced legislation to give localities the opportunity to restrict the flow of interstate waste into landfills in their communities. In my view, it is essential that local governments be given the authority they need to determine for themselves whether to accept out-of-State waste. I am pleased that S. 534, the legislation which passed the Senate overwhelmingly last year, contained provisions that will help protect communities from being inundated with unwanted garbage generated out-of-State and provide localities with some leverage to deal with landfill developers who seek to dispose of out-of-State trash.

The pending amendment—identical to the one we passed last year—deserves the support of all Members. In my view, it strikes the appropriate balance between importing States and exporting States, and solves a problem which has persisted for too many years. Because this issue deals with interstate commerce, only Congress has the authority to resolve the problem of unwanted out-of-State garbage, as the Senators from Indiana, Michigan, and Montana have discussed. Therefore, I urge my colleagues to reaffirm our support for this legislation, and make passage of this bill a priority during the remainder of this session.

With that, Mr. President, I thank my colleagues and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I see the chairman of the committee and the ranking member on the floor. I mentioned earlier that I very much appreciate the statements by them, if they will urge the House to adopt this amendment.

Might I ask the chairman of the committee, along with the ranking Member, if they will, in pushing this, consult with the chairman of our committee, Senator CHAFEE, as well as the ranking member as you work with the House in attempting to persuade them to adopt the amendment. As we all know, there might be give and take and some modifications. I very much hope that the managers would consult the managers of the authorizing committee.

Mr. DOMENICI. Let me respond. This is not just a Republican bill. So I would say for the Record that we will consult not only with the chairman, but we will consult with the ranking member of the committee of jurisdiction as it moves its way through.

Mr. BAUCUS. I appreciate that. I thank the Senator.

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

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

FEMALE GENITAL MUTILATION

Mr. REID. Mr. President, I would like to take this opportunity to commend the managers of the bill we passed this morning, the foreign operations appropriations bill. In that measure, one of the amendments accepted by the managers deals with a subject that I have spent many months of my legislative career on. It is an issue that has become easier to talk about, by this Senator, but not easy to talk about. I have spoken a number of times about the issue of female genital mutilation.

I was of course struck last week, Mr. President, when again I read in the Washington Post, and the same article appeared in newspapers around the country, that another young girl died as a result of this barbaric practice. This death occurred in Egypt, an 11-year-old girl.

Mr. President, these brutal, vicious practices take place all over the world. These practices leading to death are not reported often, even though deaths occur frequently. In this instance, the one in the Washington Post last week, the Associated Press:

> An 11-year-old girl bled to death after a botched circumcision performed by a village barber, police officials said today.
>
> The officials said the child, whose name was given only as Sara, died Friday in a Cairo hospital after doctors were unable to stem bleeding.
>
> The girl's clitoris was removed, in line with custom, by a barber in a village in the Nile Delta the day before, when several girls were circumcised during a village celebration. . . .
>
> The government has sought to end female circumcision . . . a ritual aimed at keeping women clean and chaste. It has banned the practice from state medical facilities.

Mr. President, what is this practice that is sweeping the country? It is something that has been in existence for a long time. FGM is the cutting away of female genitals and then sewing up the opening, leaving, many times, only a small hole for urine and menstrual flow. It is performed on children, but it is also performed on girls, and it is also performed on young women, up to age 22 or 23 years old. The initial operation, as indicated in this news article, leads to many health complications, complications that plague these young women most of their lives, if they are fortunate enough to survive the initial cut.

The immediate health risks are not over after a couple of months or even a couple of years after the operation. During childbirth, additional cutting and stitching takes place with each birth, and all this recutting and stitching creates scar tissue and emotional scars that are not seen.

There is no medical reason for this procedure. It is used as a method to keep girls chaste and to ensure their virginity until marriage, and to ensure that after marriage they do not engage in extramarital sex.

In September 1994, I introduced a sense-of-the-Senate resolution condemning this cruel practice and committed at that time to inform my colleagues and the country about this practice. This sense-of-the-Senate resolution was passed. A month later, I introduced a bill to make this procedure illegal in the United States, and called upon the Secretary of Health and Human Services to identify and compile data on immigrant communities that have brought this practice to the United States. I have been joined in this effort by the junior Senator from Illinois, CAROL MOSELEY-BRAUN, and the senior Senator from Minnesota, Senator WELLSTONE. I am happy to report my legislation directing the Secretary of Health and Human Services was passed this year in the omnibus appropriations bill. Another amendment which criminalized FGM in the United States is still pending in the immigration bill.

Mr. President, this barbaric practice is now being conducted in the United States because of the inflow of people from around the world. We have had a report in one California community where there were seven of these practices committed on young women. I hope the conferees working on the immigration bill are allowed to proceed and get this very important bill ironed out, and this provision I direct the Senate's attention to.

FGM is a practice that has been around for thousands of years. In fact, some say it was there during the time of Cleopatra. We need to continue to talk about it, insist upon aggressive education of communities, especially African communities that practice it, as well as implementation of laws prohibiting it.

Mr. President, 6,000 young women and baby girls are mutilated each day—6,000. Two million girls are mutilated a year, at least.

I have three little granddaughters and a daughter. To even think about a procedure like this, on these people that I love—it is hard to consider. Six thousand people, just like my little granddaughters and my daughter, are having this done to them each day. It is estimated we have had about 130 million girls and women genitally mutilated. The practice is predominantly practiced in Africa; 75 percent of all cases occur in Egypt, Ethiopia, Kenya, Nigeria, Somalia, and the Sudan. In Somalia, 98 percent of the girls are mutilated; 2 percent escape.

Today many African countries are sifting through their cultures and revising some traditions while holding on to others. The time is right for the international community to take a stand against this practice, without destroying the cultural integrity of the Africa countries where it is entrenched.

Mr. President, if the international community and some organizations are so concerned about human rights violations, why they do not talk about this—some do—and why there is not an outrage in the international community to stop this, is beyond my comprehension. There are certain practices that take place in some countries. We do not like the way they conduct their prisons. We do not like the way they handle their arrests, their interrogations. For Heaven's sake, why do we not care what they are doing to 6,000 girls each day?

Mutilation is not required by any religion. It is an ancient tradition designed to protect virginity. That is what it is for. In communities where education initiatives have taken place, we are starting to see the death rates are down and the health risks certainly outweigh the dated notion that this procedure will keep girls chaste. In the past, FGM was mishandled on the international level. It was sensationalized and spoken about in a condescending manner. This approach created a defensive reaction, forcing the practice to go underground.

As African immigrants move throughout world, taking this barbaric practice with them, many women are working to halt the practice in their new communities. Few are willing to speak up in their traditional communities. But this is occurring in countries where they immigrate. They are immigrating to the United States, Canada Australia, France, and the United Kingdom, to name only a few.

The United States, I believe, is a world leader and needs to realize its influence in the world. I do not believe it is our place to go into other countries and dictate their traditions. But, at the same time, we need to show African governments that we take this issue seriously. We need help from others in the international community. We expect those countries to work not only to pass laws stopping this, but to work to educate people about the harms of this ritual and, in the process, take steps to eradicate the practice.

Most often we refer to FGM and women, but we need to look at this, Mr. President, from the eyes of those who talk about child abuse. This is not spanking, this is not correcting children; this is mutilating children, and we certainly have to speak out against this.

Children do not deserve having this done to them. Young ladies do not deserve having this done to them.

We know a lot about the psychological effects of child abuse. We know that because we have had significant studies recently in the United States. Imagine the psychological effect this must have on children from the initial operation throughout adulthood.

Mr. President, I first learned about this from a friend of mine. A mother of six children sent to me a videotape of a program that was on one of the TV stations about this happening in Egypt.

A beautiful little 6-year-old girl comes to a party. She has on a white dress. She is dressed for a celebration—cake, drinks, party. Suddenly, they grab this little girl, spread her legs and cut her genitals out. The little girl, when it is finished, screams, ''Daddy, why did you do this to me?''

Mr. President, 6,000 young children each day are screaming, ''Why did you do this to me?'' The health complications are a constant reminder of the mutilation they underwent.

I had the opportunity and the pleasure to meet a courageous young woman by the name of Stephanie Welsh. Stephanie is a young lady who graduated from Syracuse University and wanted to see the world. She went to work for an international news organization in Kenya.

While there, she became interested in this barbaric practice of female genital mutilation. She tried for a long time to get someone within the community to allow her to view one of these procedures. They do 6,000 of them a day in the world, so they go on all the time in Kenya. She could not get anybody in the city to allow her. They did not trust this non-African from the United States.

So Stephanie went out into the country. She befriended some people, and they allowed her to take photographs of this ritual. A courageous woman. In fact, the day she completed this, they had no water in the village. She couldn't drink the water because of typhoid, and she walked 15 miles without water in the very hot desert Sun in Africa carrying her film.

She had to go to a small community in the bush because communities closer to the cities know the Western view of FGM is torture rather than ceremony and would not allow her to observe.

This is the young girl. Her name is Seita. This beautiful child of 16 was told that if she was going to continue her education, she had to have her genitals cut out, in effect. So she came home and went through this process. This is the girl.

This picture, which I hope you can see, shows five people over Seita. It took five people to hold this strong 16-year-old down while they proceeded to circumcise her, is the gentle word.

This, Mr. President, is the picture that Stephanie Welsh—who, by the way, won a Pulitzer Prize for her courageous photography—this is Seita in the bush looking at herself to see what they have done to her.

Of course, Stephanie describes the scream of this 16-year-old girl. She is checking herself here to see what has been cut away, if enough has been cut away so they do not have to do it again.

The next one is the picture of the instrument of torture: a double-edged razor which you buy in a drugstore. I do not know how many times it has been used or what it has been used for. This is what they used to cut out Seita's genitals. You see the white on her hand. That is what they use to stop the bleeding. It is the fat from a sheep, sheep fat, goat fat, that they use. This is the hand that did the torture, did the brutality.

Here, Mr. President, is something—I am used to the picture now, but I was not in the beginning—this is Seita's foot. This is the blood that is flowing from her body after this torture. The red here is not something on the ground, it is not a blanket, it is not a scarf, it is Seita's blood, the blood on her foot, going up between her toes, on her other foot from her.

The final picture of the Pulitzer Prize-winning series is this girl being comforted by one of the village elders.

The pain will last for a lifetime and complications will last for a lifetime. So I very much appreciate the committee accepting this amendment last night. This amendment will give the U.S. executive director of each international financial institution the power to oppose loans for the government of any country that does not enact laws that make it illegal and enact policies to educate and eliminate this brutality.

I know the custom is deeply embedded in African culture, but that does not mean we should stand by and pretend it is not happening. Simply making it illegal will not be effective. Many of these communities are located in remote areas, and there would be no logical means to enforce the law. Therefore, more than making it illegal, we need to insist upon governments educating people to the health risks and dispelling the myth that FGM keeps women chaste.

Mr. President, I very much appreciate the managers of this bill allowing me to speak on this issue which I feel very strongly about, and I hope the international community will join with us in educating and stopping this brutality of 6,000 girls each day.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, Senator GRASSLEY wants to speak as in morning business. But before we do that, we would like to adopt the Coats amendment to this bill at this time.

AMENDMENT NO. 5092

Mr. DOMENICI. Mr. President, we have no objection on our side to adopting the Coats amendment, and there is no objection on the Democratic side.

The PRESIDING OFFICER. Is there objection to the amendment by the Senator from Indiana?

Mr. COATS. Mr. President, I ask unanimous consent that Senator ROBB be added as a cosponsor.

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

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

The amendment (No. 5092) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DOMENICI. I ask unanimous consent that Senator GRASSLEY be permitted to speak up to 10 minutes as in morning business.

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

Mr. GRASSLEY. Mr. President, I do not think I will use all that time.

MARINE CORPS GENERALS

Mr. GRASSLEY. Mr. President, I want to speak about something that is in conference now between the House and Senate on the fiscal year 1997 defense authorization bill, something I spoke about several times on the floor of this body before. I think I have some new information. In fact, I do have some new information that I was not able to use in the last debate.

This information has a direct bearing on the Marine Corps request for 12 more generals that is a bone of contention in the conference between the House and the Senate—the Senate supporting it, the House, thus far, in their deliberations on the other side being opposed to increasing the number of Marine Corps generals.

I did not have this particular piece of information when I addressed this matter on the floor on June 26 and again on July 17. I spoke on the extra Marine Corps generals during consideration of both the fiscal year 1997 defense authorization bill and the defense appropriations bill. In fact, I offered an amendment to block the Marine Corps request for more generals, but I failed.

These missing documents would have greatly strengthened my case. I want to thank Washington Post writer Mr. Walter Pincus for his alerting me to the fact that these documents existed. I am not talking about some purloined Pentagon documents either.

I am referring to the legislative history behind the current ceiling on general officer strength levels. First, there is section 811 of Public Law 95–79 enacted in July 1977. That established a ceiling of 1,073 general officers after October 1, 1980.

Second, there is section 526 of title X of the United States Code, and this happens to be current law. Section 526 placed a ceiling on the number of general and flag officers serving on active duty at 865 after October 1, 1995.

Mr. President, I ask unanimous consent to have these two sections of the law printed in the RECORD, along with other relevant materials.

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

PUBLIC LAW 95–79 [H.R. 5970]; JULY 30, 1977—DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978

* * * * *

SEC. 811. (a)(1) The total number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073 after October 1, 1980, and the total number of civilian employees of the Department of Defense in grades GS–13 through GS–18, including positions authorized under section 1581 of title 10, United States Code, shall be reduced during the fiscal year beginning October 1, 1977, by the same percentage as the number of officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced below 1,141 during such fiscal year, and during the fiscal years beginning October 1, 1978, and October 1, 1979, by a percentage equal to the percentage by which the number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced during such fiscal year below the total number of such officers on active duty on October 1, 1978, and October 1, 1979, respectively.

(2) On and after October 1, 1980, the total number of civilian employees of the Department of Defense in the grades and positions described in paragraph (1) may not exceed the number employed in such grades and positions on the date of enactment of this subsection reduced as provided in paragraph (1).

(3) In time of war, or of national emergency declared by Congress, the President may suspend the operation of paragraphs (1) and (2).

(b)(1) Subsection (b) of section 5231 of title 10, United States Code, is amended to read as follows:

''(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) of this section and section 5081 of this title may not be more than 15 percent of the number of officers on the active list of the Navy above the grade of captain. Of the number of officers that may serve in the grades of admiral and vice admiral, as determined under this subsection, not more than 25 percent may serve in the grade of admiral.''.

(2) Such section 5231 is further amended—

(A) by striking out subsection (c):

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) by striking out ''numbers authorized under subsections (b) and (c)'' in subsections (c) and (d) (as redesignated by subparagraph (B) and inserting in lieu thereof ''number authorized for that grade under subsection (b)''.

(3) Subsection (b) of section 5232 of title 10, United States Code, is amended to read as follows:

''(b) The number of officers serving in the grades of general and lieutenant general may not be more than 15 percent of the number of officers on the active list of the Marine Corps above the grade of colonel.''.

(4) The second sentence of subsection (c) of such section is amended by striking out the period and inserting in lieu thereof a comma and the following: ''and while in that grade he is in addition to the number authorized for that grade under subsection (b) of this section.''.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978—CONFERENCE REPORT

* * * * *

Reductions in Certain Military and Civilian Positions in the Department of Defense

The Senate amendment to the House bill (sec. 302) provided for a reduction in the number of general officers and admirals by 23 below planned levels in fiscal year 1978 and an additional reduction of 47 in fiscal year 1979 to an authorized level of 1,071 and also provided for an alteration of the statutory provisions governing admirals in the Navy and generals in the Marine Corps to place them in a similar position to the Army and the Air Force when the national emergency provisions lapse. The Senate amendment (sec. 502) also provided for a reduction in the number of civilians in General Schedule grades GS–12 through 18, or equivalent, by 2 percent in fiscal year 1978 and by the same proportionate reduction as applied to generals and admirals for fiscal year 1979.

The House bill contained no such provisions.

The conferees agreed to reduce the authorized levels of generals and admirals to 1,073 over a 3-year period beginning with fiscal year 1978 and to apply a reduction to Defense civilian employees in General Schedule grades GS–13 through 18, or equivalent, by the same proportionate amount over the same period. The conferees feel strongly that the reductions in the numbers of top-ranking military personnel should be coupled with a concurrent reduction in the numbers in the top six Defense civilian grade levels. For this reason, Sections 302 and 502 of the Senate amendment have been combined and set out as a separate provision (sec. 811) in the general provisions of the conference report. The conferees also agree that all civilian reductions shall be accomplished through attrition. The conferees concluded that a technical correction of the Senate provision was required to achieve consistency between statutory provisions affecting admirals and Marine Corps generals and the general officers of the other services.

The conferees agree on the need for a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of general officers and directs the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers as well as any justification for deferring the proposed military and civilian reductions in whole or part.

The House recedes with an amendment.

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1978 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, ACTIVE DUTY, SELECTED RESERVE, AND CIVILIAN PERSONNEL STRENGTHS, CIVIL DEFENSE, AND FOR OTHER PURPOSES—SENATE REPORT 95–129

* * * * *

Sec. 302: Committee Amendment Reducing the Number of Generals and Admirals

For fiscal year 1977, the Department of Defense plans to have 1,165 generals or admirals—one flag officer for every 1,800 active military members. This number is in sharp contrast to 1968 when during the Vietnam war, there was one general officer for every 2,600 military members and to the peacetime 1964 level when there was one general for every 2,100 military members. The Department of Defense proposed to reduce the number of flag officers by 24 in fiscal year 1978. The committee adopted an amendment to reduce this number by an additional 23 in fiscal year 1978 and by 47 in fiscal year 1979. Since the services have undertaken different levels of effort to reduce flag officers, the amendment gives the President the authority to apportion the total number of flag officers rather than applying a uniform reduction for each service.

The purpose of this amendment is to begin a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of officers at this level. The committee requests the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers including any justification for deferring the proposed reductions in whole or part.

Within the total number of general officers authorized, the Army and Air Force are restricted to having no more than 15 percent of the total number of generals at the grades of lieutenant general and general and no more than 25 percent of the general officers at these two grades can be at the grade of general. However, except in time of war or emergency, certain specific numbers are included in law for the Navy and Marine Corps: 26 vice admirals and four admirals for the Navy, and two generals for the Marine Corps. In addition, the Marines are restricted to a number of lieutenant generals and generals total number of officers at the grades of lieutenant general and no more than 10 percent of the number of general officers. These provisions for the Navy and Marine Corps have been suspended by the President under national emergency authority which is expiring. The committee feels the distribution of general officer authorizations by grade should be consistent and has included provisions in the amendment to make the restrictions for the Navy and Marine Corps consistent with those for the Army and Air Force.

UNITED STATES CODE, TITLE X

* * * * *

§526. Authorized strength: general and flag officers on active duty

(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, may not exceed the number specified for the armed force concerned as follows:

(1) For the Army, 386 before October 1, 1995, and 302 on and after that date.

(2) For the Navy, 250 before October 1, 1995, and 216 on and after that date.

(3) For the Air Force, 326 before October 1, 1995, and 279 on and after that date.

(4) For the Marine Corps, 68.

(b) TRANSFER BETWEEN SERVICES.—During the period before October 1, 1995, the Secretary of Defense may increase the number of general officers on active duty in the Army, Air Force, or Marine Corps, or the number of flag officers on active duty in the Navy, above the applicable number specified in subsection (a) by a total of not more than five. Whenever any such increase is made, the Secretary shall make a corresponding reduction in the number of such officers that may serve on active duty in general or flag officer grades in one of the other armed forces.

(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

(2) this subsection shall cease to be effective on October 1, 1998.

(d) NOTICE TO CONGRESS UPON CHANGE IN GRADE FOR CERTAIN POSITIONS.—(1) Not later than 60 days before an action specified in paragraph (2) may become effective, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the intended action and an analytically based justification for the intended action.

(2) Paragraph (1) applies in the case of the following actions:

(A) A change in the grade authorized as of July 1, 1994, for a general officer position in the National Guard Bureau, a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command.

(B) Assignment of a reserve component officer to a general officer position in the National Guard Bureau, to a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command in a grade other than the grade authorized for that position as of July 1, 1994.

(C) Assignment of an officer other than a general or flag officer as the military executive to the Reserve Forces Policy Board.

(e) EXCLUSION OF CERTAIN OFFICERS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.

(Added Pub. L. 100–370, §1(b)(1)(B), July 19, 1988, 102 Stat. 840, and amended Pub. L. 101–510, Div. A, Title IV, §403(a), Nov. 5, 1990, 104 Stat. 1545; Pub. L. 102–484, Div. A, Title IV, §403, Oct. 23, 1992, 106 Stat. 2398; Pub. L. 103–337, Div. A, Title IV, §404, Title V, §512, Oct. 5, 1994, 108 Stat. 2744, 2752.)

HISTORICAL AND STATUTORY NOTES

Prior Provisions

A prior section 526 was renumbered section 527 of this title by Pub. L. 100–370.

1994 Amendments

Subsec. (a)(4). Pub. L. 103–337, §404, struck out ''before October 1, 1995 and 61 on and after that date'' after ''Corps, 68''.

Subsecs. (d), (e). Pub. L. 103–337, §512, added subsecs. (d) and (e).

1992 Amendments

Subsec. (b). Pub. L. 102–484, §403(b), inserted a subsec. (b) heading: ''Transfer between services''.

Subsec. (c). Pub. L. 102–484, §403(a), added subsec. (c).

1990 Amendment

Pub. L. 101–510, §403(a), designated existing text as subsec. (a) and as so designated, inserted subsection heading and substituted provisions setting forth limitations in authorized strength for the Army, Navy, Air Force and Marine Corps. beginning in Oct. 1995, set out in pars (1)–(4) for provisions limiting authorized strength to 1,073 officers, made minor changes in text and added subsec. (b).

Change of Name

Any reference in any provision of law enacted before Jan. 4, 1995, to the Committee on Armed Services of the House of Representatives treated as referring to the Committee on National Security of the House of Representatives, see section 1(a)(1) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1990 Amendment

Section 403(a) of Pub. L. 101–510 provided that the amendment made by this section is effective Sept. 30, 1991.

Savings Provisions

Reference to law replaced by Pub. L. 100–370 to refer to corresponding provision enacted by such public law; regulation, rule, or order in effect under law so replaced to continue in effect under provision enacted until repealed, amended, or superseded; and action taken or offense committed under law replaced treated as taken or committed under provision enacted, see section 4 of Pub. L. 100–370, set out as a note under section 101 of this title.

Legislative History

For legislative history and purpose of Pub. L. 100–370, see 1988 U.S. Code Cong. and Adm. News, p. 1077. See, also, Pub. L. 101–510, 1990 U.S. Code Cong. and Adm. News, p. 2931; Pub. L. 102–484, 1992, U.S. Code Cong. and Adm. News, p. 1636; Pub. L. 103–337, 1994 U.S. Code Cong. and Adm. News, p. 2091.

CROSS REFERENCES

Reserve general and flag officers in an active status strength and grade exclusively from counts under this section, see 10 USCA §12004.

Mr. GRASSLEY. In 1990, the Armed Services Committee decided there were too many generals. The number needed to be reduced. The committee cut the number of generals from 1,073 in 1990 down to 858 by 1995. That is a reduction of 20 percent or, more specifically, 215 generals in total over a 5-year period of time.

Mr. President, how did this come about? What is the reasoning behind the reduction? By answering these questions, I hope to help my colleagues understand why the Armed Services Committee reduced the number of generals 6 years ago. If we understand why they did what they did 6 years ago, perhaps we can understand why they are ready to move in the opposite direction today.

The legislative history does contain important clues. It should help us solve this riddle. Back in 1990, the Armed Services Committee could see the

handwriting on the wall. They saw the cold war coming to an end. The Soviet military threat was evaporating, and the Defense Department was downsizing and doing it in earnest. In 1990, the committee predicted that there would be an overall force reduction of at least 25 percent between the years 1990 and 1995. Well, the committee's prediction was right on the money.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that shows how military end strengths have gradually declined since February 1987.

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

Fiscal year	Total	Army	Navy	Air Force	Marine
1987	2,174,217	780,815	586,842	607,035	199,525
1988	2,138,213	771,847	592,570	576,446	197,350
1989	2,130,229	769,741	592,652	570,880	196,956
1990	2,043,705	732,403	579,417	535,233	196,652
1991	1,985,555	710,821	570,262	510,432	194,040
1992	1,807,177	610,450	541,883	470,315	184,529
1993	1,705,103	572,423	509,950	444,351	178,379
1994	1,610,490	541,343	468,662	426,327	174,158
1995	1,518,224	508,559	434,617	400,409	174,639
1996	1,493,391	499,145	428,412	393,400	172,434

Mr. GRASSLEY. Mr. President, what the committee said would happen in fact did happen, and it is continuing to happen this very day.

Mr. President, I ask unanimous consent to also have printed in the RECORD a table from page 254 of Secretary Perry's March 1996 annual report to the Congress.

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

TABLE V–4—DEPARTMENT OF DEFENSE PERSONNEL

[End of fiscal year strength in thousands]

	Fiscal year—			Goal	Percent change FY 1987–97
	1987	1996	1997		
Active Military	2,174	1,482	1,457	1,418	−33
Army	781	495	495	475	−37
Navy	587	424	407	394	−31
Marine Corps	199	174	174	174	−13
Air Force	607	388	381	375	−37
Selected Reserves	1,151	931	901	893	−19
DoD Civilians	1,133	841	807	728	−27

Mr. GRASSLEY. This table shows the process of downsizing, that this process is ongoing and not over yet. It is expected to continue in the future.

Mr. President, the committee concluded that the number of generals and admirals should be reduced consistent with the predicted reductions in the force structure. I want to repeat, the reduction in the number of general officers should be consistent with the reduction in force structure. That was the logic. As the force structure shrinks, the numbers of generals and admirals should come down at a comparable rate. That was the Armed Services Committee's thinking as expressed in its report in the fiscal year 1991 defense authorization bill. That thinking is outlined on page 159 of that Report 101–384.

Mr. President, I ask unanimous consent that that section of the report be printed in the RECORD.

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

GENERAL AND FLAG OFFICER ACTIVE DUTY STRENGTH CEILINGS

The committee recommends (sec. 403) a provision that would establish ceilings on the number of general and flag officers authorized to be on active duty for each of the military Services as shown below:

	Current ceiling	Fiscal year, committee recommendation	
		1991	1995
Army	407	386	302
Navy	258	250	216
Marine Corps	70	68	61
Air Force	338	326	279
Total	1,073	1,030	858

The ceilings established for fiscal year 1995 are consistent with the committee's expectation that force structure and organizational realignments over the next 5 years should result in an overall force reduction of at least 25 percent. The fiscal year 1995 ceilings reflect this expectation, and the fiscal year 1991 ceilings set the military Services on a responsible course to achieve the fiscal year 1995 ceilings.

The committee also believes that these ceilings should assist the military Services in making critical decisions regarding the reduction, consolidation, and elimination of duplicative headquarters. The ceilings should also assist the military Services in eliminating unnecessary layering in the staff patterns of general and flag officer positions.

Mr. GRASSLEY. Based on the shrinking force structure, the committee reduced the number of generals and admirals by that 20 percent as follows: the Army, from 407 down to 302, a reduction of 105; the Navy, a reduction of 42, down from 258 to 216; the Marine Corps, from 70 down to 61, a reduction of 9; the Air Force, from 338 down to 279, a reduction of 59.

Mr. President, with one exception, those figures remain the law today. The Marine Corps got special relief legislation 2 years ago that raised its ceiling from 61 to 68, or by 7. But back in late 1990, there was no disagreement about what had to be done, reducing the number of generals as force structure gets smaller.

The House Armed Services Committee report contained almost identical language. I quote from page 268 of House Report 101–665.

The committee believes that the general and flag officers authorized strength should be reduced to a level consistent with the extra force structure reductions expected by fiscal year 1995.

Mr. President, I ask unanimous consent that that section of the House report be printed in the RECORD.

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

SECTION 441—FLAG AND GENERAL OFFICERS

Section 526 of title 10, United States Code provides that the total number of general and flag officers authorized to be on active duty may not exceed 1,073. The committee believes that the general and flag officer authorized strengths should be reduced to a level consistent with the active force structure reductions expected by fiscal year 1995. Section 441 would amend section 526 of title 10, United States Code to limit to 845 the total number of general and flag officers authorized within the military services on September 30, 1995.

Mr. GRASSLEY. Mr. President, as the force structure shrinks, the number of generals and admirals should be reduced. That was the logic used by the House in 1990. That was the logic used by the Senate in 1990. That logic is embodied in current law. That has always been the logic since time began.

Let us apply that logic to the Marine Corps' request for 12 more generals. If the Marine Corps needs more generals, then it must mean that the Marine Corps is getting bigger, that it is expanding. But all the data point in the opposite direction. All the data indicate that the military services, including the Marine Corps, are continuing to downsize.

Why doesn't the 1990 logic apply anymore? Have Marine generals been inoculated to be immune from cuts? Why is the Marine Corps trying to top size while it is downsizing? As the force structure shrinks, we need fewer generals. That was the guiding principle used by the Armed Services Committee in 1990 when they put general officers on the down ramp.

They put the generals on the down ramp even when the dark storm clouds were rising over the Persian Gulf. There was no talk about vacant warfighting positions at that time. There was no talk, as we were given an excuse for this increase, about the joint bill requirements mandated in Goldwater-Nichols. There was just one driver. The force structure was shrinking so we needed fewer generals. In other words, it seems to me that they were expressing at that decisionmaking time in 1990 common sense.

That logic was valid then. It is just as valid today. Nothing has changed. There is no reasonable explanation for what is going down. It is bad public policy.

The Navy, for example, is already on record as saying it needs 25 to 30 more admirals. We know that the Marine Corps request is just a spearhead. It is a test case. The Army and Air Force are getting their wish list ready. If the Marine Corps request goes through, then these other services will follow, meaning their request for more generals and admirals. Pretty soon we have a national disgrace on our hands.

This is a bad move that will prove to be an embarrassment to the Senate sometime down the road.

I yield the floor and thank my colleagues for the consideration of this point of view. I have expressed this in a letter to the conferees as well. I yield the floor.

Mr. GORTON addressed the Chair.

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5093

Mr. GORTON. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 5093.

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

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

The amendment is as follows:

On page 36, line 4, strike all of section 504, and insert the following:

SEC. 504. Following section 4(g)(3) of the Northwest Power Planning and Conservation Act, insert the following new section:

(4)(g)(4) INDEPENDENT SCIENTIFIC REVIEW PANEL.—(i) The Northwest Power Planning Council (Council) shall appoint an Independent Scientific Review Panel (Panel), which shall be comprised of eleven members, to review projects proposed to be funded through that portion of the Bonneville Power Administration's (BPA) annual fish and wildlife budget that implements the Council's annual fish and wildlife program. Members shall be appointed from a list submitted by the National Academy of Sciences, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Panel.

(ii) SCIENTIFIC PEER REVIEW GROUPS.—The Council shall establish Scientific Peer Review Groups (Peer Review Groups), which shall be comprised of the appropriate number of scientists, from a list submitted by the National Academy of Sciences to assist the Panel in making its recommendations to the Council for projects to be funded through BPA's annual fish and wildlife budget, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Peer Review Groups.

(iii) CONFLICT OF INTEREST AND COMPENSATION.—Panel and Peer Review Group members may be compensated and shall be considered as special government employees subject to 45 CFR 684.10 through 684.22.

(iv) PROJECT CRITERIA AND REVIEW.—The Peer Review Groups, in conjunction with the Panel, shall review projects proposed to be funded through BPA's annual fish and wildlife budget and make recommendations on matters related to such projects, to the Council. Project recommendations shall be based on a determination that projects: are based on sound science principles; benefit fish and wildlife; and have a clearly defined objective and outcome with provisions for monitoring and evaluation of results. The Panel, with assistance from the Peer Review Groups, shall review, on an annual basis, the results of prior year expenditures based upon these criteria and submit ifs finding to the Council for its review.

(v) PUBLIC REVIEW.—Upon completion of the review of projects to be funded through BPA's annual fish and wildlife budget, the Peer Review Groups shall submit their findings to the Panel. The Panel shall analyze the information submitted by the Peer Review Groups and submit recommendations on project priorities to the Council. The Council shall make the Panel's findings available to the public and subject to public comment.

(vi) RESPONSIBILITIES OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects to be funded through BPA's annual fish and wildlife budget, and if the Council does not incorporate a recommendation of the Panel, the Council shall explain in writing its reasons for not accepting Panel recommendations. In making its recommendations to BPA, the Council shall: consider the impact of ocean conditions on fish and wildlife populations; and shall determine whether the projects employ cost effective measures to achieve project objectives. The Council, after consideration of the recommendations of the Panel and other appropriate entities shall be responsible for making the final recommendations of projects to be funded through BPA's annual fish and wildlife budget.

(vii) COST LIMITATION.—The cost of this provision shall not exceed $2 million in 1997 dollars.

(viii) EXPIRATION.—This paragraph shall expire on September 30, 2000.

Mr. GORTON. Mr. President, I thank both the chairman and the ranking member of the Energy and Water Subcommittee for their understanding in accepting this modification to a provision already included at my request in this fiscal year 1997 energy and water bill.

Section 504 of that bill, and this modification, amend the Northwest Power Act to address a conflict-of-interest issue that was recently brought to my attention by people in Washington and Oregon concerned and knowledgeable about salmon conservation.

The Bonneville Power Administration's annual fish and wildlife budget, in real dollars spent on projects, totals well over $100 million. This $100 million comes out of the pockets of Northwest ratepayers each year to protect and enhance fish and wildlife in the Columbia and Snake River basins. The Northwest Power Planning Council prepares and adopts a regional plan to protect fish and wildlife and each year allocates this $100 million to support that plan.

At the present time, the Columbia Basin Fish and Wildlife Authority is responsible for making recommendations to the council on projects being funded through BPA's annual fish and wildlife budget.

The membership of the authority includes representatives of affected Indian tribes from the region, the Washington, Oregon, Idaho, and Montana State fish and wildlife directors, and representatives of the Fish and Wildlife Service in the National Marine Fisheries Service.

I am convinced that the authority plays an important and necessary role in providing recommendations to the council on what fish and wildlife projects should be funded each year. I was disturbed to discover recently, however, that authority members were recommending to the council that about $75 million of the $100 million spent in project money go to projects to be performed by the members of the authority itself. Mr. President, it is like the Department of Defense asking one of my other constituents, the Boeing Co., to decide what brand of aircraft the military will use.

My amendment and this modification to the Northwest Power Act would ensure that the authority and its members retain a voice in the process, but that sound objective and disinterested science also is heard. Each year, about 400 proposals are submitted for review by the authority all applying to receive funding from the Bonneville funding administration's annual budget. I am sure independent scientific review would remove any suggestion of conflict of interest in connection with these grants and add an important element of review to the council's decisionmaking process. I am convinced it would also assure that the moneys spent will result in the greatest possible salmon enhancement.

My amendment directs the council to establish an 11-member independent scientific review panel from a list of names provided by the National Academy of Sciences. The panel would be responsible for reviewing projects to be funded under BPA's annual fish and wildlife program. I understand the council, together with the National Marine Fisheries Service, has already established an independent scientific advisory board in order to provide scientific advice to the council and the National Marine Fisheries Service.

I want to note in the RECORD at this time that nothing in this amendment precludes the National Academy of Sciences from recommending that some or all of the scientists who serve on the ISAB serve on the newly created independent scientific review panel, provided that those members meet the conflict-of-interest standards spelled out in the amendment. If ISAB scientists are selected to serve on the newly created panel of ours, they should not be compensated twice for the same services.

After careful consultation with the National Academy of Sciences, I have included a provision in my amendment that requires the council to establish, from a list submitted by the National Academy, scientific peer review groups to assist the panel in making its recommendations to the council. It is these peer review groups that will be doing the actual review of the 400-plus project applications submitted to the council each year for consideration.

The panel will coordinate the work of the peer review groups and ensure that each project is reviewed based upon the following commonsense criteria: Does the project benefit fish and wildlife in the region? Does the project have a clearly defined objective and outcome? And is the project based on sound scientific principles?

The amendment directs the panel to prioritize recommendations for the council from the analysis provided by

the peer review groups and that the council make panel recommendations available for public review. The amendment places a cost limitation on the scientific review process of $2 million.

My amendment directs the council to review recommendations of the panel, the Columbia Basin Fish and Wildlife Authority and others, in making its final recommendations to BPA for projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for the decision. The council is directed to consider ocean conditions, among others, in its decision-making process, and to determine whether project recommendations employ cost-effective measures to achieve project objectives.

Lastly, my amendment expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on projects to be funded through BPA's annual fish and wildlife budget.

This amendment is intended to be effective on the date of enactment and to be first implemented during the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. The amendment will expire on September 30, in the year 2000, in order that its success can be measured by the people of the Pacific Northwest and this Congress.

Mr. President, my amendment seeks to do just one thing: to make sure that Northwest ratepayer dollars are being spent in a cost-effective and objective manner. I have consulted extensively with interested groups in the region on this amendment and have listened to the constructive suggestions of my colleague, Senator MURRAY, and that is why I am proposing that these changes to the amendment be included in the committee bill.

My amendment will ensure that sound science principles are considered by the council before spending ratepayer dollars to protect and enhance fish and wildlife on the Columbia and Snake River System.

Mrs. MURRAY. Mr. President, will the senior Senator from Washington yield for a question?

Mr. GORTON. I yield to the junior Senator from Washington for a question.

Mrs. MURRAY. I thank the Senator. As you know, the Northwest Power Act requires the Power Planning Council and Bonneville Power Administration to mitigate the effects of the hydroelectric system on fish and wildlife generally, and anadromous fisheries specifically. The amendment proposed by the senior Senator would require the council to consider ocean conditions prior to making its science-based recommendations for mitigation priorities to Bonneville. Does the Senator agree that his amendment does not expand the scope of Northwest Power Act with respect to hydro system mitigation, nor does it make hydro system mitigation efforts contingent on known ocean conditions?

Mr. GORTON. I thank the junior Senator for raising this important question, and agree with her characterization of the amendment. My amendment does not expand the scope of either the council's or Bonneville's mitigation requirements under the Northwest Power Act. It simply suggests that it is valid for the council to consider known ocean conditions when making its recommendations for hydro system mitigation to Bonneville.

Mrs. MURRAY. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that during the session of the Senate on Friday and Monday, July 29, the Senate consider Calendar No. 496, S. 1959, the energy and water appropriations bill, and the following amendments be the only first-degree amendments in order, and must be offered during the session on Friday or Monday.

The amendments are as follows: Domenici, relevant; Lott, relevant; Jeffords-Roth, renewable energy; Kyl, central Arizona project; Grams, Appalachian Regional Commission; managers' package; McCain, regarding the light-water reactor; McCain, relevant; McCain, relevant; Specter, Sawmill Run; Pressler, relevant; Pressler, relevant; McConnell, USEC; Lott, regarding environmental management; D'Amato, FUSRAP; Burns, one on environmental management; Kempthorne-Craig, environmental management; Gorton, independent scientific review; and Hutchison, DOE.

From the Democratic side: Senator BIDEN, relevant; Senator BOXER, three relevant; Senator BUMPERS, DOE weapons, a water project, and a separate water project; Senator BYRD, relevant in two instances; Senator CONRAD, water quality and bank stabilization; Senator DASCHLE, two relevant amendments; Senator DORGAN, two relevant amendments; Senator FEINGOLD, one relevant; FORD, one relevant; MIKULSKI, one relevant, along with Senator SARBANES; Senator JOHNSTON, relevant; Senator KERRY, electrometallugical treatment research; Senator REID, two relevant; Senator SIMON, two relevant; Senator WELLSTONE, regarding alfalfa; and Senator ROCKEFELLER, regarding Japan semiconductors.

Now, it will be my intent to have these votes stacked at 10 o'clock on Tuesday on a case-by-case basis.

Mr. DORGAN. Reserving the right to object, I shall not object, this has been cleared with the minority side?

Mr. LOTT. It has been cleared on the minority side.

I must say I am totally unimpressed with either side. A list of amendments like this is totally ridiculous. I know a number of these will be worked out, and the managers and the chairman will solve a number of these problems in the managers' amendment, but we ought to have maybe two amendments total on this bill.

Maybe next week will be like this week—a miraculous cooperation will evolve and we will get it done quickly. I do not know why we have to go through this exercise of listing this stuff.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

Without objection, it is so ordered.

Mr. LOTT. I further ask that with respect to any amendment on the Colorado water project there be up to 10 minutes under the control of Senator CAMPBELL.

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

Mr. LOTT. I further ask that all amendments be subject to second-degree relevant amendments and may be offered on or after Monday, and following the votes with respect to the amendments, the bill be read for a third time and there be 10 minutes under the control of Senator MCCAIN, and the Senate then proceed to the House companion bill, H.R. 3816, all after the enacting clause be stricken, the text of 1959 be inserted, the bill be advanced to third reading, and final passage all occur without further action or debate.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 3754

Mr. LOTT. Mr. President, with regard to the legislative appropriations bill, we intend to bring that up, I believe, at 5 o'clock on Monday, and we have a consent agreement we would like to ask for on that.

I ask unanimous consent that during the session of the Senate on Monday, July 29, the Senate consider the legislative appropriations bill, the committee amendments be deemed agreed to and considered original text for the purpose of further amendments, and the following amendments be the only first-degree amendments in order and must be offered during the session of the Senate on Monday.

The amendments are as follows: Senator CHAFEE, a relevant amendment; Senator HATFIELD, relevant amendment; Senator SPECTER, regarding mailings of town meetings; Senator MCCAIN, revolving-door amendment; Senator COVERDELL, relevant; Senator LOTT, relevant; Senator MACK, the managers' amendment.

In addition, two relevant amendments by Senator BYRD; two relevant amendments by Senator DASCHLE; one by Senator DORGAN regarding overseas jobs; one relevant amendment for Senator FORD; and two relevant amendments for Senator MURRAY.

I further ask that all amendments be subject to relevant second-degree amendments which may be offered on or after Monday, and following the votes with respect to the amendments, the bill be advanced to third reading and final passage occur, all without further action or debate.

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

Mr. LOTT. I am sure under the magnificent leadership of the Senator from Florida, Senator MACK, we will have this done within 2 hours Monday night, and we will either pass it on a voice vote or vote at 10 o'clock on Tuesday. That is certainly my hope.

Reluctantly, Mr. President, I announce there will be no further recorded votes today or on Monday. The next votes will occur at 10 o'clock on Tuesday.

Mr. DOMENICI. For those who want to offer amendments on Monday, what time would you intend to convene?

Mr. LOTT. Mr. President, if I could respond to the chairman of the energy and water appropriations Subcommittee. We will come in, I believe, at 12 o'clock. We have some morning business that would take at least 2 hours. So we should be ready to go by 2 o'clock on the Energy and Water Appropriations bill.

Again, I urge Senators, if they want to offer their amendments—and I assume most of them don't—they will need to be here to offer amendments at 2 o'clock on Monday and today.

Mr. DOMENICI. I thank the majority leader.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as in morning business for 8 minutes.

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

AIRLINE DEREGULATION IS NOT HELPING EVERYONE

Mr. DORGAN. Mr. President, about 2 years ago, Frontier Airlines began jet airplane service in North Dakota. It was actually a carrier that had previously quit service, and some years later a new group of people using the same name, Frontier, reorganized and started a new airline.

Two years ago, when Frontier started service to parts of North Dakota, we were fairly excited about that, because in a small, sparsely-populated State like North Dakota, we need more competition in airline services. North Dakota is served by one major carrier. The fact is that when you have one-carrier service—although I admire that carrier—you generally pay higher prices, and you have the kind of service they decide they want to give to you. So we were fairly excited that we would get that jet airline service to North Dakota.

This morning, Frontier Airlines announced that it will withdraw its service to North Dakota. I spoke with the president of the company this morning. I also spoke with the Secretary of Transportation this morning about this issue, and I want to comment for a moment about this matter because it deals with the larger issue of airline deregulation.

We have people in this Chamber, in the other Chamber, and out in the country who do handstands and all kinds of gymnastic feats when they describe the wonders of airline deregulation for America. They say the deregulation of the airlines has been remarkable. You get lower prices, and you get more service. Well, that certainly is true if you happen to live in Chicago, New York, Los Angeles, or perhaps a dozen other cities. If you are traveling from Chicago to Los Angeles, guess what? Look at an airline guide and you have all kinds of carriers to choose from, and they are vigorously competing with price and so on and so forth. Those are the benefits and virtues of airline deregulation. But the fact is, if you do not live in one of the large cities, airline deregulation has not been a success for you. It means less service and higher prices.

Now, what happened when we had airline deregulation was—and we have seen merger after merger in the combination of smaller airlines bought up or merged into the larger airlines and a subsequent concentration of economic power—the airlines sliced up parts of the country into hubs, and they control the hubs and decide how they want to serve the public with price and service. Then a new carrier starts up. How does a new carrier compete when you have an airline industry that is now highly concentrated with a few giant economic powers? The fact is, it does not compete, and it cannot compete very well.

Two years ago, when this airline started, I went to the Secretary of Transportation and had a meeting with him in his office. I said, the fact is, a new jet carrier cannot start up and be successful under the current circumstances unless the discriminatory practices that exist with the big carriers against these new carriers are ended. The Department of Transportation has a responsibility to end it. That was 2 years ago. Now, a jet carrier trying to serve a State like North Dakota and going into a hub like Denver, in order to be successful, is going to have the other major carriers provide code-sharing arrangements. But, guess what? A very large airline carrier, one of the largest in the country, would say to a carrier like this, I am sorry, we do not intend to cooperate with you under any circumstances—on ticketing, on baggage—and we use our own computer reservation system, and you will not even show up on the first couple of screens that travel agents pull up.

So what happens? The fact is that the new carriers that start up do not make it because there are fundamentally discriminatory practices, and we have a Department of Transportation that drags its feet and does nothing about it. In the last couple of months, the Department of Transportation has started to do some things, but not nearly enough. For 1½ years they did nothing. That result is evident not only in North Dakota, but also around the country where we see regional startups trying to promote more competition in the airline industry. The regional startups are squashed like bugs by the big carriers because of what, I think, are fundamentally anticompetitive practices.

Now, you can make a case, I suppose, that a big carrier does not have to cooperate with anybody under any conditions. I think it is a silly case to make, but I know people will make that case. What that will lead to is the circumstance that now exists, only more concentrated, and with fewer carriers. We have only five or six major carriers in this country. They have gotten bigger, with more economic power. They have the capability of deciding anyplace, at any time, that a startup carrier is not going to make it because they are not going to allow it.

I have a fistful of information here from travel agents and others, who describe what they consider to be anticompetitive practices by other carriers against this startup carrier in North Dakota. I do not have stock in this company. I do not know much about this company. I do not care about one company versus another. All I care about is that we have a circumstance where we have competitive airline service and an opportunity to get more and better service in a State like North Dakota.

The current system, under deregulation, is an abysmal failure. Those who twirl around like cheerleaders, believing this represents something good for this country, ought to understand that it represents something good for only part of the country; for those people lucky enough to live in the major cities who are going to get more service at lower prices. For the people in the parts of the country where there is less opportunity and where we have a need for the startup of new regional jet carrier services, the cheerleaders for deregulation ought to understand that these startups are squashed like bugs by the major carriers of this country, and the major carriers do this under the watchful eye of the people who are supposed to be concerned about competition.

I hope the Secretary of Transportation and the Department of Transportation are able, at some point, to take the kind of action that we expect them to take to deal with these issues.

We have a DOT bill coming to the floor next week. I intend to be here, if necessary, with a whole range of amendments talking about the airline issues and what DOT has or has not been doing on these issues. I might not get more than one vote for them. It would not matter much to me.

I am not going to sit by and see this happen. This notice today of the withdrawal of service of another carrier in North Dakota means North Dakotans will have less service and pay higher prices once again. The fact is, this is not brain surgery, and this is not a problem for which we do not know a

cure or a solution. We understand the problem and we know the solution. The solution is not to preach about deregulation and then decide you could care less about whether there is anticompetitive behavior. If this Government, this Congress, this Department of Transportation, or this Secretary of Transportation, do not do something about the anticompetitive practices and anticompetitive behavior, we will never see this problem resolved.

If I sound a little upset this morning, I am. I hope that perhaps some discussions in the coming days might convince some of these carriers, that are out there trying to make it in an anticompetitive environment, that somebody is going to do something to make it competitive and fair once again.

Mr. President, as I said, from what I hear about the Senate schedule next week we will have the Department of Transportation appropriations bill on the floor. I intend to be over here actively and aggressively working on some of these issues then. It may be the only appropriate and opportunistic way for me to make the point that I think needs to be made.

So I appreciate the indulgence.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, I would like to speak on the bill, if I may, for 3 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to commend the managers of this bill and the staff for the energy and water development appropriations bill which I have in my hand which has a provision for the Mid-Dakota Rural Water System for $7.5 million.

I hope in conference, or possibly in future developments, that the funding level for mid-Dakota can be raised to $11.5 million, which is the House level. I was disappointed with the administration only recommended $2.5 million. While we need to change that, we can actually save money on a contractual basis by accelerating this project and going to the $11.5 million level.

Let me say a word or two about the mid-Dakota project. It will bring water into eastern South Dakota to 24 communities, and it will run from Pierre to Huron, SD, along Highway 14 and surrounding areas.

In the State of South Dakota in eastern South Dakota we have a problem with water. On my farm we have a rural water system hooked up where water is brought from a central source as opposed to farms in this area that depend on wells. In this case, it takes the mid-Dakota project. This project will bring water from the Missouri River eastward. We have the great resource of the Missouri River in our State. It is almost unused. But this is using Missouri River water for our people.

I have had a number of meetings on this project over the past several years. I met with Kurt Pfeifle yesterday, the general manager of mid-Dakota project to discuss ways to get a higher funding level. I have met with him and other South Dakotans who traveled here to propose this important project for 30,000 people in eastern South Dakota—Tom Edgar from Orient, Susan Hargens from Miller, Johnny Gross from Onida, Eugene Warner from Blundt, Mory Simon from Gettysburg, to name a few.

So, Mr. President, let me say in conclusion that I thank the managers of the bill for the $7.5 million that has been included for mid-Dakota. It is a very important water project in our State. I hope that the level can be increased to $11.5 million.

I note that the administration included only $2.5 million in their recommendations. So it has been a struggle. But it is very, very important to the people of South Dakota. To have clean drinking water for livestock and people is very, very important to the farmers and the people of eastern South Dakota.

Mr. President, I yield the floor.

AMENDMENT NO. 5093

Mr. DOMENICI. Mr. President, the pending business is the Gorton amendment.

The PRESIDING OFFICER (Mr. SHELBY). That is correct.

Mr. DOMENICI. We have no objection to the Gorton amendment, and the other side has no objection to the Gorton amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 5093) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 5094

(Purpose: To clarify that report language does not have the force of law)

Mr. MCCAIN. Mr. President, I have two amendments. The first one is at the desk. I ask for the immediate consideration of the first of the two amendments.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 5094. On page 36, line 1, strike all after the word ''this'' through line 3 and insert in lieu thereof the following: ''Act.''

Mr. MCCAIN. Mr. President, I and my staff spend some time perusing the appropriations bills as they come up. I will have comments on some aspects of the bill before the bill is voted on.

But I was quite disturbed to see on page 36 of the bill beginning on page 35 where it says:

Notwithstanding the provisions of 31 U.S.C. funds made available by this act to the Department of Energy shall be available only for the purposes for which they have been made available by this act, and only in accordance with the recommendations contained in this report.

My understanding of that language in the bill is that it means that the report language has the force of law.

Mr. President, that is just not something that is correct. It is not appropriate. It is not in keeping with the proper procedures used by the Congress.

I hope that my colleague from New Mexico will accept the amendment to strike that language. If not, obviously, I would want to ask for the yeas and nays.

Mr. President, I have no more discussion of that amendment. I am ready to move on to the other amendment at the appropriate time.

Mr. DOMENICI. Mr. President, I am not prepared to accept the amendment at this time. My counterpart is not here at this time. Obviously, we both want to look at it in light of our reasons for putting it in. Our reasons for putting it in are different than the Senator's reasons for taking it out. We would like to discuss that. So we will debate that at another time.

If the Senator is agreeable to proceed to another amendment, if he would like, if he would set his aside, it will be properly sequenced.

Mr. MCCAIN. Mr. President, I would be glad to do that. Prior to doing so, I guess I would ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, again I would be more than happy to engage in a discussion with both distinguished managers on this amendment. I have only been here 10 years, but I have not seen such language in an appropriations bill. I would be very disturbed to see that became custom here in the Senate although, if the Senator from New Mexico States has other reasons for it being in there, I would be more than happy to discuss that. And perhaps we could change that language so that the effect of the language is not as I see it.

So, Mr. President, I ask unanimous consent that my amendment be laid aside.

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

AMENDMENT NO. 5095

(Purpose: To prohibit the use of funds to carry out the advanced light water reactor program)

Mr. MCCAIN. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. GREGG, and Mr. KERRY, proposes an amendment numbered 5095.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . ADVANCED LIGHT WATER REACTOR PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out the advanced light water reactor program established under subtitle C of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13491 et seq.) or to pay any costs incurred in terminating the program.

Mr. MCCAIN. Mr. President, this amendment terminates funding for the Advanced Light Water Reactor Program, which provides taxpayer-funded subsidies for corporations for the design, engineering, testing, and commercialization of nuclear reactor designs.

I am pleased that Senators FEINGOLD, GREGG, and KERRY of Massachusetts have joined me as cosponsors on this important amendment. I urge my colleagues to support us in ending this wasteful Government spending and corporate welfare.

Organizations such as Public Citizen, Citizens Against Government Waste, Competitive Enterprise Institute, Taxpayers for Common Cause, and the Heritage Foundation have lent their strong support to eliminating the funding for the advanced light water reactor, and last year a bipartisan Senate coalition, with the help of the Progressive Policy Institute and the Cato Institute, included the Advanced Light Water Reactor Program as one of a dozen high-priority corporate pork items to be eliminated.

Many Americans would be surprised to know that this program has already received more than $230 million in Federal support over the last 5 years. The Department of Energy has requested an additional $40 million for the program for fiscal year 1997. This program was created under the Energy Policy Act of 1992. That act makes clear that design certification support should only be provided for advanced light water reactor designs that can be certified by the Nuclear Regulatory Commission by no later than the end of fiscal year 1996.

The Department of Energy has acknowledged that no advanced light water reactor designs that would be funded under this bill will be certified by the end of fiscal year 1996. Thus, under the legislation no funds should be appropriated to support this program's designs.

Mr. President, this act specifies that ''no entity shall receive assistance for commercialization of an advanced light water reactor for more than 4 years.'' The Department of Energy's 1997 funding request would allow for a fifth year of Federal financial assistance to the program's chief beneficiaries, which are well-to-do corporations which can afford to bear commercialization costs on their own.

General Electric, Westinghouse, and Asea Brown Boveri/Combustion Engineering have already received 4 years' of assistance under this program since 1993, and, significantly, these three companies had combined 1994 revenues of over $70 billion, and last year their combined revenues exceeded $100 billion. I believe these corporations can afford to bring new products to the market without taxpayers' subsidies.

One of the primary recipients of this program funding, General Electric, recently announced that it is canceling its simplified boiling water reactor after receiving $50 million from the Department of Energy because extensive evaluations of the market competitiveness of a 600 megawatt-sized advanced light water reactor have not established the commercial viability of these designs.

The program exemplifies the problems of unfairness, in my view, that corporate welfare engenders. If this program's designs are commercially feasible, large wealthy corporations like Westinghouse do not need taxpayers to subsidize them because the market will reward them for their efforts and investment in this research. If they are not commercially viable, then the American taxpayer is being forced to pay for a product in complete defiance of market forces that a company would not pay to produce itself.

As a practical matter, such unnecessary and wasteful Government spending must be eliminated if we are to restore fiscal sanity. More importantly, though, as a matter of fundamental fairness, we cannot ask Americans to tighten their belts across the board in order that we might balance the budget while we provide taxpayer-funded subsidies to large corporations. Corporate welfare of this kind is unfair to the American taxpayer. It increases the deficit, and we cannot allow it to continue.

Finally, there are no termination costs to worry about because the Department of Energy contract with Westinghouse specifically provides that ''reimbursements shall be subject to availability of appropriated funds.''

Enough is enough. After 5 years and $230 million, it is time we bring the program to an end.

I ask unanimous consent that copies of letters from Citizens Against Government Waste, Public Citizen, and the Competitive Enterprise Institute be printed in the RECORD.

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

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 18, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to urge you to introduce legislation to eliminate the Advanced Light Water Reactor (ALWR) program. This program has already surpassed its authorized funding level, and extending its funding will exceed the goals of the Energy Policy Act of 1992 (EPACT).

In 1992, EPACT authorized $100 million for first-of-a-kind engineering of new reactors. In addition, EPACT specified that the Department of Energy should only support advanced light water reactor designs that could be certified by the Nuclear Regulatory Commission no later than the end of FY 1996.

In a surprise announcement on February 28, 1996, General Electric (GE) terminated one of its taxpayer-subsidized R&D light water reactor programs (the simplified boiling water reactor), stating that the company's recent internal marketing analyses showed that the technology lacked ''commercial viability.'' Westinghouse, which is slated to receive ALWR support between FYs 1997–99 for its similar AP–600 program, is not expected to receive design certification until FY 1998 or FY 1999. Taxpayers should not be expected to throw money at projects with little or no domestic commercial value.

EPACT also stipulates that recipients of any ALWR money must certify to the Secretary of Energy that they intend to construct and operate a reactor in the United States. In 1995, the Nuclear Energy Institute's newsletter, *Nuclear Energy Insight,* reported that, ''all three [ALWR] designers see their most immediate opportunities for selling their designs in Pacific Rim countries.'' In Fact, GE has sold two reactors developed under this program to Japan, and still the government has not recovered any money.

As you may recall, CCAGW endorsed your corporate welfare amendment, including the elimination of the ALWR program, to the FY 1996 budget Reconciliation bill. We are again looking to your leadership to introduce legislation to now eliminate this program. I also testified before the House Energy and Environment Subcommittee on Science on May 1, 1996 calling for the elimination of the ALWR. The mission has been fulfilled, now the program should end.

Sincerely,

THOMAS A. SCHATZ,
President.

PUBLIC CITIZEN,
Washington, DC, June 25, 1996.

Senator JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR: We are pleased to support your efforts to terminate further government support for the Advanced Light Water Reactor (ALWR) program at the U.S. Department of Energy. The ALWR program, having received five years of support and more than $230 million of taxpayer money, is a prime candidate for elimination in the coming budget cycle. It represents a textbook example of corporate welfare, provides little value to taxpayers and fails to account for the fact that domestic interest in new nuclear technologies is at an all-time low.

As of today, not one utility or company participating in the ALWR program has committed to building a new reactor in this country nor are there any signs that domestic orders will be forthcoming in the foreseeable future. Instead of providing reactors for American utilities, the ALWR program has become an export promotion subsidy for General Electric, Westinghouse and Asea Brown Boveri in direct violation of the intent of the Energy Policy Act. These companies, with combined annual revenues of over $70 billion, are hardly in need of such generous financial support.

Continuing to fund the ALWR program would send a strong message that subsidies to large, profitable corporations are exempt from scrutiny while other programs in the federal budget are cut to reach overall spending targets. The industry receiving this support is mature, developed and profitable and should be fully able to invest its own money in bringing new products to market.

This legislation is consistent with your long-standing campaign to eliminate wasteful and unnecessary spending in the federal budget. We salute your effort and offer our help in pruning this subsidy from the fiscal year 1997 budget.

Sincerely,

BILL MAGAVERN,
Director,
Critical Mass Energy Project.

COMPETITIVE ENTERPRISE INSTITUTE,
Washington, DC, June 14, 1996.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR CONGRESSMAN MCCAIN: I wish to commend you for your efforts to eliminate funding for Advanced Light Water Reactor (ALWR) research. As a longtime opponent of federal subsidies for energy research of this kind, I am glad to see members of Congress representing the interests of the taxpayer on this issue.

Since 1992, the Department of Energy has spent over $200 million on ALWR research, with little to show for it. If such reactors are commercially viable, as supporters claim, then there is no need to waste taxpayer dollars on what amounts to corporate welfare. If the ALWR is not commercially viable, then throwing taxpayer dollars at it is even more wasteful. The fact that no utility plans to build such a reactor in this country any time soon suggests that the latter is more likely. Either way, federal funding for this program should end.

I fully support your efforts to eliminate the ALWR research subsidy and hope that this effort is the first step in the eventual elimination of the Department of Energy as a whole.

Sincerely,

FRED L. SMITH, Jr.,
President.

Mr. MCCAIN. Mr. President, last May, at the end May, there was an interesting article in the Washington Post by Mr. Guy Gugliotta. I would like to quote parts of his article.

Five or six years ago, depending on whom you asked, Congress voted to fund research on a new kind of nuclear energy plant called the Advanced Light Water Reactor. You remember nuclear energy, right?

The money—more than $200 million so far—has gone to three struggling firms—General Electric, Westinghouse, and Asea Brown Boveri Inc./Combustion Engineering. The idea is to develop a new generation of nuclear powered generators.

Except nobody in the United States wants one. No utility has bought a nuclear plant since 1973, and 89 percent of utility executives polled this year by the Washington International Energy Group said they never would.

Even General Electric decided in February to abandon research on one of its two reactor projects concluding that ''extensive evaluations . . . have not established the commercial viability of these designs.''

Mr. President, I would point out that I am a supporter of nuclear power. I believe that it is a viable option and someday will be a viable option, but I do not believe that justifies this kind of expenditure.

Mr. President, the San Francisco Chronicle said, ''If there's a lucrative export market, let them finance their own development programs.''

The Oregonian says, ''Asking taxpayers to subsidize nuclear power research is like asking them to build barns to store up horsepower.''

The Richmond Times Dispatch editorial lead says, ''Zap It.''

The Louisville Courier-Journal calls it ''A needless subsidy.''

The Kennebec Journal says, ''Reactor research funding deserves to be terminated.''

The Charleston Gazette says, ''Nuclear subsidy Corporate welfare?''

The Morning Sentinel of Maine says, ''Congress should switch off Energy's nuke-pork project.''

The Bangor Daily News says: ''Members of the House and Senate have yet to justify the need for what amounts to a large corporate subsidy. It is likely they cannot. Instead, they should end the program before it costs taxpayers any more money.''

The Houston Chronicle says, ''Time to stop federal subsidies for nuclear generators.''

And the Des Moines Register calls it ''Nuclear Nonsense.''

Mr. President, I ask unanimous consent that these editorials be printed in the RECORD.

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

[From the Washington Post, May 28, 1996]

RESEARCH FOR REACTOR NOBODY WANTS

(By Guy Gugliotta)

Five or six years ago, depending on whom you ask, Congress voted to fund research on a new kind of nuclear energy plant called the Advanced Light Water Reactor. You remember nuclear energy, right?

The money—more than $200 million so far—has gone to three struggling firms—General Electric, Westinghouse and Asea Brown Boveri Inc./Combustion Engineering. The idea is to develop a new generation of nuclear power generators.

Except nobody in the United States wants one. No utility has bought a nuclear plant since 1937, and 89 percent of utility executives polled this year by the Washington International Energy Group said they never would.

Even GE decided in February to abandon research on one of its two reactor projects, concluding that ''extensive evaluations . . . have not established the commercial viability of these designs.''

In the next couple of months Rep. Mark Foley (R-Fla.), a young conservative, will try to kill the Advanced Light Water Reactor. It is a waste of money, he said, and, even if it weren't, ''large corporations don't need the help of the federal government.''

He has 65 signatures on an amendment to erase the reactor from the 1997 Energy Department appropriations bill, and is brimming with confidence since he successfully defunded a gas-cooled reactor last year.

''I understand the nuances of appropriations better,'' Foley said, which is fortunate for him, because, as everyone knows, starting federal programs is hard, but getting rid of them is much harder.

And the nuclear industry is not going to roll over. ''In the next decade, the balance of power demand will shift . . . because of aging and environmental concerns,'' said Nuclear Energy Institute spokesman Steve Unglesbee. ''We think nuclear will be a contender.''

That would be a change. Nuclear power, once deemed the magic bullet for energy consumption, has fallen on hard times in the past two decades. Catastrophes like Three Mile Island and Chernobyl haven't helped, but the main reason for the current lack of interest is probably more mundane.

According to the Safe Energy Communication Council, which doesn't like the reactor, nuclear energy today costs 5 to 10 cents per kilowatt hour while coal-generated energy costs 1.5 to 3.5 cents, natural gas, 3 to 4 cents, and windmills, 5 cents. Utility executives can add.

The United States has 110 nuclear plants, supplying 20 percent of the nation's electrical power needs. All use a controlled fission reaction to generate heat, which in turn makes the steam that drives turbine generators.

The Advanced Light Water Reactor seeks dramatic improvements in the old design through new computer technology and simplified safety features that rely more on gravity and other natural forces and less on complex valve systems.

Almost everything else about the reactor is in dispute. The Energy Policy Act, signed into law in November 1992, authorized five years of development funding. Because the fiscal year had already begun the reactor's proponents say the clock started in 1993, and this year's request—$30.3 million—simply fulfills the five-year authorization.

Foley argues that because the act was signed in 1992, the fifth year was 1996 and the current request is extra. Besides, Westinghouse wants funding through 1998, he adds, which is icing on the icing.

Unglesbee counters that the 1998 funding involves no extra money. Instead, Westinghouse simply wants to pick up $17 million owed from past years, and has signed a deal with the Energy Department to get it.

Further, Unglesbee contends, the corporations will repay the investment once the orders start rolling in—when old reactors wear out or oil prices go up, or both, sometime in the not-too-distant future.

The technology is good, Unglesbee adds, noting that GE is using it in a joint venture in Japan. The Safe Energy Council, however, says this is a violation of the law, because the projects are supposed to be built in the United States, which doesn't want then.

GE hasn't paid back a dime on the Japanese reactors, but Unglesbee says that's because the Nuclear Regulatory Commission hasn't yet certified the design. Once that happens, the corporations have to kick back to the feds no matter where reactors are built.

Until then, one supposes, taxpayers should simply regard their investment as an export subsidy.

[From the Courier-Journal, Louisville, KY, June 4, 1996]

A NEEDLESS SUBSIDY

Congressman John Myers, a moderate Hoosier Republican in the last of his 30 years in the House, has an unbeatable opportunity to make sure he's remembered for opposing flagrant government waste.

Rep. Myers, a banker and farmer from the 7th District in west central Indiana, chairs the Energy and Water Appropriations Subcommittee. His panel is expected to decide this week whether to approve more taxpayer money for private development of advanced, and purportedly safer, nuclear reactors.

This is an easy one and shouldn't require more than a few moments of thought by Rep. Myers and his colleagues.

The committee should join forces on this issue with environmentalists and taxpayer protection groups, consumer advocates and conservative think tanks. All agree that what amounts to subsidies for several multi-billion-dollar companies is a poor investment and money down the drain.

Since World War II, Washington has lavished tens of billions of dollars on civilian atomic research. The dream, never realized, was that electricity generated by nuclear plants would be abundant, safe and cheap. Although those expenditures have been scaled back, the public has continued to support programs at companies like General Electric and Westinghouse.

It could happen that a new generation of safer, more efficient reactors will prove handy many years hence. If that time comes, rich corporations can surely be counted on to invest their own resources to complete work on a commercially successful design. Taxpayers have done more than their share.

But there'll be no market for nukes of any kind in this country so long as such basic problems as safe long-term disposal of radioactive waste remain unsolved.

Given the new competitive pressures in the utility industry, no manager with any concern for his company's financial stability would even think of going nuclear. Demand is as dead as the villages and fields near the burned-out reactor in Chernobyl.

The only potential customers for the fruits of America's tax-supported research are Asian countries, but exports would give rise to new concerns about proliferation of nuclear materials.

That should clinch the case for Rep. Myers and others on the committee to do the taxpayers a very large favor. Just vote no.

[From the Kennebec Journal, June 3, 1996]

REACTOR RESEARCH FUNDING DESERVES TO BE TERMINATED

While it is always hard to start up a federal program, it's even harder to stop one. Such is the case with many pork-barrel schemes Congress creates and then keeps on funding for no apparent reason that it lacks the will to turn off the flow of money.

Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its five-year life span has cost taxpayers $230 million.

This despite the fact that no utility has built a new nuclear plant in the past 23 years and that according to a poll conducted by the Washington International Energy Group, 89 percent of utility executives claim they will never order another nuclear plant.

Yet the research and development lives on. The Advanced Light Water Reactor program was created under the Energy Policy Act of 1992 and was supposed to be funded for only five years. When the fifth year actually ends is in some dispute since fiscal years and calendar years overlap, but the 1997 DOE appropriations bill includes a $30.3 million request to fulfill the original obligation.

The money—which critics such as the Safe Energy Communication Council contends is little more than corporate welfare—goes to multi-national corporations, including General Electric and Westinghouse to develop the advanced nuclear reactors.

Such governmental largesse has caught the eyes of government-watch-dog groups as diverse as Citizens against Governmental Waste, Friends of the Earth and the U.S. Public Interest Research Group, which have petitioned Energy Secretary Hazel O'Leary to eliminate the program.

Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending that amounts to little more than an export promotion subsidy since the reactors would be sold overseas.

Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, may soon get a crack at this issue. Baldacci voted in favor of eliminating the program last year; Longley did not vote.

We would urge them to scrap this wasteful spending, especially when the purpose is no longer of any use.

REACTOR WASTE

The issue: The Department of Energy's Advanced Light Water Reactor program is coming under attack for having spent $270 million over five years for a nuclear reactor no one wants.

How we stand: The project is a classic governmental boondoggie, all the more egregious since it squanders taxpayers' money on wealthy multi-national companies.

[From the Charleston Gazette, May 28, 1996]

NUCLEAR SUBSIDY

CORPORATE WELFARE?

General Electric had $60 billion in revenues in 1994. Yet the company took millions of dollars in tax money to fund research on advanced light-water nuclear reactors.

Then this February, GE announced that it was terminating one reactor program subsidized by taxpayers because it wasn't ''commercially viable.''

Why on earth is Congress giving taxpayers' money to billion-dollar companies to fund research that isn't commercially viable?

GE isn't the only company taking handouts from the Department of Energy's Advanced Light Water Reactor Program. Westinghouse and other companies are also tapped into the program, which has poured $275 million into their pockets since 1992.

Sadly, this subsidized research probably will never benefit one single American consumer. There has not been a new nuclear reactor ordered in the United States since 1973. Instead of cheap, plentiful energy promised by proponents, nuclear plants turned out to be more expensive than coal-fired generating plants. On top of that, the nation has yet to figure out what to do with all of the nuclear waste generated by the 110 nuclear plants in operation.

Congress should end this subsidy, and let these huge corporations risk their own money designing new reactors that nobody wants.

[From the Oregonian, May 28, 1996]

A TASTE OF CORPORATE WELFARE

No American utility has completed a nuclear power plant in the past 23 years. In fact, U.S. utilities have canceled every nuclear reactor they've ordered since 1973.

Let's face it, nuclear power in the United States, no matter how you might feel about it, is a dead issue. It's simply too expensive to compete with alternative energy sources.

So why then are the Clinton administration and Congress continuing to provide taxpayer dollars to subsidize research and development of the U.S. Department of Energy's Advanced Light Water Reactor?

The House Energy and Water Appropriations Subcommittee should be prepared to answer that question next week when it considers the Energy Department's proposal to give additional funding to the light-water reactor research program.

The facts clearly do not support further public subsidies for conventional nuclear fission development.

Consider this:

A recent poll conducted by the Washington International Energy Group shows that 89 percent of utility executives surveyed say their companies would never consider ordering a nuclear power plant.

Only 8 percent of those surveyed believe that there will be a nuclear power resurgence in the next century.

A 1996 survey of registered voters, conducted by Republican pollster Vince Breglio, found that more than 71 percent of the voters opposed government funding for developing a new generation of nuclear reactors.

The advanced light water reactor research program was created in 1992 to assist major multinational corporations—General Electric, Westinghouse and Asea Brown Boveri/Combustion Engineering—in developing advanced reactors. Never mind that there was no U.S. market for a finished product. This is a pork-barrel of the worst kind. It defines what is meant by the phrase ''corporate welfare.''

Besides all of that, the Energy Policy Act of 1992, which created this corporate welfare, expires in September, so why is the Energy Department requesting additional funding through fiscal 1997 and perhaps beyond?

It's not as if the three major nuclear vendors are going broke and need extra bucks to finish the job. They showed combined revenues of $73 billion last year.

Moreover, General Electric announced in February it was abandoning development of its boiling-water reactor, which to date has received more than $50 million in taxpayer subsidies under this program.

The Energy Policy Act of 1992 clearly stipulates that recipients of the Advanced Light Water Reactor money must certify that they intend to construct and operate a reactor in the United States. Yet these nuclear reactor manufacturers are selling their U.S. taxpayer-supported reactor designs to Japan, South Korea and other countries—a clear violation of the intent of the law.

Not only has the $275 million the government has paid out since 1992 been spent under false pretenses, but some of the taxpayer dollars for this program also have been wrongly used to reimburse General Electric, Westinghouse and Combustion Engineering for fees charged them by the U.S. Nuclear Regulatory Commission.

This means taxpayers, not the corporations, are paying fees meant to cover the costs of government services.

The conservative Citizens Against Government Waste, Cato Institute and Taxpayers for Common $ense organizations, as well as a variety of environmental groups, are united in their opposition to continued funding for this boondoggle.

Even leaving the valid taxpayer-subsidy arguments aside, continuing this program clearly is in conflict with congressional efforts to cut the federal budget deficit, reduce federal spending and kill corporate welfare programs.

Rep. Jim Bunn, R-Ore., who has used these themes in his campaign for re-election, serves on the House Appropriations subcommittee that will decide the fate of advanced light water reactor funding next week.

Oregonians should be relying on him to be fiscally responsible and take these reactor vendors off welfare.

[From the Richmond Times-Dispatch, June 23, 1996]

ZAP IT

Wouldn't it be nice if Congress could eliminate all examples of dubious federal spending with a single stroke of a mighty pen or Bowie knife? Government doesn't work that way, of course, which is one reason the feds spend more of the taxpayers' money than they should. Cuts generally occur the slow way: one at a time. And that brings us to the Advanced Light Water Reactor (ALWR).

Fermat's Last Theorem is easier to prove than—for liberal arts majors, at least—the ALWR is to explain. Let's just say the ALWR is a nuclear reactor, and leave it at that. Despite generous (profligate?) government subsidies, research into the ALWR has produced few dividends. In a letter opposing continued funding for the reactor, the Heritage Foundation argues:

As a recipient of this research funding has indicated, these reactors have not established their commercial viability. There have been no nuclear reactors ordered or built in America since 1973, and there is no domestic market for nuclear power in the foreseeable future. . .If the reactors truly would be profitable, then corporations would willingly invest their own capital to receive the expected returns. This is the nature of the free market. If an investment has a low probability of being profitable, however, the federal government should not force taxpayers to fund corporate ventures which unnecessarily drain our nation's wealth.

Nuclear power remains a prudent way to generate juice, probably the most prudent way ever devised. Many of the obstacles placed in its path are lamentable. Nevertheless, R&D relating to nukes is not an obligation of government but of industry. Government's role in power is to avoid impeding progress. Except perhaps in times of national crisis, the responsibility for producing energy rests with the private sector. The last time we checked, the U.S. was not fighting a world war. Morever, the companies involved in nuclear research are hardly poor.

Welfare reform ranks among the year's hot issues. Republicans and Democrats, liberals and conservatives, gadflys and cranks are debating how best to promote self-sufficiency. Corporate welfare also deserves some shaking up. The subsidies for the ALWR stand as one example of what government ought not to be doing. Congress should give the ALWR—and similar projects—the zap.

[From the San Francisco Chronicle, May 20, 1996]

END CORPORATE WELFARE FOR NUCLEAR REACTORS

No American electric utility has successfully ordered a nuclear power reactor for the last 23 years. And a recent survey of utility executives concluded that there is ''little hope that new nuclear generation'' will remain an option ''in a time frame that has any practical significance.''

So why are U.S. taxpayers still being asked to fork over hundreds of millions of dollars to mature, highly profitable private companies to develop new nuclear power reactors?

The House Energy and Water Appropriations Subcommittee is scheduled to take up that question later this week as it looks for fiscal 1997 budget savings among existing energy programs. A prime candidate should be the Department of Energy's five-year-old Advanced Light Water Reactor program, a shining example of corporate welfare that has never delivered—and probably never will—a single kilowatt of electricity to American consumers.

The idea of subsidizing industry research on a generic, pre-licensed and safer type of reactor for the American market may have made sense five years ago. But except for the reactor's export potential, it's hard to see how a continuation of the program, which is scheduled to expire this year, can be justified.

Just four months ago, General Electric, which has received $50 million from the program to develop a prototype, announced that it was abandoning the effort because its own market research had ''not established the commercial viability of these designs.''

Indeed, the only markets where new U.S. designed nuclear plants are viable are in Southeast Asia. Westinghouse, one of the program's major benefactors, has identified China and Indonesia as the most likely markets for its reactor—despite a U.S. ban on exports of nuclear technology to China.

But the Energy Policy Act of 1992, which created the subsidy, specifically stipulated that the funds were for development of reactors to be constructed and operated in the United States—not reactors for export. And if, in fact, there is a lucrative export market, there's no reason why companies like Westinghouse and General Electric, with combined revenues of close to $70 billion a year, can't finance their own development programs without help from taxpayers.

This piece of nuclear pork was nearly killed last year by an unlikely coalition of environmental liberals and budget-slashing fiscal conservatives. With electric utility deregulation now adding to an already large surplus of electric generating capacity in the United States, the reasons for letting the subsidy fade into the sunset in September, as scheduled, are better than ever.

[From the Des Moines Register, May 23, 1996]

NUCLEAR NONSENSE

A trio of events has brought the lurid legacy of nuclear energy to the fore in recent days. The first was the anniversary of a nuclear disaster, the second, the need to divert some hot fuel from the weapons market; the third, the need to shut of the federal money spigot feeding a dying industry.

The 10th anniversary of the Chernobyl disaster late last month was a reminder of how wrong things can go, and how one country's energy source can be another's poison. The reactor explosion at the Chernobyl plant in the former Soviet Union spread a cloud of radiation over Europe, releasing 200 times as much radiation as Hiroshima and Nagasaki combined. Thirty-two died, but thousands more may have radiation-related illnesses.

Nothing even close to Chernobyl has happened in the 111 nuclear-power plants in the United States. Civilian reactors have admirably clean records. But there have been some harrowing near-misses.

Meanwhile, the U.S. Department of Energy has announced plans to import some 20 tons of nuclear waste from 41 nations to keep it out of the hands of potential terrorists. Most of it will come from Europe, and some from Asia, South America and Australia. The United States sent the stuff overseas as fuel over a 40-year period. Some of it is weapons-grade uranium.

Finally, Congress will soon vote on whether to continue the taxpayer subsidy of the Advanced Light Water Reactor, a project that has gobbled up $275 million.

The 1992 ALWR project was intended to improve the design of nuclear-power plants in the United States, where no new nukes have been built in a generation. Nobody was enticed by ALWR, either, so the tax money went for reactor designs destined for overseas markets, enriching Westinghouse and General Electric (which hardly need federal subsidies).

Everybody from the conservative CATO Institute to the liberal U.S. Public Interest Research Group wants the program junked. Said Jerry Taylor, CATO's natural resources director, ''If ALWR is such a promising technology let the nuclear industry fund it themselves.''

The project expires this year. But the U.S. Department of Energy wants another $40 million to keep it going.

Since 1948, when atomic power was being hyped as the energy source of the future, ''too cheap to meter,'' nuclear fission has received $47 billion in federal money for research and development. A bunch of that was spent after utilities gave up on it in the early 1970s.

Today the nation is faced with the apparently impossible task of finding a way to safely dispose of nuclear waste that will remain dangerous for thousands of years. Reactor after reactor was built on the assumption that ''someday'' science would learn how to handle the waste.

Science hasn't. ''Temporary'' storage pools are close to overflowing. Nevada is fighting plans to bury it there; everyone else is fighting plans to ship it through their states to Nevada.

Exhibit A: Chernobyl, the ultimate accident. Exhibit B: weapons-grade uranium, the ultimate terrorist tool. Exhibit C: hot waste, the ultimate white elephant.

Despite that sorry scenario, the U.S. Department of Energy wants more money to make the program even worse.

Baloney.

[From the Morning Sentinel, June 3, 1996]

CONGRESS SHOULD SWITCH OFF ENERGY'S NUKE-PORK PROJECT

While it is always hard to start up a federal program, it's even harder to stop one. Such is the case with many pork-barrel schemes Congress creates and then keeps on funding for no apparent reason that it lacks the will to turn off the flow of money.

Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its five-year life span has cost taxpayers $230 million.

This despite the fact that no utility has built a new nuclear plant in the past 23 years, and that, according to a poll, conducted by the Washington International Energy Group, 89 percent of utility executives claim they will never order another nuclear plant.

Yet the research and development lives on. The Advanced Light Water Reactor program was created under the Energy Policy Act of 1992 and was supposed to be funded for only five years. When the fifth year actually ends is in some dispute since fiscal years and calendar years overlap, but the 1997 DOE appropriations bill includes a $30.3 million request to fulfill the original obligation.

The money which critics such as the Safe Energy Communication Council contends is little more than corporate welfare goes to multi-national corporations, including General Electric and Westinghouse to develop the advanced nuclear reactors.

Such government largesse has caught the eyes of government-watchdog groups as diverse as Citizens against Governmental Waste, Friends of the Earth and the U.S. Public Interest Research Group, which have petitioned Energy Secretary Hazel O'Leary to eliminate the program.

Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending that amounts to little more than an export promotion subsidy since the reactors would be sold overseas.

Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, may soon get a crack at this issue. Baldacci voted in favor of eliminating the program last year; Longley did not vote.

We would urge them to scrap this wasteful spending, especially when the purpose is no longer of any use.

WASTED MILLIONS

The issue: Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its

five-year life span has cost taxpayers $230 million, despite the fact that no utility has built a new nuclear plant in the past 23 years.

How we stand: Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending. Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, should join them.

[From the Bangor Daily News, June 21, 1996]

SPENDING PRIORITY

No U.S. utility has purchased a nuclear plant for more than a quarter century and, according to a recent survey, almost no utility executive plans to ever order another one. This, unfortunately, has not stopped the federal government from spending $235 million in the last five years on nuclear research for a new style of nuclear power plant, nor has it slowed members of Congress from asking for more money—$30 million this year—for the project.

This is not a knock on government-sponsored research but a questioning of priorities. The tax money used for developing the Advanced Light Water Reactor has gone largely to three firms: Westinghouse, General Electric and Asea Brown Boveri Inc./Combustion Engineering. All of them are well able to support their own work and would, if it ever had a chance of turning a profit. A 1995 study by Washington International Energy Group showed that 89 percent of utility executives believed their utility would never order another nuclear power plant, suggesting a dismal future market.

The Advanced Light Water Reactor program has been trying to develop a simpler, safer nuclear plant—a potentially wonderful thing—but supporting this research should not be a priority with a government that is trying to balance its budget and has trouble covering the cost of health care and education for its citizens. If Congress is determined to spend money on nuclear programs, it might consider investing further funds in finding a suitable place to store the high-level radioactive waste from the country's 110 active nuclear power plants.

A wide range of organizations oppose the new proposed funding for the reactor, including U.S. Public Interest Research Group, the Heritage Foundation, the Council for Citizens Against Government Waste and Taxpayers for Common Sense. Sixty-nine members of Congress have signed a letter expressing their opposition to it. The Department of Energy and advocates of the nuclear power industry favor continued funding.

Members of the House and Senate have yet to justify the need for what amounts to a large corporate subsidy. It is likely they cannot. Instead, they should end the program before it costs taxpayers any more money.

[From the Houston Chronicle, June 20, 1996]

DIM FUTURE—TIME TO STOP FEDERAL SUBSIDIES FOR NUCLEAR GENERATORS

Nuclear power plants to produce cheap electricity were once the dream of the future. But the bright future of nuclear plants has dimmed as higher than expected construction costs, environmental considerations and safety concerns have taken their toll over the past two decades.

No new nuclear power plant has been ordered in the United States since 1973, and most utility company executives surveyed this year said they would never consider ordering a nuclear power plant.

Yet, Congress has authorized more than $230 million in federal support to companies since 1992 to develop advanced nuclear reactor designs when no one in the United States apparently wants to buy them.

Now the Department of Energy is asking Congress for a three-year extension in funding for the Advanced Light Water Reactor program, which was supposed to be completed by the end of this fiscal year. Local U.S. Reps. Sheila Jackson Lee, Gene Green and Ken Bentsen have a record of having voted for this program. Congress now should say no to this ''corporate welfare.''

The fact that few, if any, American utilities appear interested in buying new nuclear plants would make the taxpayers' investment questionable even without today's severe restraints on the federal budget.

Recipients of ALWR funds, including such giants as General Electric and Westinghouse, have the resources to finance the development of these new reactors, if they so choose. If the market is there and ALWR technology works, let them develop these new nuclear plants on their own.

Meanwhile, the bloom is off nuclear power plants for most Americans. Taxpayers' funds should be spent more wisely, particularly with the critical need to balance the budget.

Mr. MCCAIN. Mr. President, I know that there will be some opposition to this amendment because we have debated and discussed this program before in this Chamber. I would obviously be interested in engaging in that debate, which I think may not take place until Monday or Tuesday. But I hope to be here at that time.

In the meantime, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

Not at this time.

Mr. DOMENICI. We will have plenty of time to make sure the Senator gets the yeas and nays.

Mr. MCCAIN. I thank the Senator from New Mexico.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, every day, the working families of Massachusetts have to make tough choices about what they can afford, how to pay the rent, or whether they can send their kids to college.

The Federal budget deficit, while reduced considerably due to President Clinton s leadership and the courage of the Democratic-controlled Congress in 1993, is still over $100 billion a year. We absolutely must get a grip and bring the Federal Government's expenditures within its means.

Like families in Massachusetts, I have been working in the U.S. Senate to make the tough choices concerning our Federal budget.

In 1994, I successfully led the fight to eliminate funding for the dangerous advanced liquid metal reactor.

Last year, I stood with Senators MCCAIN, FEINGOLD, and THOMPSON in an effort to cut $60 billion in corporate welfare programs to get rid of wasteful Federal spending and reduce the deficit.

Today, I am proud to continue that fight as a cosponsor of Senator MCCAIN's legislation to cut one of the biggest examples of corporate pork, the Advanced Light Water Reactor Program.

This program has already spent over $200 million of taxpayer money to improve the designs of nuclear power plants that nobody in this country wants. There is no demand for more nuclear power plants in the United States. No utility has bought a nuclear power plant since Richard Nixon was President.

This program is the definition of corporate pork. The three companies which received the majority of funding for this program had a combined profit of $80 billion last year. It is unconscionable for the Federal Government to subsidize the research and development budgets of these companies when we cannot sufficiently fund our schools or put enough cops on the beat to make our communities safe.

In 1992, the Congress funded research for this project for 5 years ending in 1996. Now proponents of the advanced light water reactor say that they need 3 more years of funding to finish the designs that no one wants. This is just corporate pork and it has to be stopped now.

Proponents of this program cite China as a prime market for the design despite the fact that it is illegal to sell China this technology.

Proponents also argue that corporations are going to repay the Federal Government for its investment in the Advanced Light Water Reactor Program once they receive orders for these new plants. However, General Electric has already canceled part of this project because it is not commercially viable.

For all these reasons the advanced light water reactor must be stopped.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator JOHNSTON has the best grasp of this program and will argue in opposition to it in due course. He is not here today for the rest of this afternoon, but I want to say to the Senator from Arizona how much I appreciate the way he has handled these amendments and the manner in which he has presented them. He has made in a very few moments as good an argument as there is going to be against this program, and he did not fill the air with all kinds of technical things but went right to the heart of it. Surely this has been before us before, but obviously it will be taken up briefly in opposition, and then it will take its place among the votes to occur on Tuesday.

I understand the Senator may have a bit of difficulty being here on Monday. I understand that. He can rest assured we will try to get the yeas and nays at the earliest moment, so he can be assured of that.

Mr. MCCAIN. Mr. President, as always, I thank the very wonderful courtesy of my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to clarify one point in the committee report. Reference is made in the report to the commitment of the State of New Mexico to the Animas-La Plata project. Specifically, this commitment includes the 1986 cost-sharing agreement for the project, allocation of consumptive use required for the project from New Mexico's apportionment under the Upper Colorado River Basin compact, participation in the San Juan River Recovery Implementation Program, and support of the Colorado Ute Indian water rights settlement.

I ask unanimous consent to have two letters in their regard printed in the RECORD.

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

NEW MEXICO INTERSTATE
STREAM COMMISSION,
Santa Fe, NM, October 5, 1995.

Hon. PETE V. DOMENICI,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: Recent news articles and other reports reaching this office indicate continuing controversy concerning efforts to proceed with development of the Animas-La Plata Project.

This agency continues its full support for the project which includes the commitments made by New Mexico under the several interstate stream compacts, congressional authorization of the project, the 1986 cost-sharing agreement for the project, allocation of consumptive use required for the project from New Mexico's apportionment under the Upper Colorado River Basin Compact, participation in the San Juan River Recovery Implementation Program and support of the Colorado Ute Indian Water Rights Settlement. The water committed to the project by New Mexico from the public waters of the state must be made available for use as soon as possible to meet current demands for water in the San Juan River Basin.

I urge that the Congress take such action as is reasonably necessary to ensure the expeditious development of the Animas-La Plata Project to provide needed water supply for use in Colorado and New Mexico.

Please let me know if I may provide additional information.

Sincerely,

THOMAS C. TURNEY,
Secretary.

ATTORNEY GENERAL OF
NEW MEXICO,
Santa Fe, NM, July 17, 1996.

Hon. PETE V. DOMENICI,
U.S. Senator,
Washington, DC.

DEAR SENATOR DOMENICI: I write to you concerning language in draft Senate and House Appropriations Subcommittee reports addressing the proposed Animas-La Plata Project. Because some of the statements in the reports are false and because other statements appear to encourage bypassing of federal laws, I urge you to contact members of the Appropriations Committees to urge that the problematic language be stricken from those reports. Alternatively, I ask that you seek clarification from Committee members on the intent underlying the reports. Although this report language does not carry the force of law, it has great potential to mislead agencies, courts, and the public at large, to the detriment of all.

NEW MEXICO ''COMMITMENTS''

The Subcommittee reports state the following: ''For purposes of initiating construction of Stage A, the existing repayment obligations of the parties contracting for water, along with the commitments of the States of Colorado and New Mexico, provide adequate assurances that the United States will be repaid in connection with construction of those facilities.'' (Emphasis added.) This language indicates erroneously that the State of New Mexico has made a financial commitment toward the construction of the Animas-La Plata (ALP) Project. I know of no such financial commitment. Although the State Legislature in 1991 authorized $2 million in severance tax bonds to assist San Juan County with ALP start-up costs, in 1993 the Legislature took the money back and authorized it for other purposes. Because the State of New Mexico has no outstanding financial commitment toward repayment of ALP construction costs, this report statement is erroneous and should be stricken.

EVASION OF FEDERAL AND STATE ENVIRONMENTAL LAWS

Addressing environmental impacts of the ALP Project, the reports state:

''The present documentation is fully informative of these issues and construction of the first stage of the project may proceed without adversely affecting any of the other water users on the San Juan system.

* * * * *

''The Committee is aware that the San Juan River and its tributaries do not consistently meet New Mexico's newly adopted water quality standards for selenium and that there is concern over the potential effect of the operation of the Animas-La Plata facilities in Colorado on this existing problem. The Secretary of the Interior should take reasonable steps to assist Colorado and New Mexico in improving the quality of surface flows by addressing the problems caused by non-point sources.''

This language is problematic because it implies a congressional finding of the adequacy of the environmental documentation for the project and a concomitant exemption from full compliance with the National Environmental Policy Act. Yet the adequacy of the ALP EIS and its supplement is in gave doubt. Just recently, EPA stated that it ''ha[d] identified significant shortcomings in the level and scope of [environmental] analysis,'' and that ''this EIS process [for ALP] has not adequately considered the impacts to Navajo water rights and existing water projects, water quality, mitigation, and the impacts associated with municipal and industrial use.''

Neither the New Mexico Environment Department nor this office has completed a review of the new documentation, but preliminary analyses indicate that it is sorely lacking, particularly in relation to the Project's water quality impacts in New Mexico and the absence of analysis of alternatives that would meet the terms of the 1988 Colorado Ute Indian Water Rights Settlement Act. There is simply no basis for a congressional pronouncement that the environmental documentation for the Project ''is fully informative of these issues.''

Moreover, the reports' implications that New Mexico's only water quality concern relates to its recent adoption of a new selenium standard are false. The ALP Project threatens to violate or exacerbate existing violations of multiple state water quality standards, including selenium, mercury, and possibly others. The 1994 state selenium standard was adopted unanimously by the state Water Quality Control Commission on the basis of extensive and convincing scientific evidence that a higher standard would not be protective of aquatic life.

In addition, a direction to the Secretary of Interior to take steps to address nonpoint source pollution in New Mexico issued simultaneously with a mandate to proceed with construction of a project that, if its agricultural irrigation components are included (Stage B of Phase I and Phase II), will lead to large new nonpoint source pollution problems in the State is both ironic and nonsensical. If the reports' intent is to require the Secretary to mitigate the adverse water quality impacts of the Project, then such mitigation should be identified, described, and committed to in the environmental documentation for the Project, rather than being relegated to a vague allusion in a congressional report.

Contrary to the reports' implications, Stage A cannot be viewed in isolation from the remainder of the Project, especially the remainder of Phase I. Construction of Stage A would not satisfy the requirements of the 1988 Colorado Ute Indian Water Rights Settlement Act. Stage B, which involves a great deal of irrigation and related impacts on New Mexico water quality, must also be constructed in order to meet the terms of the Settlement Act. Since, as the Reports note, New Mexico already had a severe water quality problem in the river stretches affected by the Project, any further deterioration of water quality in that area is not acceptable. Thus, this language, which implicitly endorses evasion of the Clean Water Act and State water quality standards, should be excised.

Please urge the Committees to strike the erroneous language concerning ALP from their reports and to remove from the reports all implications that compliance with federal and state laws may be short-circuited in order to commence Project construction as hastily as possible.

Sincerely,

TOM UDALL,
Attorney General.

GARRISON DIVERSION PROJECT

Mr. DORGAN. Mr. President, the appropriations process provides once again a payment for something called the Garrison Diversion Project, which is a very important project, fulfilling a promise made by the Federal Government to the State of North Dakota 40 years ago.

I appreciate very much the help of the Senator from New Mexico, the Senator from Louisiana, and others on those issues.

I wanted to thank them today for that assistance. It is part of a promise—keeping a promise to a State for water delivery from a series of dams that were built in North Dakota that flooded a half a million acres. That flood came and stayed. We were told that, if you will accept the permanent flood, we will give you some benefits over the next 50 or 60 years.

That is what this process has been about—benefits that will in the long run allow jobs and opportunity and economic growth in a rural State that needs it, but also benefits that are the second portion of a promise that was made if we kept our portion.

We now have a permanent flood of a half a million acres. This payment once again is another installment in the Federal Government keeping its promise to the people of North Dakota.

HANFORD NUCLEAR RESERVATION

Mr. GORTON. Mr. President, this afternoon I want to discuss the Hanford Nuclear Reservation, a place important to me, to the people of the State of Washington, and to the Nation.

Hanford, as my colleagues on both sides of this aisle continually point out, has had its share of problems and challenges for the Nation. That goes without saying when you are the caretaker to 80 percent of the Nation's spent plutonium and 177 tanks filled with millions of gallons of nuclear byproducts. Nuclear weapons production and its associated hangover—cleanup—are tasks that no one wants any more, not Oregon, California, New York, or Alaska. You name it, people in other States of this Nation have gladly accepted the benefits of the efforts conducted at Hanford, freedom provided by a strong nuclear deterrent, but they are relatively uninterested in the mess that is left behind.

Instead, Hanford's critics collectively plug their noses, complain about the lack of results they have received from the money invested in cleanup so far. Not only is that disdainful of Hanford's contribution to this Nation's security and freedom, but it is also plain wrong. Over the past 2 years, the Department of Energy, the Hanford community, and this Congress have made real progress toward getting on with real clean up.

Mr. President, I would focus this afternoon on three things. I will tell you what has been achieved and actually cleaned up over the last 2 years; I will tell you what more can be expected; and I will make the case for why we need a continued investment in the site.

Cleanup successes at Hanford are beginning to pay off in a big way. The management strategy developed by the Department of Energy is increasing productivity for less money; its making the site a safer place to work; and it has tackled, albeit clumsily, the disturbing but necessary task of trimming the workforce.

With a focused management strategy, DOE allowed Hanford to perform the full projected $225 million environmental restoration work over the past 2 years with only $175 million. This is a $50 million dollar savings. More importantly, DOE canceled its cost-plus contracting, and entered into one of the most aggressive performance-based contracts in its entire complex. The work force has been cut by 4,774 jobs, and costs associated with equipment, inventory, training, and travel have all been slashed. Despite these cuts, important cleanup milestones are consistently met.

Workers at Hanford are in the field, pushing dirt rather than paper. Two years ago, 72 percent of Hanford's employees did paperwork, while only 28 percent actually did cleanup. Today, that field versus non-field ratio has flipped completely.

Here are some other accomplishments worth nothing:

2,300 metric tons of corroding spent nuclear fuel will be stabilized and moved away from the Columbia River three years ahead of schedule and $350 million under budget;

The cost of solid waste disposal has been reduced by 75 percent over the last 5 years, making the price of cleanup lower than commercial equivalents;

Decontamination of PUREX, the Plutonium Uranium Extraction Plant, is 16 months ahead of schedule, $47 million under budget and upon completion in 1997 will cut its annual mortgage cost from $34 million to less than $2 million;

450 unnecessary DOE regulations and orders have been eliminated;

The 50-year practice of discharging contaminated water to the ground soil has been terminated;

7.5 million gallons of water have been evaporated from the tank farms, slowing the leaks and avoiding $385 million in costs for new tanks;

Hanford workers have reduced the generation of new mixed radioactive waste by almost 200,000 gallons a year;

Safety performance at the site has jumped from the bottom 25 percent among DOE sites to the top 25 percent in the fiscal year 1994–95 timeframe;

Worker compensation costs have fallen as safety performance increased: $700,000 was saved on Hanford 6-month insurance and workers compensation bill alone;

17.1 million gallons of ground water were treated;

Over 20,000 cubic yards of contaminated soil were excavated, while 141,000 pounds of tetrachloride were removed from the ground water;

44,000 highly radioactive fuel spacers were removed from the Columbia River; and

The baseline costs for DOE's Remedial Action Project were reduced by $800 million and its scheduled improved by 9 years.

I could go on, but I am afraid I would lose the point of this discussion within the nuances of technical achievements. That is just a part of what has been accomplished in the past 24 months. You can expect more.

WHERE WE ARE GOING AT HANFORD

This year, the House and Senate passed comprehensive legislation in the 1997 Defense Authorization Act to help lock in greater efficiencies at DOE sites. The legislation, sponsored by myself and DOC HASTINGS in the House, grants expanded authority to site managers to take quick action on cleanup projects; it places strict limits on costly paperwork studies; lays down a 60-day time limit on DOE headquarters review of budget transfers; and it establishes systems to demonstrate and deploy new technologies. Again, many thanks to my colleagues on the Armed Services Committee for their help in seeing this legislation passed.

Within the next few weeks, a new 5-year performance based contract, which will include incentives to ensure tax dollars are spent efficiently, will be awarded at the site. A new management and integrator system will be implemented where the lead contractor—much like on the space station project—will hire subcontractors at the most economical price to complete work at Hanford.

Finally, DOE is expected to award two private contracts to dispose of the 54 million gallons of radioactive waste upon completion of its removal from the 177 underground tanks situated at the site. And although I have generic questions over the scope and nature of DOE's tank waste remediation system project, I think privatization is the only way it will be able to meet its requirements to clean that portion of the site. The Department's pursuit of a two step cleanup process allows for new technologies and developments to be incorporated into the second phase of the project. It has been projected that by using private expertise, DOE is likely to reduce the costs of tank cleanup by as much as $13 billion. That is billion with a B.

We are going to take these three events and push the Hanford management system even harder. Greater productivity can be squeezed out of Hanford, and these initial first steps are a good start.

IT'S OUR STATE, OUR RIVER, THESE ARE OUR PEOPLE—WE ARE NOT GOING TO RETREAT

Last year in the conference on the energy and water appropriations bill, the House and Senate were locked in an intense struggle regarding increased funding for defense environmental restoration and waste management within the DOE complex. I told my entrenched colleagues from the House that this DOE is doing a better job than its predecessor. For Senator MURRAY, Senator HATFIELD, and myself, this is life or death. It's our State, our river, these are our people. We are not going to retreat. I have not changed my position from that conference one bit.

The people of the Tri-Cities and the Columbia River are critical to Washington's economic health. Granted, Hanford has been a nagging cough for some time. But we are beating the systemic problems at the site; we are driving costs down in terms of management, overhead, and superfluous expenses; we are getting on with cleanup.

President Clinton came to Congress with a budget proposal for nuclear waste cleanup which was woefully inadequate. The Senate rightly restored over $200 million to the defense environmental restoration and waste management account. It did not abandon Hanford, as this administration clearly did. We will not let up pressure to get this site clean, because to do so would be a tragic waste of the investment we have already made. An investment, which most of my colleagues know, totals in the billions.

So, Mr. President, I have outlined the progress we have made at Hanford, and I have pointed out where we intend to

go. I hope my colleagues will acknowledge that Hanford cleanup is working. My colleagues need to recognize that, and push aside the stereotypes that for too long have been associated with Hanford. We can't forget what Hanford has contributed to the defense of this Nation, and we certainly should not back away from the commitment we have to get this site clean.

Mr. DOMENICI. Mr. President, I ask if there are any other Senators who would like to present their amendments? We can be here for a while if there are. Soon we are going to get wrap-up from the leader, a unanimous-consent here. I will try to get that quickly so we do not keep the Presiding Officer here.

We will have a quorum call so I will see if we can get that done expeditiously.

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

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

MORNING BUSINESS

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

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

THE 75th ANNIVERSARY OF THE REHOBOTH BEACH PATROL

Mr. ROTH. Mr. President, I rise today to commemorate the 75th anniversary of the Rehoboth Beach Patrol [RBP] and the patrol's 75-year perfect safety record. Every summer, Rehoboth Beach, DE, is inundated with tens of thousands of vacationers from Delaware, Maryland, D.C., Virginia, and Pennsylvania. And every summer, the lifeguards of RBP reunite over 400 lost children with their parents, treat hundreds of injuries, and save scores of swimmers.

All too often, with people too busy at work, or in this case, too busy at play, years of work, dedication, and perfection go overlooked. It is only fitting and proper that RBP be recognized after so many perfect years of service.

With the leadership of Capt. Paul ''Doc'' Burnham in the 1940's, through the firm discipline of Capt. Frank ''Coach'' Coveleski in the 1950's through the 1970's, to current Capt. Jate Walsh, the swimmers of Rehoboth beach have been, and continue to be, guarded by the best Delaware has to offer. As for the future, Lieutenants Tom Coveleski and Derek Shockro strive to continue our great Delaware tradition into the next century.

On behalf of my fellow Delawareans, and the literally hundreds of thousands of vacationers that have enjoyed the safe beaches of Rehoboth for so many years, I say thank you. And best of luck to Rehoboth Beach Patrol, as it works on another 75 years of perfect service.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 25, the Federal debt stood at $5,181,309,194,639.37.

On a per capita basis, every man, woman, and child in America owes $19,525.39 as his or her share of that debt.

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 203. Concurrent resolution providing for an adjournment of the two Houses.

ENROLLED BILL SIGNED

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

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on July 2, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. DADE, Mr. MYERS of Indiana, Mr. PORTER, Mr. HOBSON, Mr. WICKER, Mr. LIVINGSTON, Mr. HEFNER, Mr. FOGLIETTA, Mr. TORRES, Mr. DICKS, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3448) to provide tax relief for small business, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that act, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill (except for title II) and the Senate amendment numbered 1, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. GIBBONS, and Mr. RANGEL.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of sections 1704(h)(1)(B) and 1704(l) of the House bill and sections 1421(d), 1442(b), 1442(c), 1451, 1457, 1460(b), 1460(c), 1461, 1465, and 1704(h)(1)(B) of the Senate amendment numbered 1, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, Mr. BALLENGER, Mr. CLAY, and Mr. OWENS.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title II of the House bill and the Senate amendments numbered 2–6, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, Mr. BALLENGER, Mr. RIGGS, Mr. CLAY, Mr. OWENS, and Mr. HINCHEY.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. BONILLA, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. PARKER, Mr. LIVINGSTON, Mr. DIXON, Mr. SERRANO, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

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–3535. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the China Joint Defense Conversion Commission; to the Committee on Armed Services.

EC–3536. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Book-entry Procedures for Federal Agricultural Mortgage Corporation Securities,'' (RIN3052-AB70) received on July 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3537. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations,'' received on July 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3538. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida,'' received on July 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3539. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation K,'' received on July 25, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3540. A communication from the Assistant Chief Counsel, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks,'' received on July 24 1996; to the Committee on Banking, Housing, and Urban Affairs.

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. DORGAN (for himself and Mr. REID):

S. 1993. A bill to require certain expenditures by the Federal Reserve System to be made subject to congressional appropriations, to prohibit the maintenance of surplus accounts by Federal reserve banks, to provide for annual independent audits of Federal reserve banks, to apply Federal procurement regulations to the Federal Reserve System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 1994. An original bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. WARNER (for himself, Mr. FORD, Mr. ROBB, Mr. MOYNIHAN, Mr. SIMPSON, Mr. COCHRAN, and Mr. GLENN):

S. 1995. A bill to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. 1996. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary.

By Mr. SIMON:

S. 1997. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

By Mr. ASHCROFT:

S.J. Res. 57. A joint resolution requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. HELMS, Mr. BENNETT, and Mr. FAIRCLOTH):

S. Res. 283. A resolution to express the sense of the Senate concerning creation of a new position in the White House as Senior Advisor on Religious Persecution; to the Committee on Foreign Relations.

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

S. Res. 284. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself and Mr. REID):

S. 1993. A bill to require certain expenditures by the Federal Reserve System to be made subject to congressional appropriations, to prohibit the maintenance of surplus accounts by Federal Reserve banks, to provide for annual independent audits of Federal Reserve banks, to apply Federal procurement regulations to the Federal Reserve System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL RESERVE FISCAL RESPONSIBILITY ACT OF 1996

Mr. DORGAN. Mr. President, today Senator REID and I are introducing legislation to eliminate the kinds of budgetary excesses and accountability lapses at the Federal Reserve Board that were recently uncovered by the General Accounting Office [GAO]. At a time when many Federal agencies are downsizing and making tough choices about their spending priorities, the Federal Reserve ought to be tightening its belt too. Regrettably, however, the opposite appears to be the case at the Federal Reserve.

During the past several years, Congress has embarked on a historic and painful path toward deficit reduction. Since 1993, the Federal deficit has been slashed by more than one half.

The Federal Reserve Board's Chairman, Alan Greenspan, has been one of the loudest cheerleaders for deficit reduction. But a one-of-a-kind GAO report about Federal Reserve expenditures between 1988 and 1994 shows us that Chairman Greenspan apparently hasn't been practicing what he preaches.

A few weeks ago, the GAO released the final version of its comprehensive report about the management of the Federal Reserve System. This report, which took the GAO over 2 years to assemble, uncovers disturbing financial practices and management failures within the Federal Reserve System. The report is packed with examples where the Fed could substantially trim costs, and makes specific recommendations for changes in Fed operations. Unfortunately, the Federal Reserve has already dismissed most of the GAO's recommendations as irrelevant or unnecessary.

The GAO report shows that during the late 1980's and early 1990's that Federal Reserve expenditures jumped by twice the rate of inflation. While Fed employee benefits and travel costs are out-pacing inflation, the rest of the Federal Government has been downsizing. For example, between 1988 and 1994, Federal Reserve employee benefit costs skyrocketed by nearly 100 percent—as compared to about 60 percent for the Federal Government—according to the GAO report.

The report also reveals that over 120 Federal Reserve employees actually make more than Chairman Greenspan. In fact, overall personnel cost increases at the Federal Reserve represented over 70 percent of the total growth in the Fed's operating expenses during the years examined by the GAO. This runaway spending is remarkable given Chairman Greenspan's rhetoric about the need for belt-tightening in the rest of the government.

Inexplicably the Federal Reserve also keeps a $3.7 billion cash surplus account of taxpayer's money to protect against losses, despite the fact that the Fed hasn't suffered a loss for 79 consecutive years.

Senator REID and I are introducing legislation today to address these problems. Our bill, the Federal Reserve Fiscal Responsibility Act of 1996, includes many of the changes recommended by the GAO. It would do the following:

First, the GAO, in consultation with the Federal Reserve, will identify and report to Congress a list of the Federal Reserve System activities that are not related to the making of monetary policy. After the report is completed, all nonmonetary policy expenditures, as identified by the GAO, would be subject

to the congressional appropriation process. We do not intend to inject politics into monetary policy with this provision. However, over 90 percent of the Fed's operations have nothing to do with interest rate policy according to the GAO. And there is simply no good reason why the Fed's nonmonetary expenditures are immune from the same kind of oversight and review required of other Federal agencies.

Second, the Federal Reserve is required to immediately return more than $3.7 billion of taxpayer's money that has unnecessarily accumulated in its surplus account to the Treasury. In addition, the bill asks the GAO to determine the extent to which any of the Fed's future net earnings should be transferred to the general fund of the Treasury each year.

Third, the regional Federal Reserve banks will be subjected to annual independent audits. This provision merely codifies what the Federal Reserve has been doing for the most part in recent practice.

Finally, the Federal Reserve will be required to follow the same procurement and contracting rules that apply to other Federal agencies. These rules should help to prevent the kinds of favoritism highlighted in the GAO report and increase competition among contract bidders with the Fed. This requirement ought to substantially reduce procurement costs on a systemwide basis.

I invite my colleagues to join us as cosponsors of this much-needed legislation.

Mr. REID. Mr. President, I rise today with the Senator from North Dakota to introduce legislation which we believe will improve fiscal management within the Federal Reserve System.

In September 1993, Senator BYRON DORGAN and I requested a General Accounting Office [GAO] investigation of the operations and management of the Federal Reserve System [Fed]. We were concerned because no close examination of the Fed's operations had ever been conducted before. As Congress scrutinizes each Federal expenditure in an attempt to balance the budget, it is imperative that we be well informed on all activities that affect the Government's finances. Surprisingly, this GAO study was the very first look into the internal operations of the Fed and, to date, there has never been an annual, independent audit of the Nation's central banking system. Further, because of its self-financing nature, the Fed's operating costs have largely escaped public investigation. It was hightime we opened the door and examined the workings of this large and influential public entity.

The landmark GAO report, issued in June 1996, raises serious questions about management within the Fed. One of the most astonishing findings of this comprehensive, 2-year study was that the Fed had squirreled-away $3.7 billion in taxpayer money in a surplus fund, which it claims is needed to cover system losses. In its entire 79 year history, however, the Fed has never operated at a loss. The GAO report indicates that this fund could be safely reduced or eliminated and returned to the Treasury Department, as is standard practice with surplus revenues. It is nonsensical for this cash to be sitting idle at the Fed instead of being used to reduce the deficit.

While the rest of the Federal Government has tightened its belt and downsized, the GAO report revealed that the Fed has enjoyed enormous growth in its operating costs and highly questionable growth in its staffing. The GAO study found that operating costs at the Fed have grown 50 percent between 1988 and 1994, a rate twice that of inflation and much greater than overall Federal discretionary spending. The study also uncovered salary growth at a rate of 44 percent between 1988 and 1994. During the same time period, personnel benefits skyrocketed nearly 90 percent. Further, the GAO report revealed nonuniform travel policies and an excessive 66 percent increase in travel expenses.

The picture the GAO report paints of the internal management of the Fed is one of conflicting policies, questionable spending, erratic personnel treatment, and favoritism in their procurement and contracting policies. The report makes it clear that the Fed could do much more to increase its fiscal responsibility, particularly as it urges parsimonious practices by all other Federal agencies.

The compelling evidence offered by the GAO report indicates that many of the practices of our Nation's central bank should change, especially when their budgetary excesses represent a direct cost to taxpayers. The surplus fund, along with increasing bloat, perks, and benefits begs greater accountability. For these reasons, I rise today with my colleague from North Dakota, Senator DORGAN, to introduce the Federal Reserve Fiscal Responsibility Act of 1996. This measure follows some of the recommendations of the GAO report and seeks to improve the Fed's fiscal management.

The Federal Reserve Fiscal Responsibility Act of 1996, requires the Comptroller General of United States, in cooperation with the Fed Board, to identify the functions and activities of the Board and of each Fed bank which relate to U.S. monetary policy. After September 30, 1997, all nonmonetary policy expenses of the Federal Reserve System will be subject to the congressional appropriations process. Surprisingly, the monetary policy expenses represent less than 7 percent of the Fed's annual expenses. Our bill would subject the Fed to the cost reduction pressures that affect other public agencies, and ensure congressional oversight over the Fed's questionable spending of taxpayer money.

Further, the Federal Reserve Fiscal Responsibility Act addresses the disturbing matter of the surplus fund. It requires the transfer of all Fed surplus funds to the Secretary of the Treasury for deposit in the general fund of the Treasury. This would occur 30 days after enactment of the legislation. Annually thereafter, the Comptroller General of the United States will determine what percentage of the net earnings of the Federal Reserve banks should be deposited back in the Treasury. This provision would free-up this money for use in deficit reduction.

Our bill also will apply regular Federal procurement procedures to the Fed Board and to each Federal Reserve bank. This will eliminate the possibility of favoritism and conflict of interest in procurement and contracting policies.

Finally, and perhaps most significantly, our measure would require an annual, independent audit of the Fed. An annual audit is fiscally sound policy which would instill greater public confidence in our banking system.

I want to make it very clear that I am not attempting to interfere with, or impugn, the monetary policy of the Fed. I am merely seeking greater accountability in the operating expenses and internal management of one of our most influential institutions.

I look forward to greater discussion of this issue by Congress, and encourage the committee to give favorable consideration to our legislation.

By Mr. WARNER (for himself, Mr. FORD, Mr. ROBB, Mr. MOYNIHAN, Mr. SIMPSON, Mr. COCHRAN, and Mr. GLENN):

S. 1995. A bill to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

THE SMITHSONIAN INSTITUTION NATIONAL AIR AND SPACE MUSEUM DULLES CENTER AT WASHINGTON DULLES INTERNATIONAL AIRPORT AUTHORIZATION ACT OF 1996

Mr. WARNER. Mr. President, I am pleased to introduce legislation on behalf of myself, and Senators FORD, ROBB, MOYNIHAN, SIMPSON, COCHRAN, and GLENN. This legislation would authorize the Board of Regents of the Smithsonian Institution to construct the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport. The legislation clearly states that no appropriated funds may be used to pay any expense of the construction of the center. Funds for the construction will be privately raised and in fact this legislation permits the Smithsonian to move forward with a fundraising drive.

In 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. In 1993, after 10 years of hard work by the Smithsonian Institution, the Virginia congressional delegation, five Virginia Governors, and many

local officials, Congress passed and the President signed legislation authorizing the Smithsonian Institution to plan and design the National Air and Space Museum Extension at Washington Dulles International Airport.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to ''collect, preserve, and display aeronautical and space flight equipment of historical interest and significance.''

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of air and spacecraft in the world. However, due to the limited exhibition space in The Mall building coupled with the size and weight of many of the artifacts, only 20 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367–80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B–29 *Enola Gay* and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to America and the possibilities which it holds for the future.

The Air and Space Museum Dulles Center will allow approximately 65 percent of the Smithsonian's air and spacecraft collection to be on display. The center will also allow visitors to view the restoration operations and see first-hand how historic air and spacecraft are preserved.

Mr. President, I call on every Member of the Senate to support this legislation which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. Air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first-hand the magnitude and significance of America's technological achievements.

By Mr. BIDEN:

S. 1996. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary.

THE HEALTHY FAMILIES ACT OF 1996

Mr. BIDEN. Mr. President, I rise to offer a bill that I believe represents an important step forward in the fight against child abuse and crime.

This legislation will make healthy families programs eligible for funding under the local crime prevention block grant, in the 1994 crime law. Essentially, this bill would add the healthy families program to the list of prevention programs eligible for funding under the block grant.

The link between child abuse and later involvement in violence and crime is becoming ever more clear. According to a 1992 Justice Department report, 68 percent of youths arrested had a prior history of abuse and neglect, and abused girls were 77 percent more likely than nonabused girls to be arrested as juveniles.

The healthy families initiative has proven to be very successful in combating this cycle of violence. The program was pioneered in Hawaii in the 1980's. According to the Hawaii Department of Health, 2,254 at-risk families received healthy families services over a 5-year period. Out of that total, abuse was reported in only 16 families. This success shows that the program was able to prevent abuse in 99.3 percent of at-risk families in Hawaii.

The success of this program is based on the voluntary, comprehensive, and culturally appropriate home visitor systems. These systems provide parenting education that focuses on parenting skills, child development, child health, and support services for new parents, in order to prevent or decrease the risk of child abuse.

As a result of this success, the program has now spread to other communities throughout the United States. The money which would be provided under the block grant, would help other communities create these greatly needed healthy families programs.

Spending money on child-abuse prevention is a sound investment. Not only will it create future savings in the judiciary system and other social services, but even more importantly it's an investment in the lives of our children.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing today appear in the RECORD.

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

S. 1996

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

SECTION 1. PARENT EDUCATION SYSTEM.

Section 30201(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

''(O) Voluntary, comprehensive, and culturally-appropriate home visitor systems that provide parenting education that focuses on parenting skills, child development, child health, and support services for new parents to prevent or decrease the risk of child abuse. To avoid duplication of services, a system developed pursuant to this paragraph shall be coordinated with other organizations that provide services to children, particularly infants.''.

By Mr. SIMON:

S. 1997. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

THE PRESIDENTIAL SUCCESSION CLARIFICATION ACT

Mr. SIMON. Mr. President, today I introduce the Presidential Succession Clarification Act.

Much has been said and written about the laws of succession following the death of a sitting President. In general, these laws clearly and precisely provide for the transfer of Presidential power.

The laws of succession, however, do not adequately address the possibility that a Presidential candidate might die during the voting period itself—by that I mean during the period beginning roughly with the popular election in mid-November and ending with the formal naming of the President-elect in early January.

A candidate's death during this 2-month period could seriously disrupt the voting process and raise doubts about the election results. The seriousness of these problems would depend on the precise point in time at which the death occurred. A hearing that was held in the 103d Congress on this subject highlighted the various scenarios in which legal ambiguities could lead to electoral crises.

Broadly speaking, the act, which I introduced in the last Congress, addresses three distinct situations:

First, let us suppose that a Presidential candidate dies after the electoral delegates have cast their votes but before those votes are counted. If the deceased would have won the election, who is now President elect? Scholars disagree on the answer.

Second, suppose that a major party candidate dies immediately before the popular election, or immediately prior to the time that the electoral college delegates vote. Would it not make sense to give the voters a couple of weeks to adjust to this unsettled situation?

Third, suppose that no candidate wins a majority of the electoral votes, and that the election is thrown into the House of Representatives as a result. If one of the candidates should die at this point, is the House permitted to consider an alternative candidate?

The act provides answers for each of these, admittedly complex, questions. None of these scenarios, of course, is likely to occur during any election cycle. But any one of them could lead to confusion and uncertainty at a time when clarity and stability would be vital. Prudence dictates that we should act now, while we have the time for calm reflection, rather than wait for a possible crisis to catch us unprepared.

By Mr. ASHCROFT:

S.J. Res. 57. A joint resolution requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

GROWTH ECONOMIC AGENDA JOINT RESOLUTION

Mr. ASHCROFT. Mr. President, the joint resolution I am introducing lays the groundwork for the progrowth economic agenda of the next millennium. Senator ABRAHAM, Senator CRAIG, Senator GRAMS, and Senator KYL have joined with me in offering this proposal.

The method of analysis we now use to determine how much a tax cut costs the Government, or a tax hike costs the taxpayers, is hopelessly inaccurate. For example, the 1990 luxury tax increase took in $14 million less than the $31 million the Joint Tax Committee [JCT] predicted it would in fiscal year 1991. The 1986 Tax Reform Act lowered income tax rates while hiking capital gains taxes. The Congressional Budget Office at the time underestimated income tax revenues over the following 3 years by $56 billion and overestimated the 5-year take from capital gains tax revenues by $115 billion. It has also been established that the CBO grossly overestimated capital gains tax revenues by over 100 percent in most years between 1989–95. Finally, the fiscal year 1991 budget, issued before the 1990 budget summit at Andrews Air Force Base, contained a 5-year forecasting error of $1 trillion.

Every Member of Congress relies on CBO's and the Joint Tax Committee's [JCT] projections in deciding how to vote on legislation. Quite simply, we cannot make good decisions if we do not have good data.

These flawed calculations were made using a static economic model that assumes generally that Americans do not change their behavior, such as their spending habits and investment levels when Congress saddles them with higher taxes. The consistent level of inaccuracy in static economic analysis threatens our ability to both reduce the deficit and reduce the current unprecedented tax burden on the American public.

The problem with static economic analysis is its failure to account for the impact that changes in the level of taxes, or the amount of Government spending, will have on the average citizen's behavior. Static estimates assume that the economy's overall performance is generally unaffected for the most part by changes in policy, regardless of how much individuals or businesses must pay in taxes. When we assume that Americans will not change their spending and investment patterns to avoid paying new taxes, we ignore human nature. People generally seek to maximize the value of their dollars and their paychecks.

One well-known apostle of the static economic model; the current Chairman of the Council of Economic Advisors, Laura Tyson, recently went so far to as to state that ''* * * there is no relationship between the levels of taxes a nation pays and its economic performance.'' Such an attitude is the equivalent of an ostrich hiding its head in the sand. Dynamic economic analysis is the principal tool used in private firms and most universities which make estimates and construct models for economic analysis for the private sector.

One of the most successful economic models is the dynamic model used by Lawrence H. Meyers & Associates, an economic forecasting firm in St. Louis. Not only has this model received the Annual Blue Chip Economic Forecasting Award in 1993 and 1995, but Lawrence Meyers himself was recently appointed by President Clinton as a Governor to the Federal Reserve.

By relying on static analyses, Congress is limited to a dangerously myopic and usually inaccurate view of how our laws and our actions affect the Nation. There is a formidable argument that static analysis has played an integral role in exploding our deficits. That is because static analysis often overestimates the Government's revenue from a tax increase and then relies on such overestimates as the basis for projecting decreases in the Federal deficits and the Nation's debt. As a result the projected revenues never materialize and annual deficits increase.

This problem is compounded by the fact that static analysis also generally underestimates the actual cost to the Government of spending increases and thus contributes to even larger than expected budget deficits. Such inaccurate predictions of what programs will cost lead legislators to make bad decisions. This phenomenon helps explain why every dollar raised in higher taxes has traditionally resulted in $1.58 in new Government spending since 1947.

By adding a more accurate method of analyzing fiscal proposals, Congress will have better information as it evaluates legislation. Adding dynamic scoring analysis will help us eliminate Congress' institutional bias toward higher taxes, increased spending, bigger deficits, and a ballooning national debt.

Mr. President, I emphasize that this resolution does not seek to replace the current static analysis model. It merely states that dynamic estimating techniques should also be used, in addition to current techniques, in determining the fiscal impact of proposed changes in Federal revenue law. Under this resolution, the Joint Committee on Taxation [JCT] and the Congressional Budget Office [CBO] would prepare an estimate of each proposed change in Federal revenue law on the basis of assumptions that estimate the probable behavioral responses of individual and business taxpayers, and the macro-economic feedback effects of any proposed change. This requirement will only apply to changes in the law which would have an effect of $100 million or more.

I want to note that this proposal is a companion measure to House Resolution 170, introduced by Representative TOM CAMPBELL of California and to a similar proposal included in the 1997 legislative appropriations bill passed by the House. TOM CAMPBELL has worked tirelessly to promote a pro-growth agenda. He has refused to sacrifice the standard of living of hard-working Americans on the altar of static economic analysis.

Dynamic economic analyses of tax cut proposals would take into account the acknowledged growth effects of tax cuts on the American economy. In fact, these growth effects could be used in calculating the amount of spending cuts needed to offset a tax cut so that we accurately measure any reduction in revenue and do not increase the deficit. For example, using dynamic scoring for the payroll tax deduction I proposed—The Working Americans Wage Restoration Act S. 1741—the tax deduction would be budget neutral in the first year. In other words, the relief offered by the payroll tax deduction would generate enough new revenue by growing the economy, that the proposal would pay for itself.

Here is how. Based on a preliminary analysis, the payroll tax deduction is projected to increase the Gross Domestic Product [GDP] by 0.5 percent annually. According to the Office of Management and Budget, a 0.5 percent rise in GDP would expand the tax base and increase Federal receipts by $30 billion per year—more than enough to pay for the payroll tax deduction in the first year. However, the Budget Act requirement that tax cuts be paid for by spending cuts would still apply. Dynamic analysis would simply allow lawmakers and the public to understand the growth effects and judge this proposal's—and other proposals'—worthiness accordingly.

In calculating a tax cut's dynamic economic effects, the government would be more realistic in its view of how government economic policies affect the economy. Under the current system of static analysis, our budget forecasters produce skewed numbers causing Congress to make flawed decisions that drain the wallets of working Americans.

This proposed resolution also opens up the congressional economic analysis process to much needed sunshine. Presently, we draft changes to the Federal Tax Code, submit these changes to the Joint Committee on Taxation for a revenue estimate and wait for the magic numbers to appear. It is time to bring sunshine into the black box of Federal forecasting. This resolution would do just that. Any report made by the JCT or the CBO that contains an estimate of revenue effects must be accompanied by a written statement fully disclosing the economic, technical, and behavioral assumptions that were made in producing both the static and the dynamic estimate.

Last, under this joint resolution the JCT and the CBO may enter into contracts with universities or other private or public organizations to perform dynamic analysis or to develop protocols and models for making such estimates.

By reforming the way we calculate the economic effects of congressional proposals, we pave the way for an overall lowering of the average American's tax burden by reducing the current forecasting method's prejudice against pro-growth policies. This resolution will simply provide more information to Members of Congress and the public so that Congress can better determine the benefits of proposed legislation. It

will open up the budget forecasting process and permit more tools of measurement, so that over time we will have a clearer and more accurate understanding of the effects of the laws we pass.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 1355

At the request of Mr. DORGAN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to end deferral for U.S. shareholders on income of controlled foreign corporations attributable to property imported into the United States.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1726

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1726, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 1908

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1908, a bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

S. 1964

At the request of Mr. BINGAMAN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1964, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals.

AMENDMENT NO. 5059

At the request of Mr. D'AMATO his name was added as a cosponsor of amendment No. 5059 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

SENATE RESOLUTION 283—RELATIVE TO THE CREATION OF A NEW POSITION IN THE WHITE HOUSE

Mr. SPECTER (for himself, Mr. HELMS, Mr. BENNETT, and Mr. FAIRCLOTH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 283

(a) FINDINGS.—The Senate finds that—

(1) Americans are increasingly concerned about anti-Christian persecution overseas, including rape, torture, enslavement, imprisonment, killings, mutilations, discrimination and mistreatment of Christians, and the fact that far too many foreign governments systematically deny their Christian citizens religious liberty;

(2) reports indicate that the Government of Sudan is currently involved in the enslavement of the Christian populations of southern Sudan. Today in Sudan, a human being can be bought for as little as fifteen dollars. It has been estimated that in the last six years, more than 30,000 children have been taken from their homes, forcibly interned in ''cultural cleansing camps,'' forced to accept Islam and then moved to the front lines of Sudan's civil war;

(3) in China, there are reports of the imprisonment and detention of many Chinese Christians under a 1994 law which restricts religious freedom. It has been reported that in 1992, Protestant leader Zheng Yunsu was arrested and sentenced to twelve years in jail simply for practicing his religion. Additionally, between October 1994 and June 1995, more than 200 Christians were apparently detained in the Henan province. One of those arrested, Ren Ping, was sentenced, without trial, to three years of reeducation through labor. According to Amnesty International, more than thirty Chinese Catholics in Jiangzi province were arrested and severely beaten while celebrating Easter Mass earlier this year;

(4) in the Muslim-controlled Oromo region of Ethiopia, reports indicate that in 1994, officials raided the area's largest Christian Church and arrested most of its congregants. Many of those arrested died while in prison. The leader of the congregation was tortured and his eyes were plucked out;

(5) in several Islamic countries conversion to Christianity from Islam is a crime punishable by death;

(6) it has been reported that Christians have been effectively excluded from the political process in many countries. In Pakistan, for example, Christian can vote only for token representatives to the National Assembly;

(7) there is no Senior Advisor on religious persecution in the White House to ensure that anti-Christian persecution overseas is given top priority by White House and to coordinate efforts to combat such persecution; and

(8) the President had committed, in January 1996, to appoint a White House Senior Advisor on religious persecution, but has yet to do so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should proceed forward as expeditiously as possible by appointing a White House Senior Advisor on religious persecution.

Mr. SPECTER. Mr. President, on behalf of Senators HELMS, BENNETT, and FAIRCLOTH I am submitting a sense-of-the-Senate resolution to highlight the top priority that must be given to combating religious persecution in foreign countries. This resolution calls on President Clinton to live up to his commitment, made in January 1996, to appoint a White House senior advisor on religious persecution.

The persecution of Christians and other religious minorities is a growing problem. In countries such as Saudi Arabia, Sudan, China, and Ethiopia, among other countries, Christians are systematically denied their religious liberties. Christians have been the victims of rape, torture, enslavement, imprisonment, killings, mutilations, and discrimination simply because of their religious beliefs. The governments of these countries all too often tacitly, or even openly, endorse this sectarian violence.

According to human rights organizations, the Sudanese Government is essentially waging a war against its Christian population. The government's campaign against the Christian and non-Muslim populations of southern Sudan has resulted in more than 1.3 million deaths and the displacement of over 3 million people. Equally shocking are reports that the Sudanese Government is involved in the enslavement and forced internment and conversion of the Christian populations from the southern regions of Sudan. In the last 6 years more than 30,000 non-Muslim children have reportedly been abducted by agents of the Sudanese Government, taken from their homes and families, forcibly interned in high-security ''cultural cleansing'' camps, forced to convert to Islam and then sent to the front lines of Sudan's civil war.

Of course anti-Christian persecution and sectarian violence extends far beyond Sudan. In the Muslim-controlled Oromo region of Ethiopia, reports indicate that government officials raided the area's largest Christian church and arrested most of its congregants. Many of those arrested in this 1994 raid died while in prison. The leader of the congregation was tortured and his eyes were torn from their sockets.

In Egypt, a country generally noted for its religious tolerance, Christians are increasingly the targets of militant Islamist terrorist attacks on the streets as well as more subtle persecution in the courts and businesses. Christians are also often denied participation in the Egyptian political process.

Persecution of Christians is by no means limited to the Islamic world. It is reported that the Chinese Government has harassed and imprisoned many Chinese Christians simply for practicing their religion. In 1992, Protestant leader Zheng Yunsu was arrested and sentenced to 12 years in prison because of his faith. Other reports indicate that between October 1994 and June 1995, more than 200 Christians were detained in the Hunan Province in a crackdown on unregistered Protestant house churches. One of those arrested, Ren Ping, was sentenced, without trial, to 3 years of ''re-education'' through labor. According to Amnesty International, more than 30

Chinese Catholics were arrested and severely beaten by the police while celebrating Easter Mass earlier this year.

Examples of such religious persecution abound. The time has come for the United States to stand up for the right of all people to enjoy the fundamental freedom of religious faith. Without further delay, the White House should fulfill its commitment to appoint a senior advisor to the President dedicated to combating religious persecution overseas.

SENATE RESOLUTION 284—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

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

S. RES. 284

Whereas, the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union (HEREIU) has requested that the Permanent Subcommittee on Investigations provide him with copies of subcommittee records relevant to the monitor's oversight of a consent decree enjoining members of the HEREIU from violating the Racketeer Influenced and Corrupt Organizations Act (RICO) or knowingly associating with organized crime figures;

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 can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the court-appointed monitor of HEREIU copies of memoranda and transcripts of interviews conducted by Subcommittee staff that the monitor has requested for use in connection with the monitor's oversight of the consent decree.

AMENDMENTS SUBMITTED

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

COATS (AND OTHERS) AMENDMENT NO. 5092

Mr. COATS (for himself, Mr. LEVIN, Mr. SPECTER, Mr. BAUCUS, Mr. MCCONNELL, and Mr. ROBB) proposed an amendment to the bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

(a) INTERSTATE WASTE.—

(1) INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

(A) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

''(a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

''(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(C) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

''(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

''(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

''(iii) In calendar year 2003, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

''(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

''(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

''(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

''(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

''(V) In calendar year 2000, 1,000,000 tons.

''(VI) In calendar year 2001, 750,000 tons.

''(VII) In calendar year 2002 or any calendar year thereafter, 550,000 tons.

''(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

''(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State's intention to impose the requirements of this section;

''(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

''(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities and the Governor of the importing State may only apply subparagraph (A) or (B) but not both.

''(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(C).

''(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

''(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall be applied to all States in violation of paragraph (3).

''(6) ANNUAL STATE REPORT.—

''(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-State municipal solid waste. Within 120 days after enactment of this section and on May 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

''(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste. States making submissions referred to in this section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.

''(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from

each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste. The list for any calendar year shall be published by June 1 of the following calendar year.

For purposes of developing the list required in this section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this section, nor to verify data provided by the States pursuant to this section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this section shall be final and not subject to judicial review.

''(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(7) Any affected local government that intends to submit a request under paragraph (1) or take formal action to enter into a host community agreement after the date of enactment of this subsection shall, prior to taking such action—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

''(C) provide an opportunity for public comment; and

''(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

''(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

''(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

''(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

''(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

''(D) A description of environmental controls to be utilized at the facility.

''(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

''(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) The authority to prohibit the disposal of out-of-State municipal solid waste provided under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

''(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

''(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

''(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

''(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) at facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

''(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

''(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

''(A) that is permitted under Federal or State law;

''(B) that is identified under the State plan; and

''(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

''(d) COST RECOVERY SURCHARGE.—

''(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

''(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

''(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1.00 per ton of waste.

''(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

''(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or its political subdivision or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

''(7) DEFINITIONS.—As used in this subsection:

''(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs associated with technical assistance, data management, and collection of fees.

''(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

''(1) to have any effect on State law relating to contracts; or

''(2) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators within the jurisdiction of a State may accept during a prescribed period: *Provided* That such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

''(f) DEFINITIONS.—As used in this section:

''(1)(A) The term 'affected local government', used with respect to a landfill or incinerator, means—

''(i) the public body created by State law with responsibility to plan for municipal solid waste management, a majority of the members of which are elected officials, for the area in which the facility is located or proposed to be located; or

''(ii) the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located.

''(B)(i) Within 90 days after the date of enactment of this section, a Governor may designate and publish notice of which entity

listed in clause (i) or (ii) of subparagraph (A) shall serve as the affected local government for actions taken under this section and after publication of such notice.

''(ii) If a Governor fails to make and publish notice of such a designation, the affected local government shall be the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

''(C) For purposes of host community agreements entered into before the date of publication of the notice, the term means either a public body described in subparagraph (A)(i) or the elected officials of any of the public bodies described in subparagraph (A)(ii).

''(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out of State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State waste is also included.

''(3) The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

''(4) The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

''(A) any solid waste identified or listed as a hazardous waste under section 3001;

''(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

''(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

''(D) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company in which the generator of the waste has an ownership interest;

''(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

''(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

''(6) The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to any place of origin, reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources outside the State.

''(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.''.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following new item:

''Sec. 4011. Interstate transportation of municipal solid waste.''.

(2) NEEDS DETERMINATION.—The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

(A) it is done in a manner that is not inconsistent with the provisions of this section;

(B) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the State for the facility; and

(C) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility.

(b) FLOW CONTROL.—

(1) STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.), as amended by subsection (a)(1)(A), is amended by adding after section 4011 the following new section:

''SEC. 4012. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) DESIGNATE; DESIGNATION.—The terms 'designate' and 'designation' refer to an authorization by a State, political subdivision, or public service authority, and the act of a State, political subdivision, or public service authority in requiring or contractually committing, that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

''(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct such solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

''(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

''(B) does not include—

''(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

''(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

''(iii) medical waste listed in section 11002;

''(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

''(v) recyclable material; or

''(vi) sludge.

''(4) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—

''(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;

''(B) other body created pursuant to State law; or

''(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.

''(5) PUT OR PAY AGREEMENT.—(A) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(i) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(ii) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(B) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

''(C) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

''(6) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).

''(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Each State, political subdivision of a State, and public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or facility for recyclable material, if such flow control authority—

''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action;

''(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994.

''(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a movement to a waste management facility was actually applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority prior to May 15, 1994, had committed to the designation of a waste management facility).

''(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.

''(4) DURATION OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective until the later of—

''(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);

''(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994); or

''(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—

''(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;

''(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or

''(iii) expansion of the facility on land that is—

''(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and

''(II) covered by the permit for the facility (as in effect May 15, 1994).

''(5) ADDITIONAL AUTHORITY.—

''(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

''(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

''(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

''(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

''(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

''(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

''(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(c) COMMITMENT TO CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(1) (A) and (B), any political subdivision of a State may exercise flow control authority under subsection (b), if—

''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.

''(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.

''(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:

''(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained prior to May 15, 1994.

''(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect prior to May 15, 1994.

''(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility.

''(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

''(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1) (A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

''(1) the facility was fully licensed and in operation prior to May 15, 1994;

''(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

''(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

''(4) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

''(e) CONSTRUCTED AND OPERATED.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) prior to May 15, 1994, the political subdivision—

''(A) contracted with a public service authority or with its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, in order to support revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

''(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued in the name of public service authorities for waste management facilities; and

''(2) prior to May 15, 1994, the public service authority—

''(A) issued the revenue bonds or had issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

''(B) commenced operation of the facilities. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(f) STATE-MANDATED DISPOSAL SERVICES.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

''(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the county;

''(2) is required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

''(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law, ordinance, regulation, contract, or other legally binding provision;

''(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid waste management facilities to which the political subdivision's waste is to be delivered; and

''(5) the authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district, political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district, political subdivision or municipality within said district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

''(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

''(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

''(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

''(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

''(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

''(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

''(i) RETAINED AUTHORITY.—

''(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of such waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of such waste.

''(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

''(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of that authority will be used for solid waste management services or related landfill reclamation.

''(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act of a State or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

''(l) EFFECT ON EXISTING LAWS AND CONTRACTS.—

''(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to have any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

''(2) STATE LAW.—Nothing in this section shall be construed to authorize a political subdivision of a State to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

''(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

''(A) authorizes a State or political subdivision of a State to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

''(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

''(m) REPEAL.—(1) Notwithstanding any provision of this title, authority to flow control by directing municipal solid waste or recyclable materials to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

''(2) This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

''(n) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901), as amended by subsection (a)(1)(B), is amended by adding after the item relating to section 4011 the following new item:

''Sec. 4012. State and local government control of movement of municipal solid waste and recyclable material.''.

(c) GROUND WATER MONITORING.—

(1) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended—

(A) by striking ''CRITERIA.—Not later'' and inserting the following: ''CRITERIA.—

''(1) IN GENERAL.—Not later''; and

(B) by adding at the end the following new paragraph:

''(2) ADDITIONAL REVISIONS.—Subject to paragraph (2), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill

unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

''(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

''(B) the municipal solid waste landfill unit or expansion serves—

''(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevents access to a regional waste management facility; or

''(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

''(3) PROTECTION OF GROUND WATER RESOURCES.—

''(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

''(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

''(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

''(4) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements of the criteria described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This subsection shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

''(5) NO-MIGRATION EXEMPTION.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

''(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

''(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow States to promulgate alternate design, operating, landfill gas monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average: *Provided* That such alternate requirements are sufficient to protect human health and the environment.''.

(2) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by paragraph (1), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

(d) STATE OR REGIONAL SOLID WASTE PLANS.—

(1) FINDING.—Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(A) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(B) by adding at the end the following:

''(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.''.

(2) OBJECTIVE OF SOLID WASTE DISPOSAL ACT.—Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(A) by striking ''and'' at the end of paragraph (10);

(B) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(C) by adding at the end the following:

''(12) promoting local and regional planning for—

''(A) effective solid waste collection and disposal; and

''(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.''.

(3) NATIONAL POLICY.—Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting ''solid waste and'' after ''generation of''.

(4) OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.—Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting ''promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and'' after ''objectives of this subtitle are to''.

(5) DISCRETIONARY STATE PLAN PROVISIONS.—Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

''(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

''(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

''(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.''.

(6) PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.—Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting ''and discretionary plan provisions'' after ''minimum requirements''.

(e) GENERAL PROVISIONS.—

(1) BORDER STUDIES.—

(A) DEFINITIONS.—In this paragraph:

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

(ii) MAQUILADORA.—The term ''maquiladora'' means an industry located in Mexico along the border between the United States and Mexico.

(iii) SOLID WASTE.—The term ''solid waste'' has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(B) IN GENERAL.—

(i) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(ii) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(C) CONTENTS OF STUDY.—A study conducted under this paragraph shall provide for the following:

(i) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(ii) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(iii) In the case of the study described in subparagraph (B)(i), research concerning methods of tracking of the transportation of—

(I) materials from the United States to maquiladoras; and

(II) waste from maquiladoras to a final destination.

(iv) In the case of the study described in subparagraph (B)(i), a determination of the need for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for 1992–1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(v) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(vi) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(D) SOURCES OF INFORMATION.—In conducting a study under this paragraph, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(i) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subparagraph (B)(i), census data prepared by the Government of Mexico.

(ii) In the case of the study described in subparagraph (B)(i), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(iii) In the case of the study described in subparagraph (B)(i), information concerning the type and volume of materials used in maquiladoras.

(iv)(I) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(II) In the case of the study described in subparagraph (B)(i), immigration data prepared by the Government of Mexico.

(v) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(vi) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(vii) In the case of the study described in subparagraph (B)(i), a profile of the industries in the region of the border between the United States and Mexico.

(E) CONSULTATION AND COOPERATION.—In carrying out this paragraph, the Administrator shall consult with the following entities in reviewing study activities:

(i) With respect to reviewing the study described in subparagraph (B)(i), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(ii) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subparagraph (B)(i), equivalent officials of the Government of Mexico.

(F) REPORTS TO CONGRESS.—On completion of the studies under this paragraph, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(G) BORDER STUDY DELAY.—The conduct of the study described in subparagraph (B)(ii) shall not delay or otherwise affect completion of the study described in subparagraph (B)(i).

(H) FUNDING.—If any funding needed to conduct the studies required by this paragraph is not otherwise available, the president may transfer to the administrator, for use in conducting the studies, any funds that have been appropriated to the president under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.''.

(2) STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.—

(A) DEFINITION OF HAZARDOUS WASTE.—In this paragraph, the term ''hazardous waste'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(B) STUDY.—not later than 3 years after the date of enactment of this act, the administrator of the environmental protection agency shall conduct a study, and report to congress on the results of the study, to determine—

(i) the quantity of hazardous waste that is being transported across state lines; and

(ii) the ultimate disposition of the transported waste.

(3) STUDY OF INTERSTATE SLUDGE TRANSPORT.—

(A) DEFINITIONS.—In this paragraph:

(i) SEWAGE SLUDGE.—The term ''sewage sludge''—

(I) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(II) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this clause); but

(III) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this clause) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(ii) SLUDGE.—The term ''sludge'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(B) STUDY.—Not later than 3 years after the date of enactment of this act, the administrator of the environmental protection agency shall conduct a study, and report to congress on the results of the study, to determine—

(i) the quantity of sludge (including sewage sludge) that is being transported across state lines; and

(ii) the ultimate disposition of the transported sludge.

GORTON AMENDMENT NO. 5093

Mr. GORTON proposed an amendment to the bill, S. 1959, supra; as follows:

On page 36, line 4, strike all of section 504, and insert the following:

SEC. 504. Following section 4(g)(3) of the Northwest Power Planning and Conservation Act, insert the following new section:

(4)(g)(4) INDEPENDENT SCIENTIFIC REVIEW PANEL.—(i) The Northwest Power Planning Council (Council) shall appoint an Independent Scientific Review Panel (Panel), which shall be comprised of eleven members, to review projects proposed to be funded through that portion of the Bonneville Power Administration's (BPA) annual fish and wildlife budget that implements the Council's annual fish and wildlife program. Members shall be appointed from a list submitted by the National Academy of Sciences, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Panel.

(ii) SCIENTIFIC PEER REVIEW GROUPS.—The Council shall establish Scientific Peer Review Groups (Peer Review Groups), which shall be comprised of the appropriate number of scientists, from a list submitted by the National Academy of Sciences to assist the Panel in making its recommendations to the Council for projects to be funded through BPA's annual fish and wildlife budget, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Peer Review Groups.

(iii) CONFLICT OF INTEREST AND COMPENSATION.—Panel and Peer Review Group members may be compensated and shall be considered as special government employees subject to 45 CFR 684.10 through 684.22.

(iv) PROJECT CRITERIA AND REVIEW.—The Peer Review Groups, in conjunction with the Panel, shall review projects proposed to be funded through BPA's annual fish and wildlife budget and make recommendations on matters related to such projects to the Council. Project recommendations shall be based on a determination that projects: are based on sound science principles; benefit fish and wildlife; and have a clearly defined objective and outcome with provisions for monitoring and evaluation of results. The Panel, with assistance from the Peer Review Groups, shall review, on an annual basis, the results of prior year expenditures based upon these criteria and submit its findings to the Council for its review.

(v) PUBLIC REVIEW.—Upon completion of the review of projects to be funded through BPA's annual fish and wildlife budget, the Peer Review Groups shall submit their findings to the Panel. The Panel shall analyze the information submitted by the Peer Review Groups and submit recommendations on project priorities to the Council. The Council shall make the Panel's findings available to the public and subject to public comment.

(vi) RESPONSIBILITIES OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making final recommendations of projects to be funded through BPA's annual fish and wildlife budget, and if the Council does not incorporate a recommendation of the Panel, the Council shall explain in writing its reasons for not accepting Panel recommendations. In making its recommendations to BPA, the Council shall: consider the impact of ocean conditions on fish and wildlife populations; and shall determine whether the projects employ cost effective measures to achieve project objectives. The Council, after consideration of the recommendations of the Panel and other appropriate entities shall be responsible for making the final recommendations of projects to be funded through BPA's annual fish and wildlife budget.

(vii) COST LIMITATION.—The cost of this provision shall not exceed $2 million in 1997 dollars.

(viii) EXPIRATION.—This paragraph shall expire on September 30, 2000.

MCCAIN AMENDMENT NO. 5094

Mr. MCCAIN proposed an amendment to the bill, S. 1959, supra; as follows:

On page 36, line 1, strike all after the word ''this'' through line 3 and insert in lieu thereof the following: ''Act.''

MCCAIN (AND OTHERS) AMENDMENT NO. 5095

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. GREGG, Mr. KERRY, and Mr. BUMPERS) proposed an amendment to the bill, S. 1959, supra; as follows:

At the end of the bill, add the following:

SEC. . ADVANCED LIGHT WATER REACTOR PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out the advanced light water reactor program established under subtitle C of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13491 et seq.) or to pay any costs incurred in terminating the program.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 1678, the Department of Energy Abolishment Act, has been rescheduled. The hearing will take place on Wednesday, September 4, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

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

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 26, 1996, to conduct an oversight hearing to review the General Accounting Office [GAO] report on the Federal Reserve System.

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

ADDITIONAL STATEMENTS

CELEBRATION OF MIAMI'S 100TH BIRTHDAY

● Mr. GRAHAM, Mr. President, it is a very special pleasure for me to join with my Senate colleagues and the State of Florida in wishing the city of Miami a very happy birthday. On Sunday, July 28, 1996, Miami will turn 100 years old.

I am often staggered when I ponder how much the Greater Miami area has changed in the last century.

One hundred years ago, when Julia Tuttle, the mother of Miami, was badgering Henry Flagler to extend his railroad line south of Palm Beach, Miami had one city street, several uncompleted stores, a hotel under construction, and approximately 300 residents.

Flagler was unconvinced. But after scores of Mrs. Tuttle's letters, an offering of half of her land, and a cold snap that brought freezing temperatures to Florida but left Dade County untouched, he was persuaded to extend his railroad, construct the Royal Palm Hotel, lay out the city streets, and build Miami's water, power, and medical facilities.

In many ways, Miami today barely resembles the community that it was in 1896. A tiny city has been replaced by an exploding metropolis. 300 residents have become over 2 million.

A place that almost didn't receive the private investment needed to build a railroad or town stores, is now one of the nation's most important transportation and commercial centers.

Each year, over 13 million visitors come to the Greater Miami area to visit South Beach, Coconut Grove, Key Biscayne, Joe Robbie Stadium, Gulfstream Park, and the many other attractions that give Miami its youthful vibrance.

But in some fundamental ways, Miami has not changed. Its pioneering spirit has thrived for the last 100 years.

Just as Miami was a pioneer in diversity a century ago, when its founder was a woman and one-third of the citizens who met to incorporate the city were African-American, today it stands poised to lead a multicultural America into the next century.

And as the Gateway to Latin America and an important center of trade, Miami will help the United States play an increasingly vital role in the new global economy. Miamians will lead us as we move to extend ties of trade, culture, and friendship around the world.

Miami is a community that has profoundly shaped my life. I was born here almost 60 years ago, attended Hialeah Elementary and Junior High, and graduated from Miami Senior High School. This will always be my home.

Again, I am delighted to be part of the centennial celebration for my hometown. I join my Senate colleagues and all Floridians in wishing Miami a very happy 100th birthday.●

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. today in order that Senators may introduce bills, submit statements and committees to file reported legislation.

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

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 435, Senate Resolution 226.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 226) to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

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. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The preamble was agreed to.

The resolution (S. Res. 226) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 226

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civil groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognized that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that ''Effective character education is based on core ethical values which form the foundation of democracy society'';

Whereas the core ethical values identified by the Aspen Declaration constitute the six core elements of character;

Whereas the six core elements of character are trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue, and citizenship;

Whereas the six core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that ''The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to reach and model the core ethical values and every social institution has the responsibility to promote the development of good character.'';

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the six core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the six core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate proclaims the week of October 13 through October 19, 1996, as National Character Counts Week, and requests the President to issue a proclamation calling upon the people of the United States and interested groups to embrace the six core elements of character and to observe the week with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 560, 682, 683, 684, 685, and all nominations on the Secretary's desk in the Foreign Service.

Mr. President, might I inquire, are any of those numbered nominations the OMB Director?

I have just found out who they are. The OMB Director is not here.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Robert E. Morin, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, vice Curtis E. von Kann, retired.

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Alan Philip Larson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Jeffrey Davidow, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Paul P. Blackburn, and ending Veda B. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1996.

Mr. MOYNIHAN. Mr. President, today the Senate will confirm the nomination of our dear colleague, CLAIBORNE PELL, as the U.S. representative to the 51st session of the U.N. General Assembly. Senator PELL's career and accomplishments were what the Framers of the Constitution probably had in mind when they created the position of U.S. Senator.

For 36 years CLAIBORNE PELL has graced the United States Senate, providing thoughtful leadership on an exceptional range of issues.

Millions of Americans have been able to attend college because of his historic role in creating the program which the Congress, in an unprecedented honor for a sitting Senator, named Pell grants in 1980.

Thousands of American communities have been immeasurably enriched by the National Endowment for the Arts and the National Endowment for the Humanities, which he helped create in 1965.

Champion of international environmental concerns and nuclear disarmament treaties, crusader for human rights, primary sponsor of legislation to assist the handicapped, originator of the High-Speed Ground Transportation Act; his vision has helped transform this country he loves in so many tangible ways. But in light of his pending nomination, it is appropriate to speak of CLAIBORNE PELL's first real job.

In the spring and summer of 1945, millions of us left military service. Most of us went back, as I did, to the schooling or jobs we had left to fight for our country. CLAIBORNE PELL did something a little different. He helped change the world.

In June 1945, he went to San Francisco as a member of the International Secretariat of the U.N. Conference on International Organization, the conference that drafted the U.N. Charter.

In all, 282 delegates representing 50 countries took part in drafting the U.N. Charter, though the bulk of the work was accomplished by the 1,058 persons working for the International Secretariat. He may be the only government official of those participating in the organizational conference who is still in public office anywhere on this planet—young CLAIBORNE PELL on assignment from his beloved Coast Guard.

As Assistant Secretary of Conference III, the Enforcement Arrangements Committee, he helped draft articles 43, 44, and 45 of the United Nations Charter that gave the Security Council the right to take military action to prevent aggression.

He collected the ballots at the vote to confirm the Charter. And to this day he is never caught without a copy of the Charter in his pocket. We in the Senate are honored to have the beloved former chairman of the Senate Foreign Relations Committee, CLAIBORNE PELL, counted among those who were present at the creation of the Charter.

He has lived the promise of the United Nations Charter for 51 years—on State Department assignment in Eastern Europe during the harshest early days of the cold war; and as a private citizen organizing the rescue of over 100,000 Hungarian refugees after the betrayal of the 1956 revolution against Soviet rule. In his efforts to enhance environmental protection, he is one of the few persons—the only United States Senator—who attended both the 1992 United Nations Conference on Environment and Development [UNCED] in Rio, and its predecessor, the 1972 Conference on the Human Environment in Stockholm.

He has championed the adoption of an international legal regime for the peaceful use of the seas. As such he has participated in the creation of the Law of the Sea Convention. Beginning on September 29, 1967 he introduced three Senate resolutions urging the President to negotiate such a measure. Those resolutions and a draft treaty that Senator PELL proposed in 1969 led first to the Seabed Arms Control Treaty, prohibiting nuclear weapons and other weapons of mass destruction from the ocean floor, ratified by the Senate in 1972.

The Law of the Sea Convention would not be opened for signatures for 10 more years until 1982. Senator PELL's long efforts in this regard are reflected in the achievements contained in the Convention which codifies, among other things, freedom of navigation rights, and the exclusive use of marine resources by countries within 200 miles of their shores.

CLAIBORNE PELL is a Senator for the ages. We in the Senate shall miss him. He will no doubt serve with distinction as the United States Representative to the 51st session of the United Nations General Assembly. I congratulate Senator PELL for his numerous achievements and wish him well in his future endeavors.

LEGISLATIVE SESSION

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

AUTHORIZING PRODUCTION OF RECORDS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) to authorize the production of records by the Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations has received a request from the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union [HEREIU] for copies of subcommittee records relevant to the monitor's oversight of a consent decree between the union and the U.S. Government. The consent decree enjoins members of the HEREIU from violating the Racketeer Influenced and Corrupt Organizations Act [RICO] or associating with organized crime figures.

Mr. President, the chairman and vice chairman of the Permanent Subcommittee on Investigations believe that granting the monitor's request would serve the ends of justice. This resolution would authorize them, acting jointly, to provide subcommittee records in response to this request.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at the appropriate place in the RECORD.

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

The preamble was agreed to.

The resolution (S. Res. 284) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 284

Whereas, the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union (HEREIU) has requested that the Permanent Subcommittee on Investigations provide him with copies of subcommittee records relevant to the monitor's oversight of a consent decree enjoining members of the HEREIU for violating the Racketeer Influenced and Corrupt Organizations Act (RICO) or knowingly associating with organized crime figures;

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 can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the court-appointed monitor of HEREIU copies of memoranda and transcripts of interviews conducted by Subcommittee staff that the monitor has requested for use in connection with the monitor's oversight of the consent decree.

ORDERS FOR MONDAY, JULY 29, 1996

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Monday, July 29; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the energy and water appropriations bill under a previous consent agreement.

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

Mr. DOMENICI. Mr. President, I will comment here for those Senators who want to offer amendments that are contained on the list heretofore agreed to, we will start that process at 9:30 in the morning. As I understand, we will proceed with that process until 12 o'clock. From 12 to 2, there will be other business before the Senate. At 2 o'clock, we will return to the matter of the energy and water appropriations bill and remain on it for amendments until the hour of 5 o'clock.

Mr. President, I further ask unanimous consent that at the hour of 12 noon on Monday, the Senate conduct a period for morning business, with the time between 12 noon and 1 p.m. under the control of the Democratic leader; from 1 p.m. to 2 p.m. under the control of Senator COVERDELL from the State of Georgia.

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

PROGRAM

Mr. DOMENICI. Mr. President, for the information of all Senators, on Monday at 9:30, the Senate will resume the energy and water appropriations bill. An agreement was reached limiting the first-degree amendments in order and provides all first-degree amendments must be offered during the session of the Senate on Monday.

At 12 noon, the Senate will conduct 2 hours of morning business, and at the hour of 2 p.m. will resume the energy and water appropriations bill. At approximately 5 p.m., the Senate will return to the consideration of the legislative branch appropriations bill under a similar consent, in that all first-degree amendments would have to be offered during the session of the Senate on Monday.

Any votes ordered with respect to the two appropriations bills will be stacked to begin at 10 a.m. on Tuesday on a case-by-case basis. Therefore, votes will not occur during Monday's session of the Senate, and the next votes will begin at 10 a.m. on Tuesday. The Senate can be expected to be in session late into the evening each day next week in order to consider available appropriations bills and conference reports as they become available.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator LIEBERMAN.

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

Mr. LIEBERMAN. I thank my friend from New Mexico. I appreciate his kindness and courtesy and wish him a good weekend.

WAR CRIMES IN THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Mr. President, I rise as in morning business, and thank the Chair very much, to say just a few words about an amendment to the foreign operations appropriations bill that was adopted earlier today, an amendment which I was privileged to offer with a distinguished list of colleagues. It was accepted by agreement last night without debate, although I did put a statement in the RECORD at that time. It is, I think, an important amendment and statement, a sense-of-the-Senate resolution, because it deals with the necessity to bring to justice those who have been indicted by the International Criminal Tribunal from the former Yugoslavia, which is meeting now in The Hague, to bring them to justice because they, as the tribunal has said, are perpetrators of gross violations of international law.

Mr. President, I was stimulated in my desire to say just a few words to my colleagues here before we leave for the weekend about this by an interview that was in the New York Times this morning with Antonio Cassese, an Italian law professor who is the president of the International Criminal Tribunal.

The article begins:

The Italian law professor who is president of the War Crimes Tribunal here is known for his cheerful nature, his expertise in international law and his even temper. So his public outburst in a quiet hall here the other day was all the more shocking.

''Go ahead! Kill, torture, maim! Commit acts of genocide!'' said Antonio Cassese, president of the tribunal, his voice rising, ''You may enjoy impunity!''

This, he said, was the message that would go ''to military leaders and all dictators'' if the Bosnian Serb leaders indicted for atrocities in the Bosnian war were not brought before the tribunal.

Mr. President, thanks to my colleagues, the Senate has now spoken clearly on this issue. I was honored to be joined by Senators LUGAR, BIDEN, SPECTER, FEINSTEIN, MOYNIHAN, HATCH, LEVIN, and D'AMATO, a wonderfully bipartisan group, as cosponsors of this amendment.

The point is this, as we state in the findings of this resolution: The United Nations did create this International Tribunal. A Security Council resolution was adopted on May 25, 1993, early in this horrific episode, which requires states to cooperate fully with the tribunal. The signatories to the Dayton peace accord, signed December 14, 1995, have accepted, in article IX of that accord, the obligation ''to cooperate in the investigation and prosecution of war crimes and other violations of internationally humanitarian law.'' This means all the signatories of the accord, including Serbia, Bosnia, Croatia, and the Republika Srpska.

In fact, the Constitution of Bosnia and Herzegovina, which was accepted as annex 4 to the Dayton peace accord, provides in article IX that—

No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the tribunal and who has failed to comply with an order to appear before the tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina.

The tribunal has now issued 57 indictments against individuals. It continues to investigate gross violations of international laws. Specifically, on July 25, 1995, almost 1 year ago to the day, the tribunal issued an indictment

of Radovan Karadzic, President of the Bosnian Serb administration of Pale and Ratko Mladic, commander of the Bosnian Serb administration, and charged them with genocide, with crimes against humanity.

This was no opposition politician standing up and making a charge. This was an international tribunal which, having heard evidence, charged them with genocide, crimes against humanity, violations of the law or customs of war and grave breaches of the Geneva Conventions. All of these charges arise from atrocities perpetrated, not against soldiers, but against the civilian population throughout Bosnia and Herzegovina, as we remember from those painful, frustrating and infuriating pictures, and including the taking of U.N. peacekeepers as hostages for their use as human shields.

On November 16, 1995, Karadzic and Mladic were indicted a second time by the International Tribunal, this time charged with genocide for the killing of up to 6,000 Moslems in Srebrenica, Bosnia, in July 1995.

The U.N. Security Council, in adopting its own resolution 1022 in November of last year, decided that economic sanctions on Yugoslavia and Srpska would be reimposed if at any time the High Representative, Carl Bildt, or the IFOR commander, soon to be, perhaps already, Admiral Lopez, informs the Security Council that either of these two Governments, Serbia or the Bosnian Serb Republika Srpska, have failed to meet their obligations under the peace agreement.

The fact is that these two entities have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic. We know where they are, particularly Karadzic. A while ago one of these two went to Belgrade for a funeral. Authorities in Serbia knew that he was there. Nothing was done to apprehend this indicted war criminal.

Last week, again, in an extraordinary act of public service and diplomatic skill, Ambassador Richard Holbrooke convinced Slobodan Milosevic, the President of Serbia—for fear of having the reimposition of economic sanctions against his country—to use his power to take Karadzic out of power, to take him out of the leadership of the Serbian Democratic Party, and to remove any chance that he would be a candidate for office in the elections.

It is startling, when you think about it. It is as if at the end of the Second World War some leaders of the countries that we fought in the Second World War remained in their countries and ran in the first postwar elections. It would have so infuriated the public here, understandably, that we probably would have done what we are asking here, which is to arrest them and bring them to justice.

But Ambassador Holbrooke did take a step forward. Unfortunately, though, these two war criminals remain at large. Just a few weeks ago, on July 11, 1996, the International Criminal Tribunal actually issued international arrest warrants for Karadzic and Mladic.

The fact is—and we have heard this from all parties there in Bosnia; and it is just common sense as we move forward to the elections there on September 14 of this year, which we hope will be the next step in rebuilding this country in going back to some form of cooperation among the various peoples there—these elections could not go on with any credibility were these war criminals at large and, in Karadzic's case, actually running a political party, perhaps even at one point thinking about running for office himself.

So now, thanks to Ambassador Holbrooke, we have Karadzic out of political office and out of political leadership. But the truth is, he should be out of that country. He should be taken to The Hague for trial, to be brought to justice.

That is exactly the intention of the resolution that the Senate has now adopted, accepting the principle that the human, but also the practical, principle of the apprehension and prosecution of indicted war criminals—these two and all others—is essential for peace and reconciliation to be achieved and for democracy to be established throughout Bosnia and Herzegovina.

Mr. President, we have sent 20,000 American soldiers to be part of the implementation force, the IFOR, that has performed magnificently in separating the warring parties and creating a sense of stability. We have spent a lot of money in doing that and put some of our finest men and women in uniform on the line as part of that process.

But unless we remove these indicted war criminals, the prospects of redeeming the investment of courage and bounty that we have made in avoiding broader conflict and ethnic partition in Bosnia will be for naught, because the end result, when our troops pull out, will be that we will have divided camps again, with no trust, not even the minimal elements of trust. So long as these indicted criminals are walking around flaunting their freedom, that trust will not be possible, that trust that is necessary to rebuild a civil society within Bosnia.

So this resolution said very clearly, and I am very grateful to my colleagues for supporting it, that it is the sense of the Senate that the International Criminal Tribunal merits the continued and increased U.S. support for its efforts to investigate and bring to justice the perpetrators of these gross violations of international law.

Second, it is the sense of the Senate that the signatories of the peace agreement and those nations and organizations participating in the Dayton peace agreement and the relevant mandates of the United Nations and Security Council must continue to make it an urgent priority to bring to justice persons indicted by the International Criminal Tribunal.

Third, it is the sense of the Senate that the President of the United States should support the request of the President of the International Criminal Tribunal for the former Yugoslavia to reimpose full economic sanctions on Serbia and Montenegro and the Republika Srpska in accordance with the relevant U.N. Security Council resolution, if Serbia and Montenegro and the Bosnian Serb authorities have not complied with their obligations under the relevant agreements and resolutions to cooperate fully with the International Criminal Tribunal.

Finally, it is the sense of the Senate that all the States in the former Yugoslavia should not be admitted to international organizations until and unless they have complied with their obligations under the Dayton peace agreement and the relevant U.N. Security Council resolutions.

The Senate has said clearly in this resolution now adopted as part of the foreign operations appropriations bill that while we take some comfort and we have some appreciation for Ambassador Holbrooke for the statement that Karadzic has made that he is removing himself from politics, this is a small step toward what should be done. We are not leaving the field here. We have stated here quite clearly that we will not redeem our investment in the end of this war and the reconstruction of Bosnia until we settle the moral accounts here, and bring those who have been indicted by this very legitimate International Criminal Tribunal to justice. Until that happens, we cannot rest. Until that happens, there will not be a genuine hope of reconnecting and rebuilding this war-torn country.

Mr. GORTON. Will the Senator yield?

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

Mr. GORTON. Mr. President, I had the privilege of listening to most of the remarks of the Senator from Connecticut, and I simply wanted to express my agreement with his views and say on this occasion how much I admire his dedication to the administration of justice, both here at home but, particularly in this connection.

I can remember even in previous Congresses his frustration, our frustration, over the way in which we conducted our relationships with Bosnia and the tragedy that has continued there for so many years. His position on this resolution, coming through this morning's foreign operations appropriations bill I think greatly strengthens it and I believe the other Members of the Senate and the people of the country owe him a debt of thanks for his dedication to this cause.

Mr. LIEBERMAN. Mr. President, I thank my friend from Washington very much for the very gracious words that mean all the more to me because they come from him who I first met in our shared service as attorneys general of our respective States.

The rule of law is the rule of law. It is what separates civilized from uncivilized people. It is true not just here for

us but in countries around the world, and insofar as we fail to bring to justice indicted criminals in an international situation like this, it is no better than if we failed to bring to justice murderers and rapists here in our own communities in the United States. But I mostly just thank my friend from Washington for his kind words and also for his consistent and very important support of this effort to make sure that there is both peace and justice in Bosnia, since without justice there will ultimately never be peace.

I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. MONDAY, JULY 29, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 9:30 Monday morning.

Thereupon, the Senate, at 2:04 p.m., adjourned until Monday, July 29, 1996, at 9:30 a.m.

CONFIRMATION

Executive Nominations Confirmed by the Senate July 26, 1996:

THE JUDICIARY

ROBERT E. MORIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

DEPARTMENT OF STATE

ROD GRAMS, OF MINNESOTA TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ALAN PHILIP LARSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING PAUL P. BLACKBURN, AND ENDING VEDA B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 1996.