HOUSE OF REPRESENTATIVES—*Thursday, June 30, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we approach the celebration of the birth of our country, we are conscious, O God, of all the blessings that we have received. We are grateful for the resources of people and material gifts of spiritual values, and the contributions of so many traditions that have been woven into the fabric of our society. As we pray that we will be the people You would have us be, so may we, with integrity and honesty, look at our communities and do what we can to right the wrongs, to heal the divisions, to catch the vision of a united people, one in purpose and one in design, promoting justice, and mercy for every person. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. DREIER] come forward and lead the House in the Pledge of Allegiance.

Mr. DREIER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2155. An Act to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon, and for other purposes.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 13, 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 13, 1994.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, July 12, 1994, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

UNIVERSAL HEALTH CARE FOR WORKING AMERICA

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today to speak in support of health care reform.

As a member of the freshman class, I was sent to Congress by the residents of California's 50th Congressional District to make significant changes in the way this country is run.

One of my highest priorities is to deliver the changes that they want in the way health care is provided—or in many cases, not provided.

I represent what is sometimes called a working class district. As we all know, the burden of our current health care system is heaviest on working Americans. Eighty percent of those who currently have no health insurance are working Americans—citizens who get up each day and put in an honest day's work, but do not make enough to afford expensive health insurance and whose employers do not provide it.

This is no way to treat working Americans. Universal health care coverage must be the immediate goal. We must fight the special interests so that we can make the changes and accomplish the job we were sent here to do.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., JULY 8, 1994, TO FILE REPORT ON H.R. 4008, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until 5 p.m. on July 8, 1994, to file a report on the bill, H.R. 4008, the National Oceanic and Atmospheric Administration Authorization Act of 1994, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CLINTON ADMINISTRATION'S ATTITUDE TOWARD MILITARY

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, many Americans have been appalled at the Clinton administration's attitude toward the military. In recent weeks, they have seen a U.S. helicopter, a Marine helicopter, used to take White House staff at a cost of $14,000 to the taxpayers to go play golf.

The other night at the White House they had four officers that they made serve as waiters at a Democrat fundraiser at the White House. A two-star general at the White House was told by a top White House staffer that she did not talk to people in uniform.

Then during the Normandy trip, the White House staff stole 60 of these towels and about 30 of these robes away from the U.S.S. *George Washington.*

Mr. Speaker, a message needs to be sent to the White House, the President, his staff. There needs to be respect for the property of the taxpayers of this country and to the military. These people serve and defend us in time of war, and they need our utmost respect, not the contempt shown by the Clinton administration.

UNIVERSAL COVERAGE FUNDAMENTAL TO HEALTH CARE REFORM

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise today to speak to my colleagues about

the importance of insuring that universal coverage is the main tenet of whatever health care legislation is passed.

If we were to pass health care legislation without providing coverage to all Americans, we would be performing a great disservice to those currently uninsured, and insured, as well as to our country at large.

As long as some Americans remain uninsured, the entire country is at risk. Not insuring everyone passes on economic burdens to businesses and individuals who are insured. I believe it is in everyone's best interest that all people receive proper health care. We will have a healthier society, a healthier work force, and better communities.

In North Carolina alone, without universal coverage, 578,217 people will be denied health care and businesses that currently offer insurance will pay an estimated $387 million more in premium costs.

Providing universal coverage in any health care reform legislation is fundamental. Without universal coverage, any proposal bearing the name of health care reform is a sham.

DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 12, 1994

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 30, 1994.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 12; 1994.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

LEVEL OF ITS INCOMPETENCE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Peter Principle states: "In a hierarchy, *every employee tends to rise to his* level of incompetence."

A congressional corollary would be: "In a democracy, after 40 years of one-party control, the legislative branch tends to rise to the level of its incompetence." We saw that level of incompetence earlier this week, when the chairman of the Energy and Commerce Committee gave up trying to find a commonsense, bipartisan resolution to health care reform.

Mr. DINGELL blamed Republicans for "actively opposing efforts to craft a bipartisan bill," despite the fact that Republicans have actively worked in a bipartisan fashion to get a bill together. The Rowland-Bilirakis bill is the only bipartisan solution out there, and it is supported by the Republican leadership.

Mr. Speaker, the Democrat leadership has become so partisan, after 40 years of one-party rule, it will not even recognize a bipartisan effort when it sees one. The Democrat leadership has finally reached its level of incompetence, and the health care debate is just one indication of that fact.

DOMESTIC VIOLENCE MUST NOT STAY BEHIND CLOSED DOORS

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to commemorate two women in my home city of Milwaukee who died at the hands of the person whom they should have been able to trust the most—their husbands.

First let me tell you about a young woman named Hoa, who escaped Cambodia and came to the United States in search of a better life. After years of abuse, Hoa sought protection at a shelter. She was working with the counselors to find safe, permanent housing when her husband found her, accused her of leaving their home to have an affair, and stabbed her to death.

Next, there is Denise, who was 21 when she obtained a restraining order against her husband; it did not work. Her husband broke into her home, shot and killed her. When the police found her body, she was clutching the restraining order in her hands.

These are only two of the many women who die at the hands of people they love or once loved. We must not forget that behind every statistic there is a human name and voice. They are our sisters, daughters, and mothers. We cannot shirk our responsibility as legislators. We must let the world know that we cannot and will not allow domestic violence to stay being closed doors.

□ 1010

A CRISIS OF ITS OWN MAKING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the administration is now in crisis mode to cope with the explosion of refugees from Haiti. It is hard to fathom that the people responsible for leading the free world might be so naive, but amazingly, administration officials are scratching their heads, or at least pretending to, about why their misery-producing embargo is causing more Haitians to leave Haiti. This result was totally predictable and was predicted by those who know Haiti. Haitians are suffering and dying and the only hope they see is to head for a better life in the United States, an option, incidentally, that is looking more and more possible now under the new Clinton policy of winking at the rules for political asylum. Now the administration scrambles to develop contingency plans for the refugees: Jamaica, Turks and Caicos, Guantanamo Bay. What is next? What then? All signs point toward military intervention and more violence and misery. The current problems are a crisis of this administration's own making. Those innocent Haitians who do not starve or die of disease from the embargo, we are now going to put them in a war zone?

Mr. Speaker, why am I hearing only silence from those liberals who call themselves human rights activists who support this Clinton fiasco?

INCONSISTENCY IN VOTING

(Mr. SKAGGS asked and was given permission to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the work of any legislative body always involves compromise, and so absolutes like consistency, for instance, are always in short supply. Those backing the A to Z proposal have seemed especially resolute, however, in claiming the high ground on fiscal discipline, so Members can imagine the surprise and confusion late Tuesday night when 191 of our colleagues who had previously signed the discharge petition on A to Z then voted for the Baker amendment to the Labor–HHS appropriation bill.

That amendment added $1 million to appropriations for libraries, but made no offsetting cuts, even through this bill was already at the maximum allowed under the caps imposed on our subcommittee. Those voting for this cap-breaking amendment included even the gentleman from New Jersey [Mr. ANDREWS] and the gentleman from New Hampshire [Mr. ZELIFF], the authors of A to Z. I guess there is a subtlety to this that I am missing.

Anyway, I thought the RECORD ought to include a full accounting of Members who have signed the discharge petition and who backed Baker, to boot.

Mr. Speaker, I include a list of those Members for the RECORD at this point.

SIGNED A TO Z DISCHARGE, VOTED FOR BAKER AMENDMENT

Allard	Bilbray	Callahan
Andrews (NJ)	Bilirakis	Calvert
Archer	Bliley	Camp
Bachus (AL)	Blute	Canady
Baesler	Boehner	Cantwell
Baker (CA)	Bonilla	Castle
Baker (LA)	Browder	Clinger
Ballenger	Brown (OH)	Coble
Barrett	Bunning	Collins (GA)
Bartlett	Burton	Combest
Bereuter	Buyer	Condit

Cooper	Hunter	Petri
Coppersmith	Hutchinson	Porter
Cox	Hyde	Portman
Crane	Inglis	Poshard
Crapo	Inhofe	Pryce (OH)
Cunningham	Istook	Quillen
DeFazio	Jacobs	Quinn
DeLay	Johnson (CT)	Ramstad
Diaz-Balart	Johnson (GA)	Ravenel
Dickey	Johnson, Sam	Roberts
Doolittle	Kasich	Roemer
Dornan	Kim	Rohrabacher
Dreier	King	Ros-Lehtinen
Duncan	Kingston	Roth
Dunn	Klug	Roukema
Ehlers	Knollenberg	Royce
Emerson	Kolbe	Santorum
English	Kyl	Saxton
Everett	Lazio	Schaefer
Ewing	Leach	Schenk
Fawell	Levy	Schiff
Fingerhut	Lewis (FL)	Sensenbrenner
Fowler	Lewis (KY)	Shaw
Franks (CT)	Lightfoot	Shays
Franks (NJ)	Linder	Shuster
Gallegly	Livingston	Smith (MI)
Gallo	Lucas	Smith (NJ)
Gekas	Machtley	Smith (OR)
Geren	Manzullo	Smith (TX)
Gilchrest	Margolies-Mezvinsky	Solomon
Gillmor	McCandless	Spence
Gingrich	McCollum	Stearns
Goodlatte	McCrery	Stenholm
Goodling	McCurdy	Stump
Goss	McHale	Sundquist
Grams	McHugh	Swett
Grandy	McInnis	Talent
Greenwood	McKeon	Tauzin
Gunderson	McMillan	Taylor (NC)
Hall (TX)	Meehan	Thomas (CA)
Hancock	Meyers	Thomas (WY)
Hansen	Mica	Thurman
Harman	Miller (FL)	Torkildsen
Hastert	Minge	Upton
Hayes	Molinari	Vucanovich
Hefley	Moorhead	Walker
Herger	Morella	Walsh
Hoekstra	Nussle	Weldon
Hoke	Oxley	Wolf
Holden	Packard	Young (AK)
Horn	Paxon	Young (FL)
Houghton	Peterson (MN)	Zeliff
Huffington		Zimmer

A SUCCESSFUL FIRST 6 MONTHS FOR THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, when we reconvene week after next, the debate will continue on about the General Agreement on Tariffs and Trade and most-favored-nation trading status for the People's Republic of China.

While I know many of our colleagues are at this moment charging off to their districts, I think it is very important to note that today, June 30, will complete the first 6 months of the North American Free-Trade Agreement. One thing is clear, the predictions of gloom and doom which we heard throughout that debate last year have in fact proved to be untrue.

As soon as we complete our 1-minutes and any other business that is proceeding here today, Mr. Speaker, I and my colleagues, the gentleman from Arizona [Mr. KOLBE], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Arkansas [Mr. DICKEY], and others will be joining me in talking about the success of the first 6 months of the North American Free-Trade Agreement.

URGING MEMBERS TO SUPPORT THE LINE-ITEM VETO

(Mr. COOPER asked and was given permission to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, last year alone the Congress of the United States put almost $6 billion worth of pork barrel spending projects into its spending bills. We will never balance the Federal budget unless we get this rush to the Federal trough under control.

That is why we need to make a fundamental change in the way this House works and the way this Government works. That is why I have always supported the line-item veto.

With the stroke of a pen, the President could cut out each pork project that Congress puts into each bill. That is why I am joining my colleague, the gentleman from New York [Mr. SOLOMON], in introducing legislation to adopt the real line-item veto.

A vote on the Solomon proposal was supposed to take place today. Like many of my colleagues, I was very disappointed to hear that it would be delayed for 2 weeks, until the week of July 11.

I also view this as an opportunity to go back to our districts and to our States and listen to the people. I think we will find that the American people strongly support the real line-item veto, so we can get our Federal spending under control.

Mr. Speaker, this may be our best chance to adopt the line-item veto and to get our economic House in order. I urge my colleagues to support the line-item veto.

URGING MEMBERS TO SIGN THE DISCHARGE PETITION ON THE PRIVATE PROPERTY OWNERS' BILL OF RIGHTS

(Mr. DICKEY asked and was given permission to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, the private property owner's bill of rights has been presented to this body, and I want to stand firmly behind it.

For 203 years we have seen the rights of private property owners in America being eroded, taken away, restricted, and frustrated. We have now a movement afoot to make sure that when the Government comes and takes property, that it must pay for it or it should leave the private property owners alone.

We have a discharge petition in this body, and I urge the Members of this body to sign the discharge petition so we can get the private property owners' bill of rights on this floor and before this body and pass it, so we can protect the individual property rights of the people of the United States.

URGING CRIME BILL CONFEREES TO INCLUDE THE STRONGEST VERSION OF THE VIOLENCE AGAINST WOMEN ACT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, domestic violence is among the most insidious of crimes. It is committed in the privacy of one's own home, behind drawn curtains and closed doors. The victims do not suffer on our streets or in our public parks but in their kitchens, their living rooms, and bedrooms all across America.

These are private crimes, but violent crimes nonetheless. And victims of domestic violence cross all age and economic boundaries. Mr. Speaker, here are two cases from my own district.

On March 22, 1993, Tara, age 22, a senior at the University of Massachusetts, was stabbed repeatedly by her former boyfriend, who was the father of her 11-month-old daughter. He then set her house on fire, and Tara died of smoke inhalation.

On August 14, Kelly, age 27, of West Springfield, was murdered by her boyfriend. Kelly, who was pregnant, was shot in the head twice.

The crime bill now in conference includes a provision I added to create advocates within the judicial system for victims of domestic violence. These advocates will ensure that domestic violence victims receive the full range of needed protection and support they are entitled to under the law.

Mr. Speaker, I urge the crime bill conferees to include the strongest form of the Violence Against Women Act in their report along with full and necessary funding. Then we can go home to our districts knowing we have taken an important step toward ending the epidemic of domestic violence sweeping our country.

TAXPAYERS' FRIENDS CONSISTENTLY VOTE TO CUT SPENDING

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, there is an organization called the National Taxpayers Union that rates the Congress as to whether or not they are taxpayers' friends or big spenders. They take a look at each Member's voting record and decide whether or not that Member has done what he could to try to save the taxpayer money.

I was reminded of that particular chart a few moments ago when the gentleman from Colorado [Mr. SKAGGS] was talking to us about a vote that occurred on the floor the other evening, and I thought we ought to analyze the people who he talked about in terms of that record.

He mentioned the gentleman from New Hampshire [Mr. ZELIFF]. When I look at the National Taxpayers rating, Mr. ZELIFF gets an A from the National Taxpayers Union. He is a taxpayers' friend.

On the other hand, the gentleman from Colorado [Mr. SKAGGS], who accused some Members of hypocrisy in his remarks, I look at the record and I find that the record of the gentleman from Colorado [Mr. SKAGGS] with the National Taxpayers Union in the first session of this Congress was indeed, what, an F. He rates as a big spender.

It seems to me we ought to have some element of fairness when people come to the floor and suggest hypocrisy on the part of others. Hypocrisy starts not in one vote. Hypocrisy is a question of all of the votes we cast, and whether or not we add up to being a taxpayers' friend or a big spender.

URGING BIPARTISAN SUPPORT FOR UNIVERSAL COVERAGE IN HEALTH CARE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, we are hearing a lot of talk now about could we please have a bipartisan health care bill. I really do think we need a bipartisan health care bill, but the No. 1 thing that seems to be holding us up is whether or not we have universal coverage. I must ask, why pass a health care bill if we do not have universal coverage?

We have all sorts of examples just in the last year of things showing that if we make it accessible to people, unfortunately, there are a lot of people who would rather go spend that monthly premium for something else, run the risk, and then if they get sick, they are in the emergency ward and all the rest of us pay the bill.

Mr. Speaker, what are those examples? Let us look at the people who did not have flood insurance who lived in a flood zone. They could buy flood insurance. They knew they were in a flood zone. They did not. They asked the taxpayer to bail them out.

□ 1020

Look at people who did not have earthquake insurance, even though that they were in an area that had earthquakes, but they figured that the Federal Government would come bail them out.

Mr. Speaker, I think unless we find a way to have everybody covered in the health care plan, unfortunately we will still find a lot of people who will not pay, but since no one knows if they are going to get sick or be injured or not, they will be in there and we will pay.

I think universality is very important and we can have bipartisanship if we can get over that hurdle.

ADMINISTRATION'S HAITIAN POLICY

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, yesterday the administration argued two preposterous propositions regarding the misguided and wrongheaded Haitian policy.

It insisted, No. 1, that the sanctions are not exacerbating the malnutrition and starvation of thousands of Haitian children and that the sanctions are only hurting the wealthy.

Second, they insisted that the recent wave of refugees are the result of political oppression, not economic and nutritional deprivation.

In fact, according to a Harvard University study issued prior to the recent round of even tougher sanctions, it said that 1,000 children a month are dying because of the sanctions. Last week the U.S. Agency for International Development issued a factsheet that said that the embargo has a direct impact on the social and economic conditions of vulnerable Haitians whose numbers are steadily increasing.

Mr. Gray was wrong. The administration is wrong. The sanctions should be lifted and a bipartisan panel should be appointed by the President to recommend a new Haitian policy.

TV NATION DAY

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today in support of the resolution to designate July 1, 1994, as "TV Nation Day."

"TV Nation" is a positive, upbeat news magazine show that focuses on what is right with America. It is a civics lesson presented in an exciting style, a program that shows how our Government works. And although "TV Nation" has no sex or violence, and does not invade the personal privacy of people, it is still entertaining and informative.

But "TV Nation" is important for other reasons. As the first joint venture between American and European television, "TV Nation" is bringing foreign money into the United States to create jobs. This arrangement not only fosters good will among nations, it also helps our economy. Moreover, because "TV Nation" is produced in New York City, the show will help boost the city's economy, providing many new employment opportunities. Unfortunately, the film and television industry has been leaving New York in recent years. It is our hope that TV Nation's decision to stay in New York will help reverse this trend, and bring the entertainment industry back to New York where it began.

TV Nation Day is clearly something we should celebrate.

Mr. Speaker, we should be proud that at last someone is doing something positive that does not focus on the worst elements of society.

VIOLENCE AGAINST WOMEN

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, the tragic murder of Nicole Simpson has raised our consciousness about domestic violence. If a man beats a woman in the middle of the street, no ones debates whether it is a crime. But when an assault is committed against a woman by her husband in her own home, behind closed doors, some view the facts differently. Even the victims in many cases—including Nicole Simpson—choose not to report acts of violence or not to press charges.

We must raise awareness that domestic violence is indeed a horrible crime; unreported domestic violence is a crime unpunished. And we must help the women who cry out for help.

In the last 2 weeks since the Simpson murder, calls to shelters in my district from battered women have increased dramatically. The day after the murder, Rainbow Services Ltd., a shelter for battered women in San Pedro, received over three times the normal number of requests from battered women for restraining orders against their husbands. The 1736 Family Crisis Center hotline in Redondo Beach has received 25 percent more calls. This month alone, they received around 350 calls from women needing immediate shelter—they have only 33 beds. For the last 3 weeks, the Los Angeles Commission on Assaults Against Women hotline has received three times its normal number of calls on domestic violence. Domestic violence calls to the Community Helpline of the South Bay have increased 30 percent in the last 2 weeks.

In the last 5 years, domestic violence calls in L.A. County have increased by 36.9 percent. In 1993 alone, 67 women were murdered by their spouse, live-in, ex-spouse, or boyfriend. Spurred to action by the Simpson murder, The city of Los Angeles is responding to the increasing number of domestic violence calls to police agencies and hotlines with the creation of the Domestic Violence Task Force and increased funding. The city council has just agreed to spend $5 million a year to develop more shelters, and the county board of supervisors approved spending $1.1 million on the 18 shelters that already exist. I applaud these efforts, but we must do even more.

I recently visited the Hexagon House and Madison Emergency Shelter in Washington, DC, with several other

Members and Health and Human Services Secretary Donna Shalala. There we saw some happy outcomes: women and children who had sought refuge from violent partners or fathers, and who received shelter, counseling, and transition assistance. Many battered and abused women aren't so lucky.

The Congress has an important opportunity to help save the lives of women and children suffering from domestic violence, and to help support shelters that provide refuge and help for many battered women. As the crime bill conferees reconcile the House and Senate versions, I urge them to include the provisions of the Violence Against Women Act, and to provide the full $1.8 billion funding. Inclusion of the Violence Against Women provisions in the crime bill will help women across the United States—women who cannot wait any longer.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KANJORSKI). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAIRNESS FOR FILIPINO WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, today, Congressman LANE EVANS and I are introducing a bill to restore fairness to the Filipino War veterans who served in World War II.

Early this month, we commemorated the bravery of our fighting men in Europe on the 50th anniversary of the D-day invasion. At this juncture, it seems equally fitting to recall the contributions of the thousands of Filipino veterans who fought side-by-side with forces from the United States mainland against a common enemy.

It is hard to believe that soon after the war ended—the war in which Filipino soldiers served and died defending the American flag in the epic battles of Bataan and Corregidor and through 4 years of enemy occupation—the 79th Congress in 1946 voted in a way that can only be considered to be a blatant discrimination against the Filipino veterans.

In the words of the Washington Post of June 17, 1947:

> While the Philippine Islands were still under United States sovereignty, the President issued an order making the Filipino Army a part of the American Army. This made the Filipino soldiers who constituted that army a part of our fighting forces as much as were soldiers drafted from the states, and they remained in this status until the eve of the Philippine independence. Last year, however, Congress passed the *First Rescission Act denying to Filipino* Veterans most of the benefits that go automatically to other veterans who were exposed to similar risks and hardships. We cannot help thinking that if Congress reviews the situation, with full realization that these men were members of our own army and subject to its orders, it will see that a grave injustice has been done.

This review is long overdue.

My bill, the Filipino Veteran Equity Act of 1994, would credit service in the organized military forces of the Government of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

President Harry S. Truman, who signed the Rescission Act, criticized it in the following words:

> The passage and approval of this legislation does not release the United States from its moral obligation to provide for the heroic Filipino Veterans who have sacrificed so much for the common cause during the war. The Philippine Army veterans * * * fought under the American flag and under the direction of our military leaders. I consider it a moral obligation of the United States to look after the welfare of the Filipino Veterans.

In 15 years, none of these veterans will be left alive. Many, until their dying day, were kept wondering and asking, "Do we deserve the 1946 Rescission Act? Haven't we suffered the same suffering as the American soldier fighting the same war? Do bullets and mortar shells ask if their target is an American or Filipino soldier?"

I urge my colleagues to join with me in correcting this injustice. We must recognize the contribution of the World War II Filipino veterans.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I really want to congratulate the gentleman from California for bringing this forward. It has always struck me that all of our veterans fought for the same flag and as a Nation who has stood for diversity and stood for inclusiveness and all of that, I have just been amazed and horrified that so many are forgotten.

□ 1030

And I really thank you for bringing that to all of our attention. We all wish you well and hope we can correct that injustice. And as we go into the Fourth of July break, it is a good thing to remind people of.

Mr. FILNER. I thank the gentlewoman. The gentlewoman helps fight injustice in all sectors of society, and I thank you for joining me in this.

GAFFNEY BEARING PLANT AWARDED SHINGO PRIZE FOR EXCELLENCE IN MANUFACTURING

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from South Caroline [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, the Shingo Prize for Excellence in Manufacturing was established in 1988 and named to honor Shigeo Shingo. Dr. Shingo distinguished himself in Japan and the world as cocreator of the Toyota production system and an expert on manufacturing processes. The Shingo Prize is awarded annually to a few select firms that have made truly outstanding achievements in manufacturing—in quality, in productivity, and in plain, old-fashioned customer satisfaction.

When this award was first established, I am sure its sponsors expected to bestow it upon high-technology firms in places like California's Silicon Valley and North Carolina's Research Triangle. Well, Mr. Speaker, on Monday, June 27, I was in Gaffney, SC, in my district, to take part in a ceremony awarding the coveted Shingo Prize to the Gaffney Bearing Plant of the Timken Co. This plant was one of only seven nationwide to receive the Shingo Award this year.

I had visited this plant, where Timken's tapered roller bearings are made, as recently as last summer, and had seen the improvements made throughout the plant, literally on every production line. In each area of the plant a large chart was posted to show what had been changed and what had been achieved. The statistics over 3 years are striking. Gaffney Bearing Plant has achieved: 28 percent increase in labor productivity; 22 percent improvement in schedule accomplishment; 46 percent reduction in inventory days; 56 percent reduction in customer concerns; 24 percent reduction in the cost of nonconformance; 27 percent reduction in average setup time; 41 percent reduction in BTU's consumed per component; and 47 percent reduction in defects per million pieces.

When I left the Gaffney Bearing Plant last summer, I thought to myself, "If only plants like this could be cloned and held out to the rest of our economy." In a way, the Shingo Prize does that; it spotlights this outstanding plant as a model, a shining example of how excellence can be attained by focusing on core manufacturing processes, by removing waste and reducing defects, and by striving constantly for a better product at a lower cost.

In the late 1980's, as competition in bearings became more and more global and more intense, the Timken Co. initiated what it called the Vision 2000 program. The goal was nothing less than to become the best-performing

manufacturing company in the world. At the time, many may have considered that goal rhetorical, a bit ambitious, especially for a plant in Gaffney, SC. On Monday, the Gaffney Bearing Plant showed anyone who was skeptical just what American workers can do when they are encouraged and empowered. Timken has removed two layers of management, decentralized key functions, used coaching methods in supervision, and focused its associates' time for 3- to 5-day periods on improving specific processes. The results are impressive, and they are still being racked up. Even as the Shingo Prize was being presented, Gaffney Bearing Plant was moving ahead with the next phase, with its signals set on new quality and efficiency goals.

When I spoke to Timken workers at the ceremony on the plant floor, I noted that although our economy was strong, the dollar was still being pounded in world currency markets. Fundamentally, I said, the dollar is falling against the yen and the mark because for too many years, we have imported more than we have exported. There are short-term solutions to the trade deficit; but in long term, I said, the real solution lay in their hands.

What is heartening, and my reason for making this statement, is that companies like Timken are rising to the challenge; plants in places like Gaffney are pointing the way, proving to the world that in the United States, we can still manufacture goods of world-class quality and be efficient and competitive.

Gaffney Bearing Plant deserves the Shingo Prize, and the Shingo Prize Council should be commended for selecting it. The Gaffney Plant also deserves our admiration for showing that American manufacturers can still be among the best performing companies in the world.

THE TRADEGY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, no one can ignore the front-page pictures, the photographs, in the Washington Post this morning. They are pictures here under the headline "Haiti's Tiny Victims."

It talks about youngsters, malnourished or starving, and dying in Haiti. This is one of those pictures you just cannot close your eyes and make it go away. The scene comes back, and actually the scene in reality down there from firsthand observers is even worse than these pictures depict.

I know that there is a Harvard report that came out a few months ago from the Harvard International School of Public Health noting that 1,000 Haitian children a month, 1,000 children a month are dying as a direct result of the United States embargo on Haiti. How many do you suppose are dying today now that we have intensified this embargo and made it even more stringent?

We cannot disavow the responsibility for these innocent victims.

I heard Bill Gray, the President's special assistant on Haiti, last night on CNN after we got home saying, "We aren't really causing any harm. Haiti is a poor country. Gee, they are having trouble there. This isn't our fault." Well, baloney. That is not true. We are causing this, and we have got to recognize that fact and accept the responsibility.

The facts are the relief flights are not getting in. The administration is holding them back, and the reason they are is because the military is getting ahold of the materials that are coming in, the medicine and the food, and selling them on the black market, and profiting and making themselves even more comfortable. Those relief flights are not going. They are not getting through because of the embargo.

We were feeding a million people in Haiti, 1 million people were counting on us for food and medicine. Those flights are not going through.

What are those folks doing? I will tell you what they are doing, they are starving and dying from disease. We are causing an economic catastrophe that is literally driving people into the sea. I read from the Washington Post yesterday, "'There is nothing for us in Haiti,' say the Haitians. 'The embargo is killing us one by one. So whatever it takes I am going, going into the sea.'"

Despite Mr. Gray saying, "No, no nothing we are doing here is causing a problem for these people," baloney, he is wrong, and it is painful and it is deadly. I am very deeply troubled. I am very deeply troubled, as you can tell, by the Clinton foreign policy. Driving innocent victims into the sea is not what America is about, and it is not what democracy is about.

This Congress is complicit. We cannot escape our own accountability here. We are allowing it to happen. We endorse, by a very thin majority, a policy that is driving people into the sea, and it is wrong, and we all know it.

The sanctions have destroyed a very weak economy that was there, and the military junta is still profiting. How long is this going to go on? How long are we going to cancel the relief flights? What are we doing, creating a pretext for invasion? Is that what this is about?

Well, we have got another problem here. It is called the credibility at the White House. Bill Gray lost it with me on C–SPAN last night when I heard him say we are not causing a problem there, but there is more.

Aristide calls Haiti a house afire. We, of course, have helped set the house afire by helping torch it with our economic sanctions, but more than that, then we have gone ahead and we have said to the Haitians, "Look, come on out. There is a better life in America." We have created a magnet.

We have now got a scene where people are literally floating out of Haiti on just about anything that will float. Our helicopters from the Coast Guard cutters are spotting them, sending the cutters to rescue them, and we have a tremendous number of refugees, because we have created an incentive for them to leave and an incentive for them to come. This is unbelievable. We have created this scene.

Now, the problem is this, two out of three of those Haitians are going to be returned to Haiti. So they are not going to believe that we are real people, because we are telling them there is a better life, and we are sending them back to starvation.

The real problem is another part of the magnet we have caused is we have changed the standards, despite Bill Gray's personal assurances to me and other Members of Congress, that we would maintain the standards for political asylumship, we now have a situation where 30 percent of those applying for asylum are being given asylum, and under the rules, traditionally that has been a 5-percent approval rate.

□ 1040

So we have not only deceived the Haitians, we are now in a position where we deceived Members of Congress because the rules have been changed even though we received assurances that they would not be.

Who can you believe in the Clinton administration? They are now feigning surprise by all this number of refugees. Is it a wave or is it a surge? Well, it is neither. It is a costly mess, costly in terms of dollars for taxpayers and lives of Haitians.

I do not know whether we are doing this as a pretext for an invasion or not. I do not know whether we are doing it because the President needs votes for his domestic agenda. I have no idea why we are doing this stupidity. There is no threat to our national security to justify an invasion, and there are better solutions out there. The White House knows it, and I wish they would attend to those solutions and stop the starvation and killing that is going on in Haiti.

PERMISSION FOR MEMBERS TO SUBMIT MATERIAL FOR EXTENSION OF REMARKS ON JUNE 30, 1994

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that for today, Thursday, June 30, 1994, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extension of Remarks."

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

CALLING FOR EXPANDED CONGRESSIONAL HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there has been a tentative agreement forced upon the Republican Party in this Congress on the Whitewater investigations. What has happened is the Democrat majority has said the only way we are going to have hearings in either the House or the Senate is if it is very structured and very limited. They want to limit it to three things: The death of Vincent Foster; the removal by the White House personnel immediately after his death of files from his office; and White House attempts to influence the Resolution Trust Corporation investigation of Mr. and Mrs. Clinton's role in the Arkansas S&L.

But the investigation by the House and the Senate should be much, much broader. I want to tell my colleagues why.

First of all, there are questions about Mr. Fiske, the special prosecutor's objectivity. Mr. Fiske was a very close associate at various times when they were both in New York practicing law with Bernie Nussbaum, one of the chief advisers to President Clinton. As a matter of fact, Mr. Fiske, the special prosecutor, special investigator in this case, tried to get Mr. Nussbaum appointed assistant counsel during the Iran-Contra investigation. Mr. Fiske's law firm represented the International Paper Co., which got a $10 million loan from the Arkansas Development Finance Authority in Arkansas. His firm also represented the International Paper Co. during the time when they sold hundreds of acres to the Whitewater Development Corp.

Mr. Fiske recommended Louis Freeh, now head of the FBI, to be the head of the FBI to Mr. Nussbaum at the White House. So there is some question about whether there will be complete thoroughness on the part of Mr. Fiske and his staff in investigating the White House allegations.

But beyond that there is a lot of other things that need to be investigated because more and more is coming out daily.

First of all, why did then-Governor Bill Clinton pardon a convicted cocaine dealer, Dan Lasater, in 1990? Dan Lasater pleaded guilty to Federal drug charges in December 1986. But he served only 6 months of a 2½-year sentence. While he was reportedly under investigation by the Arkansas State Police for drug dealing, President Clinton and the Government of Arkansas gave him $664 million in bonds to sell for the State, which garnered him $1.6 million in commissions.

Why did then-Governor Bill Clinton pardon convicted cocaine dealer Dan Lasater in 1990? After all this involvement with him and they gave big contributions to Clinton's campaign, he is then pardoned for cocaine trafficking. Was it because Dan Lasater was a large contributor, was it because Dan Lasater had flown the Governor around Arkansas and the country in his private jet? Was it because Dan Lasater gave Roger Clinton, President Clinton's brother, a job at his Florida horse stables and loaned him $8,000 to pay back a drug debt? Did Bill Clinton know about the Lasater investigation and Lasater's drug use at the time he gave him $664 million in State bonds to sell?

According to published accounts and Mr. Dennis Patrick, between $60 million and $107 million was traded in an account in his name at Lasater & Co. without his knowledge. That may have involved laundering of drug money. One day $23 million was traded in his account. Patsy Thomasson, the chief personnel officer at the White House, was running Lasater & Co. She was chief financial officer at the time. Now she is special assistant to the President of the United States. Where did this money come from? Where did it go? Did Ms. Thomasson know about these transactions? I do not know how she could not have.

There are, of course, other things that need to be explained.

In 1985 the Arkansas Development Finance Authority was created by Bill Clinton to provide economic development loans to small businesses in Arkansas. A number of serious questions have been raised about ADFA which need to be investigated.

Listen to this: On December 29, 1988, ADFA deposited $50 million in a bank in the Cayman Islands. Why are you taking money out of the State of Arkansas and putting it in the Cayman Islands? This money was transferred through Simmons First National Bank of Pine Bluff, AR. Why did ADFA deposit $50 million in an offshore bank instead of a bank in some other part of the country or in Arkansas? The interest rates were approximately the same.

The State Department's international narcotics control report described the Cayman Islands as a haven for the laundering of drug money. And here is the Arkansas Development Finance Authority sending $50 million down there. Was the $50 million plus interest repaid to ADFA? Right now we do not have any documentation as to whether it was ever repaid, we do not know what happened to it. Did the Arkansas Development Finance Authority make any other offshore deposits, and for what reasons?

Public documents show that ADFA was steering millions of dollars in bond underwriting business to Lasater and his company, who I said before was convicted for drug dealing.

Why would ADFA give all of this business to Lasater & Co. while Dan Lasater, the company's president, was under Federal investigation for narcotics trafficking?

The American people need to know the answers to these questions, and we are very, very concerned that Mr. Fiske may limit the investigation so that we never get the answers.

If somebody at the White House was involved in the laundering of drug money, then we should have a full accounting, it should be explained to this body and to the American people. And if there is no reason to believe that, then why does not the White House, Patsy Thomasson and everybody else come forward, Mr. Fiske, and give us the ability to investigate it so we can clear up this whole matter? If there is nothing to hide, they should not be concerned.

LET'S EXPAND FEDERAL HEALTH CARE TO INCLUDE ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, we have been hearing a lot of talk about giving the American people the same type of health care that we here in Congress have available to us.

It seems that everybody is jumping on this band wagon. In fact, First Lady Hillary Clinton recently said:

> Members of Congress are a lot of smart people, I have a great deal of respect for them in both parties. If they really believe that every American ought to have what they have, which is guaranteed health insurance, they can figure out how we can do it and afford to do it and delivery quality health care.

NBC's Brokaw:

> So what you're doing, is charging Congress to deliver to the country what it has for itself.

Hillary:

> That's right, I think that's only fair." [To Your Health, June 21].

Well, I can't say that I disagree with this concept because you see, Mr. Speaker, the Consumer Choice Health Security Act, the plan which I originally introduced last fall, does just that.

Our plan provides universal coverage. No new taxes and budget neutral. We are happy to see that the President and his wife have come around to our way of thinking.

I say this because the adminstration's plan, as introduced, would require all Americans to enroll in the Clinton plan's regional alliances, the large mandatory Government-sponsored health care purchasing cooperatives, Federal workers and Members of Congress would be able to keep their health benefits plans until at

least January 1998. It is noteworthy that the health care reform that is good enough for all other Americans is not good enough for Federal workers, including Members of Congress, until it has been tested on the rest of America first.

It is most unfortunate that I, along with my colleagues on the Energy and Commerce Committee, will not have an opportunity to present our ideas and debate this issue fully in the committee.

The chairman has discharged the committee from fulfilling its obligation of formulating health care reform. Thus, members of the committee, which traditionally has been charged with this responsibility, will be shut out of the process. Not only has the legislation bypassed the subcommittee, which is the normal procedure, it will also bypass full committee.

This doesn't say much for working together in a bipartisan manner. Mr. Speaker, the bottom line is that Republicans have tried to work together and come up with a plan which we can all agree upon. The Rowland-Bilirakis bill is just one such example. I also believe our colleagues in the other body are also striving to make sure we end up with something upon which we can all agree.

I would have liked to have had the opportunity to present my bill, the Consumer Choice Health Security Act, in committee. My bill would provide health care by expanding the current Federal health program which would ensure that all Americans will have the same choice of plans available to them that we here in Congress currently enjoy.

It would provide the American people with a whole host of plans from which to choose. The key here is, or course, that we allow the consumer to make these choices for themselves, and not have the Federal Government take over this role.

The majority of the American people have indicated that they want to make their own choices about health care, especially the right to choose their own doctor.

Under this plan the consumer, not the employer, would own the plan and choose the benefits.

We have structured this legislation to provide health insurance coverage for all Americans in a revolutionary manner, through tax credits and medical savings accounts.

A major feature of the bill is that a refundable tax credit would replace the current exclusion available to households for company-sponsored health insurance. Employers would still be responsible for making payroll deductions equal to the premiums for the plan chosen by the employee and for sending that money to the plan. The employer would also have to adjust the employee's tax withholdings to reflect the estimated credit available to an employee.

I would like to emphasize that the consumer choice bill has no mandates on employers to provide health insurance. Employers must only give their employees the option of retaining their current benefits or cashing out their benefits and choosing another plan of their choice.

A 25-percent tax credit would also apply to medical-savings accounts. These medical-savings accounts, which can accrue interest tax free, could be used to pay for medical expenses not covered by health insurance.

I believe that by combining these innovative approaches Americans will be empowered to make their own choices about health care.

THERE ARE TWO SIDES TO THE STORY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I want to make just a few comments because I know how deeply the gentleman cares about Haiti and that tragedy, and I feel also very deeply about Haiti and the tragedy.

But I think part of the problem is no one is quite sure what to do. It is easy to throw rocks and it is easy to scream at the administration, but I have not seen anybody here put a proposal on the table. I kind of think, before we attack, we should have some proposals to propose.

The gentleman was saying how terrible it was that we had stopped the relief flights going into Haiti because many were now starving. Well, I certainly am not for people starving anywhere. I agree with that.

But on the other hand, the gentleman also conceded that one of the reasons we stopped the relief flights was that the military was taking all the food and selling it on the black market.

Now, I think had we not stopped the relief flights, then people would have been attacking us because we were sending food into the military to sustain itself and the people who were starving would still be starving. Whether we sent in the relief food or not, the relief would have really been for the people in power more than for the people that we are really concerned about.

□ 1050

There has been great criticism about the number of Haitians getting on boats and coming here, and the great tragedy of that Nation is there has been a lot of people coming here for a very long time because it has not been able to build a viable economy, and part of it has been because it has had such miserable leadership at home, and many people felt they took power to line their own pockets rather than to help people. All of that we understand, and they are trying very hard to process the ones who are truly, truly political refugees suffering all sorts of torment and discrimination at home because of their politics and those who were just coming as economic refugees, and, as my colleagues know, they can condemn the United States for enforcing that law, but, if we just said every economic refugee in the world can come in here, I am not sure when we run out of space.

So, again they have tried to put a humanitarian policy in to prevent those who are being beaten, and battered, and tormented to come in, but those who were just coming because life would be better, we would like to do that, we would like to do that for everybody, but we cannot do that because at some point we run out of room, and we have got to worry about lives of Americans who are here.

So, Mr. Speaker, we hear all of these tough choices, and it is so very easy to criticize, and it is so very painful to look at the pictures. But then my question is:

What do people want us to do? Is it the policy of the gentleman who was here to invade Haiti?

I do not think Americans are prepared to do that. We tried that once, too, in this century, and, before we quickly sign up for that program, I think we better look at the results of the other time we tried it, and the results were not very positive, to be perfectly honest. We were there quite some time, it cost a lot of money, and really nothing got better in Haiti.

So, again all I want to say is I would like to see a bipartisan solution to this. I would like to see an American solution to this. I would like to see something we can all be proud of, or we never saw suffering children, or we never saw people trying to flee again, and we knew everything was solved in Haiti in a painless, bloodless way. I just do not know what that is, and I hope, if there is anyone in America who has an idea of what that is, they would come forward, because I think every American would like to see the same thing, but I do not think we get anywhere by attacking the administration, or attacking William Gray, who is the man trying to make some sense out of all of this, or saying that some people just do not care about the starvation. I think all of us care, and we care very deeply about the starvation and torment people are in. We just feel a little bankrupt in trying to figure out what to do.

We ran in to Somalia feeling very badly about all of that, and we found that it was a lot more complex than we thought, and we had gone into Haiti before, and we found that was more complex than we thought. So, let us try to come together and reason together to find a way rather than shout at each other, and I think we will get a lot further.

NAFTA—THE FIRST 6 MONTHS

The SPEAKER pro tempore (Mr. KANJORSKI). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DREIER] is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, I and several of our colleagues have taken time

out because today is a very important point for us. We mark today the first 6 months of implementation of the North American Free-Trade Agreement.

Now there a year ago right now was a great deal of discussion here in the House and in the other body, and frankly there was a great deal of debate going on in this country over whether or not we should implement the North American Free-Trade Agreement, and many of our colleagues on both sides of the aisle regularly, and especially as members of the staff know here, stayed late at night to discuss whether or not we should implement the North American Free-Trade Agreement, and we all know that last fall, just before Congress adjourned on November 17, we had a very crucial vote here in the House, and by a very strong margin, Mr. Speaker, we passed the North American Free-Trade Agreement, something that had been envisioned since 1979 when Ronald Reagan first talked about it. It was an agreement that had been negotiated by President George Bush and was strongly supported by President Bill Clinton, demonstrating that we can, in a bipartisan way, work to create opportunities for U.S. export growth, and we can work together to bring down the barriers that tariffs pose for the free flow of goods and services.

Well, Mr. Speaker, quite frankly there were many people during that debate last year who predicted gloom and doom. They predicted the demise of the free world as we know it. They predicted that the U.S. economy would fail dramatically, and, in fact, we found the opposite to be the case. There are many people who are pointing to the fact that over the past 6 months we have enjoyed economic growth. Many like to argue that it is due to the policies that President Clinton has passed as it relates to domestic economic items here. Quite frankly, if my colleagues look at the economic growth which the United States economy has enjoyed, it is in large part due to exports and, of course, the increase in exports which we have seen to Mexico.

Now, Mr. Speaker, based on most analyses provided and the tragedies that we have witnessed in Mexico over the past 6 months, it would stand to reason that we would not have an increase in the flow of exports to Mexico, that in fact, even with the Chiapas rebellion, even with the very tragic assassination of Luis Donaldo Colosio, the presidential candidate of the Institutional Revolutionary Party, even with the economic turmoil which has existed in Mexico, we have seen, based on the data which we have received for the first 3 months of the year, exports to Mexico increased to a level of $11.8 billion from January 1 through March of this year, and it seems to me that we need to realize that there has been what we described often during the debate a win-win situation.

No one has worked harder on the issue of the North American Free-Trade Agreement than the gentleman from Tucson, AZ [Mr. KOLBE], my colleague. I had the great privilege of working with him and the gentlewoman from Colorado [Mrs. SCHROEDER] who I am going to call on in just a few moments, but first I am going to call on my great friend from Tucson.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and I appreciate his leadership on this, as I do the gentlewoman from Colorado who is one of the really hard workers on her side of the aisle last fall in this debate over the North American Free-Trade Agreement, and I especially appreciate the fact that the gentleman from California has taken this hour to essentially report to the American people, a very preliminary report we would have to admit, but to report on the progress that we have made since the enactment of the North American Free-Trade Agreement and since it went into effect on January 1.

As the gentleman said, the preliminary data is very, very encouraging, and I think, as he said in his 1-minute teaser earlier this morning, he said that we would be talking about some of these figures and also reporting on some of the very specific cases that have been very successful.

Let me begin with kind of from the larger to the more specific, but the gentleman used a figure that, I think, is very, very important. He talked about exports to Mexico at a figure, at a rate, of over $11 billion, almost $12 billion in the first quarter. That translates on an annual basis into $48 billion.

Now the first thing that strikes me about that is that that 15-percent increase, that is a 15-percent increase, and two important points, I think, need to be made. First, that 15-percent increase puts us very close to supplanting Japan with Mexico as our second largest trading partner. Almost certainly, if that rate continues next year, Mexico will be a larger trading partner than Japan is in terms of an export market for the United States goods, and that, of course, means jobs here at home exporting goods to a country like Mexico as it does to Japan.

□ 1100

The second thing is that that number, that 15 percent, if that holds good for the rest of this year is an increase.

Mr. DREIER. If I could reclaim my time, that 15 percent is the increase over the first 3 months of calendar year 1993, where we had already seen a tremendous surge in the level of exports that had taken place really since 1986 when privatization began. So exports were very positive in 1993, and we have seen nearly a 15-percent increase since implementation of NAFTA during the first 3 months of 1994.

Mr. KOLBE. The gentleman is correct on that. That is what is important. You are looking at a 15-percent increase on top of what had been a very substantial increase in the year before.

When you take that, if you extrapolate that to the entire calendar year 1994, and we believe that there will be a 15-percent increase over the entire year, you are talking about in the first year, in the first year of NAFTA, creating about 128,000 additional jobs in the United States directly related to the exports to Mexico. Because every economist agrees that each billion dollars of exports translates into about 15,000 to 20,000 jobs here at home. So we are talking about 128,000 additional jobs. In the total labor market of the United States, that is not a huge amount. But it is an important addition when we are talking about finding new jobs and building an engine of economic growth.

Mr. DREIER. The important thing to note here is as we look at what sectors of the economy we have seen the increase in exports in, it has been in electrical, machinery, paper, trucks, cereals, and other areas like that, all items which have seen a decrease in that tariff barrier as they have sought to export to Mexico.

Mr. KOLBE. The gentleman is absolutely correct. I think that the content of the exports is a very, very important factor.

Looking at another country, for example, in China, where we have a very substantial trade deficit, I think sometimes we miss the fact that there is a big difference between what we import from China, which is largely shoes, toys, some textiles, goods like that, consumer goods, and what we export to China, which is very large heavy equipment, aircraft, electronic goods, and equipment, software, computers, all of which are high-technology and require jobs at the very high end of the wage scale. So there is a very different content, job content, related to the exports versus imports. I know the gentlewoman from Colorado understands some of this.

Mr. DREIER. I would be happy to yield at this time to another person who worked with us in a bipartisan way to implement the North American Free-Trade Agreement, my very good friend from Denver, Mrs. SCHROEDER.

Mrs. SCHROEDER. I thank both of you, because you worked awfully hard on your side of the aisle, and we worked hard over here. It is a very good idea that this be brought up just before we go home. Because when we come back, GATT is going to be front and center, and some of the horrible scenarios spun out on NAFTA are going to be spun out on GATT over and over again.

There seems to be a lot of people, unlike us, who do not believe American

business can compete and American business is as vibrant as we think it is. And the good thing about NAFTA is we have had this little display now to see that it did work, and we can expand it and we can go on, and it is exciting to see other countries such as Chile in the hemisphere wanting to have this expanded to them.

I think it is win-win. I think it is a good example of how the American people win, if all of us can kind of come together and figure out these solutions.

I thank you so much for being very courageous. I am sure on your side of the aisle it was not particularly popular to be working with the President of the United States.

Mr. DREIER. We loved every minute of it.

Mrs. SCHROEDER. You were working for the United States, as we all were. There is a great feeling of satisfaction that we can stand here and say that all the naysayers will probably bring out their same tune and play it again, but we hope people look at the facts rather than get scared by it.

I wanted to join in and thank you both.

Mr. DREIER. I thank my friend very much for that helpful contribution. It is kind of you to note on our side we want to encourage a spirit of bipartisanship, contrary to some of the arguments we often hear made as debate ranges on a wide range of issues.

Mr. KOLBE. I appreciate the comments of the gentlewoman from Colorado because I think it does reflect the very strong bipartisan support that trade as an issue has in this body. We understand, those of us who advocate trade agreements, understand that trade is the engine of growth. Trade is really the future economic growth of this country.

In that light I wanted just to make a comment based on the thoughts that were contained in an article that was about this surge of exports to Mexico.

One of the officials of the AFL–CIO said well, yes, but. And the "but" was look at how much more Mexican exports to the United States have grown.

It is true that the first 3 months, while our exports grew 15 percent, the Mexican exports into this country grew 22 percent. But to say yes, but, about that——

Mr. DREIER. We have to remember there is still a trade surplus with Mexico. In the first 3 months of the year it is half a billion dollars. If you extrapolate that, that means for the entire year, we would have a surplus of $2 billion.

Mr. KOLBE. One can almost say at the moment our trade is almost in balance. The point is that trade is not a win or lose situation. It does not mean that we are worse off because Mexico also got better off. We are better off by exporting 15 percent, or another $3 billion to Mexico in the first quarter of this year, and Mexico, of course, is better off. Frankly, American consumers benefit by the facts that tariffs have gone down and we have the option of buying goods and services from Mexico that were not available to us before, or were only available at a very high price.

I think that is an issue that often gets forgotten in this trade debate, that in a two way trade, it is the consumer that benefits by having access to imports.

Mr. DREIER. There is a perfect analogy which is extraordinarily timely, and I am excited that the American people are focusing on this issue. It is the World Cup.

Now, on the Fourth of July, Monday, in Palo Alto, CA, Brazil and the United States are going to be playing each other in the World Cup. Brazil and the United States are going to be the sole two teams on that field when the World Cup match is played.

Now, as we look at the issue of trade, there are people who like to say it is Mexico and the United States, and it is just the two of us. But we know that we live in a global economy, and in fact competition is wide ranging.

Now, as my friend pointed to the fact there has been a 22-percent increase in the level of imports from Mexico, we have got to realize that that is something that has come about in competition not just with Mexico, but with the rest of the world. And many of those items which we have purchased are items which would have come from China, Indonesia, Singapore, and other countries in Latin America.

So in the World Cup it would be, on the issue of trade, as if every single team in the World Cup was on the field playing, when in fact that is not the case when they are playing soccer. But in the global economy that we have today, that is the case.

So as we benefit the United States consumer by increasing the flow of items from Mexico to the United States, it is coming about because of that diminution of tariff or tax barriers which exists between the two countries.

Mr. KOLBE. The gentleman is correct. I think it is important to keep that point in mind, that the fact that there were these exports coming from Mexico to the United States did not mean that it diminished the United States production or United States jobs, that it supplanted United States production. It may have supplanted some of the production in another location, or, more importantly, it added to the total wealth within this country. It adds to the total wealth Americans have in terms of the products and services they are able to buy.

In the meantime, we are benefiting because we are exporting more to Mexico and exporting more to other countries.

Mr. DREIER. Many of our colleagues worked long and hard on the issue of the North American Free-Trade Agreement, and we had, as we were saying earlier, bipartisan support. But among the freshman Members who just came to this Congress within the past 18 months, JAY DICKEY stood out as one who worked long and hard, took time on special orders, worked diligently to convince a number of his freshman colleagues and others to support the North American Free-Trade Agreement. I am happy to yield at this time to my friend from Pine Bluff.

□ 1110

Mr. DICKEY. I thank the gentleman from Claremont, CA.

Mr. Speaker, I am excited about NAFTA and what we are seeing as a result because of jobs. As I have been told, 20,000 U.S. jobs are created upon an increase of each $1 billion in trade. We are estimating that in the year 1994 we are going to have a $7 billion gain in trade in Mexico, or with Mexico, and therefore, we are going to have seven times 20,000 United States jobs that are created.

Mr. Speaker, some of this data that we have relates to various parts of our industry and exports. We have always been a supplier of United States-made motor vehicle body parts or radio and television parts to Mexico. Now, because of NAFTA, we can go and sell the completed car. The projection is from Ford Motor Corp. that they will export nearly 25,000 cars and trucks to Mexico this year, which is 23,300 more cars than they exported in 1993.

Wal-Mart of Arkansas, my home State, is going to provide 40 percent more United States-made products to its Mexican stores because of NAFTA. We also had the National Cotton Council of Memphis giving out a report for the first 3 months of this year, January through March, of an increase in cotton sales to Mexico to the tune of 62 percent.

This region includes Arkansas, Louisiana, Mississippi, Tennessee, and Missouri. It makes up one-third of the Nation's cotton crop. We do not know what the others are doing, but we do know it is affecting us directly, particularly our farmers.

The livestock and poultry commission in our State of Arkansas also reports that the poultry products are well on their way to increased exportation to Mexico. We anticipate increases not only in raw products; namely, broilers, but also finished products, such as the chicken and the TV dinners and entrees, as the tariffs come down.

Mr. DREIER. If I could reclaim my time for just a moment to underscore a very important item that my friend, the gentleman from Tucson, AZ, [Mr. KOLBE], and I both would like to point to, that is Wal-Mart, based in the gentleman's State, and the tremendous increase that we have seen in the number

of United States-produced goods that are being sold in Mexico. I should say that my friend, the gentleman from Tucson, and I on more than a few occasions had the opportunity to visit the largest Wal-Mart store in the world.

Mr. KOLBE. The gentleman from Arkansas [Mr. DICKEY] was on that visit when we visited the Wal-Mart store, and I know he would probably like to share some of what we saw there.

Mr. DICKEY. Absolutely. It was fantastic.

Let me tell you, if I may, what the Wal-Mart people tell me. They went down there thinking that the Mexicans would buy their products that they made a little better than they would buy United States-made products, so they put on the shelves the Mexican-made products, which supposedly were made in a cheaper fashion and they could reduce the prices.

They could not get those things off the shelves, so they started moving in American-made products, selling them at the same high volume, low discount rate, and they could not keep the American-made products on the shelves.

We saw that Wal-Mart that night. It was like an anthill, people everywhere. They seemed to know exactly what they were doing. It was a gigantic store and a tremendous, tremendous trophy to NAFTA.

Mr. DREIER. The figures from Wal-Mart are phenomenal. It this article, which was in USA Today, it says "Exports To Mexico Soar After NAFTA," and it has this amazing Wal-Mart figure in which it says "Wal-Mart has increased the percentage of United States-made products in its Mexican stores to 80 percent from 40 percent because," and Mr. Southerquist, the chief operating officer is quoted as saying, "that is what the shoppers there wanted, were American-made products," exactly what my friend, the gentleman from Pine Bluff, has said, so a doubling of the increase of United States-manufactured goods that are on the shelves in Mexico.

Mr. KOLBE. If the gentleman from California [Mr. DREIER] would yield, in the spirit of fairness and telling all the truth here, one of the problems we have had with NAFTA and the implementation has been trying to understand the new rules and regulations, in particular the new rules and regulations that have been imposed in Mexico on labeling.

I think, Mr. Speaker, I would acknowledge that this last week, just this last week, that the Wal-Mart store was closed very briefly by the Mexicans because of failure to adequately or properly label some of the products. That is one of the learning things we are going through, is learning how, what is required in terms of product labeling in Mexico. It is a new law down there, and there have been problems, I think we need to acknowledge.

The customs brokers tell me there have been problems trying to figure out new procedures for crossing at the border. All that is the learning process. It is the growing pains, if you will, of the new and growing trade relationship between our countries.

Mr. DICKEY. Let me finish just one paragraph.

Mr. DREIER. I am happy to yield to the gentleman from Pine Bluff.

Mr. DICKEY. What I want to do is bring this into Arkansas, maybe Pine Bluff, AR. We produce soybeans in our area. We have been competing in the past with South America, which is a major soybean producing nation.

What is happening is that we are now able to provide Mexico with soybeans with no tariff, where the South American countries must pay the tariff. We have been given an advantage in southern Arkansas and eastern Arkansas, we have been given an advantage, because the tariffs from the other competing countries are still in place and we no longer have them.

I tell the Members, it is exciting. It is something that is really going to happen, and it is going to pay off. This effort that was made is going to pay off. I want to thank the gentleman from California [Mr. DREIER], too.

Mr. DREIER. Mr. Speaker, we have been joined by one who voted "no" on the North American Free Trade Agreement, and I suspect may have seen the light. What he just said to me is that he wants to talk about the NAFTA in a positive way. I would be happy at this point to yield to my friend, the gentleman from San Diego, CA [Mr. FILNER].

Mr. FILNER. I thank the gentleman for yielding.

Mr. Speaker, let me just say to the gentlemen who are here, as they know, I represent the border area between California and Mexico. I did not vote "yes" for NAFTA, but it is vital to my constituents that NAFTA works. It is vital that we be part of economic growth and economic vitality.

I was pleased to hear the reports that the gentleman had today of some of the successes. I just wanted to make the Members aware that from my perspective sitting on the border, wanting to work with the Members to make it work, that we have to work to make sure that the infrastructure at the border is adequate to cover this advancing activity.

For example, as Members well know, much of the trade between the two nations is still carried on trucks, and about 50 percent of the trucks come through one border crossing in San Diego, the Otai Mesa border crossing. There is no interstate highway that connects that border crossing with the rest of the highway system in America. It is just a city street now that is very dangerous.

I have worked with the Committee on Public Works and Transportation to get that road declared part of the National Highway System. We got a little bit of money this year to begin to move forward, but we need, I think, Mr. Speaker, to have an infrastructure fund specially for the advancement of NAFTA.

It is going to impose some burdens on our infrastructure, and if the successes that the gentleman has outlined here today continue, we are going to need that. This is a potential impediment. I hope to work with the gentleman to make sure that infrastructure is there.

Mr. DREIER. Absolutely. I thank my friend, the gentleman from San Diego, CA [Mr. FILNER], for his contribution. I have visited the Otai Mesa, and obviously there are infrastructure problems that need to be addressed, but frankly, as we see the increase of the flow of goods and services, we also want to get to the root of the illegal immigration problem not only by enhancing the economy of Mexico so people do not have to flee across the border, but by improving that infrastructure. As the gentleman has said, we clearly will create a situation that can enhance the ability for goods and services to flow across the border.

Mr. Speaker, I will say to the gentleman that I have strongly supported efforts to improve the infrastructure in that area, and am committed to doing everything that I possibly can to do that.

Mr. FILNER. Mr. Speaker, I look forward to working with the gentleman. I think we can be brought together on the two things the gentleman has mentioned, the advance in economics and the decrease of illegal immigration.

Mr. DREIER. I thank my friend for also realizing that NAFTA is going to be a win-win for both countries.

Mr. Speaker, I would like to further yield to my friend, the gentleman from Tucson, AZ [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to share with my colleague, the gentleman from California [Mr. DREIER], as well as others who may be listening to us here today, again before we get to some of the specifics that I think will be of interest to our listeners, to our Members, just some more macrodata.

□ 1120

KPMJ Peat, Marwick did a study not long ago, probably the most extensive study of American businesses about how they viewed NAFTA and what their response to it would be. They interviewed 1,036 business executives from mid-April to mid-May. They were all companies with gross revenues of at least $10 million or more in the area of financial services, health care, information and communications, manufacturing, retailing and distribution industries.

Here are just a few of the things they said which I think are interesting, because these are the people on the front

line deciding whether they are going to do business in Mexico or how they are going to do so. First of all, 60 percent of them believed that it would improve the U.S. economy, and at the same time that it would provide stability to the Mexican economy. Sixty-six percent believe that it would help their companies expand in the rest of Latin America. Interestingly, 40 to 50 percent, in other words almost half already conducted preliminary research and have taken steps to hire personnel who speak Spanish in order to take advantage of this growing market.

Another couple of things are interesting. When asked where they plan to do their investment in the next year, 22 percent of them said Mexico. That is higher than any other country or region of the world. For example, 19 percent expected to do additional investment in Europe. Japan was only 9 percent.

So we have a tremendous market, it seems to me, in Mexico that has been demonstrated by the confidence that these American businesses have.

I would also just add one other little point. When asked would they move their business to Mexico or did they have any plans to do so, 86 percent said they had no plans whatsoever to move any of their production or business down to Mexico, but were hoping to take advantage of the growing markets down there. I think this information is useful information.

Mr. DREIER. That is very helpful. I appreciate the fact that my friend has pointed out the overwhelming support that is there and the successes which we have had.

One of the other items that was raised throughout the debate on the NAFTA was the issue of the political instability that exists in Mexico and the problems of six decades of one-party rule. One interesting assessment was provided by Nora Lustig who is an expert from the Brookings Institution. The point was made that in Mexico the fact that NAFTA was implemented helped to moderate the government's response to the Chiapas uprising and increase the pressure that the election, which we are going to be seeing on August 21, will be run in a fair and balanced way because there is a spotlight effect on Mexico.

There were many who argued that President Salinas and others in the Mexican Government were supporting the NAFTA and wanted to look as if they were improving the human rights situation and other problems that existed there just to get it through when in fact, as we look at the first 6 months, while there have been as we all acknowledge serious problems in Mexico, there has been that spotlight effect on Mexico, it does appear that as the world has looked at it things have improved. Based on most every assessment that has come out over the past several months, we will see on August 21 a fair and balanced election.

My friend from Tucson is planning to be in Mexico for the election on August 21. I wonder if he might have some thoughts that he might like to share on that.

Mr. KOLBE. I appreciate the gentleman's comments and his question on that. I am hoping to be in Mexico during that time, if the schedule will permit, because I think it is very important that American political leaders see and understand the changes that are taking place in the Mexican political system.

As the gentleman has correctly pointed out, it has been a very dramatic change down there. In past elections there was the total machinery of the election in the hands of one party, the PRI. They have made so many changes to the election laws this year that you can hardly keep up with them. There are, for example, several limits on the spending so that all of the parties have equal access to the media markets. They also have equal access in terms of being able to raise funds.

The second thing that has been changed, and I think this is really very dramatic, is the new election rolls. They have been working on this for several years, but now every person has a card in their hand that guarantees them the right to vote, and they must have that card stamped, or they must have their finger stamped in order to vote. Once they do, they cannot vote again. That has been one of the problems in the past.

They are going to select their poll watchers, the people that run the polls in every little precinct, in every little village throughout Mexico, or every little suburban area in Mexico City, they are going to be selected randomly by a draw from the registered voters in that particular voting district, or as we would say in this country, precinct. So there is no way that one party gets an advantage over the other. They are going to select them randomly.

As proof I think of their strong desire to have a free and open election, the Mexicans are bending over backwards to invite foreign observers to see this election take place. In fact, I think they are hoping that the foreign observers will help to make sure that honesty is the byword of this election. So for a country that in the past has seen having foreign observers there as an infringement on their sovereignty, they are going to the other extreme, if you will, and inviting literally thousands of observers to come to that country. I have urged them for years to do this and said, look, we invite people to our elections from every country all over the world to come over and see how we do it. Maybe you can learn something from our elections, and we might learn something from the way Mexico has conducted this election. It is certainly going to be among the most modern in terms of technology in the world, and it far exceeds anything that we do in this country in terms of their polling lists, and the modernity and the updating of their polling lists and how updated they are. It is going to be a very technically oriented election, and I think we can probably learn something.

There are three candidates, as the gentleman knows, and at the moment two of them, that is the government party candidate, the PRI which has been the presidency for the last 60 years in Mexico is running narrowly or slightly ahead of the candidate of PAN, which is the more free enterprise oriented party, the National Action Party. On the other side, the Democrat Revolution Party, the PRD, is, of course, led by Mr. Cardenas and that party is running very much third right now.

Mr. DREIER. A very distant third.

Mr. KOLBE. A very distant third. They are going to be the ones, of course, that will raise all of the questions and the charges about dishonesty in the election.

I think what is the real news is that the PAN is running as close as they are today to the PRI.

Mr. DREIER. What we often heard throughout the debate on the NAFTA was that there was a strong opposition within Mexico to the NAFTA, the two parties which are almost neck and neck, very close at the top, way ahead of the PRD candidate, Mr. Cardenas both strongly supported implementation of the North American Free-Trade Agreement, and those candidates are the ones who have gained the largest support base within Mexico.

Mr. KOLBE. That is correct. And the PAN, the National Action Party, was very quick to support the concept of NAFTA. For years they have been arguing for a more open and freer trade, and they were very, very quick in responding to that.

So in fact it is very hard today to distinguish between the PRI, the government party, the Party Revolutionary Internationale and the PAN, the National Action Party and their economic policies. So both of them are strong advocates of more open markets, freer trade and capitalism in Mexico, which I think is a very clear signal to the rest of the world of the economic direction of Mexico.

Mr. DREIER. Mr. Speaker, we have spent the last 40 some odd minutes talking about the wide range of issues and concerns that were raised on this whole issue of the North American Free-Trade Agreement, ranging from the question of exports versus imports, the political situation, the problems that Mexico has faced, which we all acknowledge are still there.

□ 1130

I think that as we look at this issue we should take the next few minutes to be very specific about some of the marvelous success stories that exist as it relates to the NAFTA.

Now, as we all know, some of the most virulent opponents to the North American Free-Trade Agreement stated as that debate raged last year that we would see the economies in the Rust Belt of the country devastated if NAFTA were to be implemented, all of the jobs because of businesses flowing to Mexico would be evaporating, and they said to people like the gentleman from Arizona [Mr. KOLBE] and to me that, "Yes, you come from the Western part of the United States, your States border Mexico, and you will have real improvement. But the rest of the country will pay the price from the implementation of the NAFTA."

So I would like to take a couple of minutes to start out by pointing to a few successes that exist in Ohio.

Now, we know that some of the strongest opposition came from Members of the Ohio delegation, and for starters, as we look at the first 6 months, the headline of this article, "Chrysler Starts Shipping Jeeps To Mexico." In January, Chrysler began shipping its first Jeeps to Mexico. The company will ship about 3,800 Jeep Wranglers and Cherokees to Mexico from its Toledo, OH, plant in 1994, thanks in part to lower tariffs as a result of the North American Free-Trade agreement, that's in an article in the Journal of Commerce.

The Jeep sales have also benefited suppliers to Chrysler who are spread throughout that region.

Then there is an article in the Cleveland Plain Dealer, "Axle Maker Sees Silver Lining From Jeep Exports." With the export of nearly 4,000 United States-made Jeeps to Mexico, Toledo-based Dana Corp. now has to produce more axles for the popular vehicles. The chairman of the Dana Corp. indicated in December of 1993 that the company may even close its plants in Mexico and bring business back to the United States. Now, that is a little different than what we heard last year during this debate on the NAFTA.

Then if you look also in Ohio, Cougar and Thunderbird production moves from Mexico to Ohio. The Ford Motor Co. announced in January that it plans to shift production of its Cougars and Thunderbirds from Mexico to Lorain, OH. Ford plans to build an additional 8,000 Thunderbirds and Cougars this year in Lorain using current workers on overtime. A Ford spokesperson, who credits the NAFTA for the production move, said the company may also move its production for the Grand Marquis from Mexico to the United States. The company is holding to its assurance that NAFTA would create, not eliminate, U.S. jobs, and plans to hire 550 workers as it realigns its North American operations.

Mr. KOLBE. If the gentleman will yield further, there is more in the automobile market. As a matter of fact, many of us argued during the course of the NAFTA debate that one of the first and greatest beneficiaries was going to be the automobile industry, because the most excluded product that we make in the United States, from the Mexican market, has been automobiles. That is because of what they call the auto pact that requires that for every car that is imported into Mexico, two have to be exported, and any car that is imported has such horrendous tariffs on, it made it impossible. What the companies were forced to do was go down there and build their production plants in Mexico in order to produce.

Now we are going toward a rationalization. We are seeing astonishing results immediately, even though it is not for 10 years until all the tariffs and restrictions on imports of autos come off.

Here is what happened with Chrysler and the export of Intrepids, Dodge Intrepids, to Mexico. This year they are going to export about 2,500 Dodge Intrepids from their Newark, DE, plant to Mexico. Now, that does not seem like an awful lot, but it is an awful lot when you think that last year they exported exactly eight, eight Dodge Intrepids which were sent to Mexico. They are going from 8 to 2,500. That is in the first year.

Each year those tariffs continue to come down. Each year the number of imports allowed into Mexico continues to go up, so there is going to be a tremendous boom, I believe, in that market. You are looking at 90 million people down there, a growing middle-class market in Mexico. There is a tremendous opportunity.

That is just what you cited, as with Jeep, as one example, and that is just another one. There are others in the area.

Mr. DREIER. We have this litany of pages. If you look further in Ohio, Goodyear Tire hiring in Ohio due to Mexico trade; export consultants swamped by NAFTA interests; machinery producer sees gains in Mexican market. These are all items that have been in Ohio.

Then in Michigan, and you may recall there were more than a couple of our colleagues from Michigan who often stood in the well and spoke in opposition to the North American Free-Trade Agreement.

The headline and report for the Joint Automotive Governmental Action Council, and we have mentioned Chrysler, we have mentioned Ford. "GM auto exports to Mexico booming under the NAFTA." "Dow Chemical projects $34 million growth in exports to Mexico just in 1994."

Mr. KOLBE. If the gentleman will yield again, back on automobiles again, here in Indiana, a company called MascoTech, Inc., and actually it is a Michigan-based company, but they have bought a new plant in North Vernon, IN, to produce auto parts for the Mexican market, a huge, huge market in Mexico for automobile parts. They are going to be building wheel covers, spoilers, luggage racks, battery protectors that will be going to Ford and Chrysler plants in Mexico. They expect to sell some 4 million parts, auto parts, from its North Vernon facility to the two auto makers by 1995, all, 100 percent of it, due to the increased business with Mexico.

Mr. DREIER. I am originally from the "Show Me" State. In fact, I am going to be spending some time there next week.

As I look at Missouri, I look at a company with which I have been very familiar over the years based in Kansas City, MO, called Butler Manufacturing Co.

Their firm is a supplier of specialty components, nonresidential construction services, and they project that their total orders will rise by 27 percent in the Mexican market. Part of the reason for the growth is that under NAFTA, Butler can charge its clients lower prices. Mexico's import duties on construction materials fell from 15 percent to zero under NAFTA, a benefit it can pass to its customers.

Back in the United States, Butler is already increasing its engineering staff and expanding its manufacturing shifts to respond to increased production.

And then another headline that was in the Saint Louis Post-Dispatch just a couple of months ago, "Chrysler Picks Missouri, Not Mexico, As Site For The Ram Production." I guess that is one of their automobiles, I guess, the Chrysler Ram. I am not too familiar with that one. Obviously they are selling in Mexico, and they are being manufactured right here in the United States.

Mr. KOLBE. If the gentleman will yield further, one case that includes my own State of Arizona is Honeywell. Honeywell, of course, is based in Minneapolis.

Mr. DREIER. I thought we were not going to talk about our own home States here.

Mr. KOLBE. It is not my home district, because they are located in the Phoenix area, but Honeywell expects to increase sales to Mexico 60 percent in 1994; with NAFTA's more open government buying rule, they expect to sell more of the TDC 3,000 process control systems which are built in Phoenix to the Mexican oil company, and that is Petroleos Mexicanos, or PEMEX. They are also selling other equipment that is made in Albuquerque, made in Arlington Heights and Freeport, IL, so very important gains there.

We have been talking a lot about big companies, Chrysler, Ford, and Dow and Honeywell.

Little companies are benefiting, too. Let me just suggest a couple of them. One in San Rafael, CA, Panamax——

Mr. DREIER. Thanks for covering California for me. I appreciate it.

Mr. KOLBE. They are a small designer and manufacturer of surge protectors for high-technology electronics equipment. They have added 15 to 18 employees just to meet the NAFTA-generated sales this year. They have added a bilingual sales staffperson to handle the calls from Mexico and Latin America.

That, by the way, is a phenomenon we are seeing all over the country, and putting a tremendous demand on individuals graduating from high schools and universities that have language capabilities that can do business in English as well as in Spanish. So there is a tremendous need there. In fact, the language firm, just one other, and I will give the floor back to my good friend from California, called the Language Solution, a Burbank-based language instruction services firm, it is reaping the benefits of increased trade with Mexico. It opened an office last year in El Paso, to teach Spanish to local U.S. Government and business personnel. It has already won a contract with the local gas company as well as several other U.S. companies that have border operations, border facilities.

It is selling more of its business in Albuquerque, where firms are asking for language-trained individuals. So there is an example of the spinoff of NAFTA in another area of language, a firm that is devoted specifically to that.

And the list goes on and on, as the gentleman knows.

Mr. DREIER. And it is going to go on and on right here, and to be even-handed, I am going to talk about Florida. In Florida, and this was in the NAFTA News on April 25, Medical Equipment Maker Sees Jump In Sales To Mexico. Fort Pierce-based DeVilbiss/Pulsair, a medical equipment manufacturer, has seen exports to Mexico skyrocket over the last 2 years. The company expects sales to grow even faster under the NAFTA, which cut Mexican tariffs on medical equipment. Pulsair expects 1994 sales of over 2,000 units, according to company vice-president Mark Novak, and here is what he said: "With NAFTA's lower tariffs, market activity will increase, and sales have no way to go but up."

□ 1140

Having said that, having referred to Florida, I yield to my very good friend, the gentleman from Sanibel, FL [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished Member from Laverne, CA.

Mr. Speaker, in fact there is other good news in Florida, success stories about Florida manufacturing that have worked out very well. I want to congratulate the gentleman from Arizona [Mr. KOLBE] and the gentleman from California [Mr. DREIER] for taking this time. We are fulfilling a promise here, and I appreciate their leadership. We promised we would watch the situation with NAFTA very closely and that we would issue progress reports from time to time.

I think that a lot of us took NAFTA a little bit on faith, the faith that American business can compete and win, and in fact that is exactly what is happening. We are being justified.

I want to congratulate Mr. DREIER and Mr. KOLBE for their continued leadership, meeting the obligation, and satisfying the promises to keep monitoring and reporting back. I have to say that their are still some problems in some sectors, as Mr. DREIER knows and we have talked about. We are working them out. We are getting good response to work out problems with the tomato growers, for the child labor laws, pesticides and things like that. Progress is being made in troubled areas and success is being made in other areas.

I would also like to say that someday I hope we are going to be able to have other markets as well. Places like Haiti come to mind. If the gentleman would indulge me for about 10 seconds, I heard the gentlewoman from Colorado [Mrs. SCHROEDER], who participated in this earlier, who referred to Haiti, saying it is a shame that we do not have other options for the situations in Haiti. I think she was referring to the somewhat critical statements I made earlier in the morning.

In fact, we do have other options for Haiti than the administration's policy. Apparently the gentlewoman has forgotten that we have a safe haven solution that involved no embargo, provided humanitarian relief, and did not call for an invasion.

So, either the gentlewoman has forgotten, simply forgotten, or as a member of the Armed Services Committee she was absent from the debate, but I do not think that is correct. So we have had concrete solutions offered that are better. And I hope those solutions will lead to better opportunity for NAFTA to come to Haiti and other places like that where they will profit and will profit.

I thank the gentleman.

Mr. DREIER. My friend is absolutely right. I thank him for his contribution and the diligent and very responsible way in which he has been dealing with the wide range of issues that affect this hemisphere. I know that he as a Floridian has been working specifically on the issue of Haiti. He underscores what truly is a goal of ours—that is, to create a hemispherewide free trade zone so that we can witness the free flow of goods and services throughout this hemisphere. I think that is a very important item which would again create a win-win situation.

I would like to point to one more item, since I have had an 11:30 appointment that I have stood up so far. The person with whom I have the appointment and was scheduled to meet happens to be from Connecticut. So I thought maybe I should point to one of the success items in Connecticut, and then I would further yield to my friend from Tucson. This is correspondence from a company based in Norwalk, Connecticut, named Perkin-Elmer. They are, as I said, based in Norwalk. They report that they have sold $550,000 in water quality analysis equipment to Medico under NAFTA. The company has sold $250,000 worth of atomic absorption spectrometers and $150,000 worth of gas chromotographs to Mexico's regional water laboratories. The firm has also sold an $80,000 inductively coupled plasma emission spectrometer and a $70,000 gas chromography mass spectroscopy system to the City Water Laboratory in Juarez. I wonder how they translate that in Spanish. Each sale also involves repeat business because the machines require replacing consumable equipment, such as light sources.

That came out in an article just about 6 weeks ago on a success in Connecticut.

I further yield to the gentleman.

Mr. KOLBE. I thank the gentleman for yielding.

Mr. Speaker, the gentleman was stumbling somewhat over those scientific terms. I do not know how it is translated into Spanish. I am not sure how the reporter is going to get it quite into the record here. But I know the gentleman has scientific background, and he knows it all and uses those terms correctly.

Mr. DREIER. If I may interject, one of my best friends is a spectroscopist.

Mr. KOLBE. The gentleman points out correctly that a lot of this is very high-technology scientific equipment that we are selling and a lot of it is also services.

Let me also, in concluding my remarks here, mention one or two other items.

I think it is interesting that Ace Hardware is planning to build a $26 million paint manufacturing facility in Texas as a result of NAFTA. They have reported their sales grew by 125 percent in the first 2 months of this year as a result of taking the tariff off. I think that is one of the products where the tariff comes off immediately, 100 percent of the tariff is reduced there. That is paint sales. They now have more than 1,000 jobs in the United States supported by sales in Mexico. They hired 25 workers in just the past couple of months to serve Mexico. All of these

have been hired since the passage of NAFTA.

But it is not just manufacturing. There are services which I want to mention.

Integrated Cargo Management Systems, in San Antonio, produces high-technology services for monitoring of trucks and cargo. They signed a letter with Mexico's Radio Beep SA de CV. That is the largest paging and messaging company in Mexico. They signed for the exclusive distribution rights. That is an example of the kind of thing that can happen with the passage of NAFTA.

Let me finally just mention an insurance firm in Mississippi, Jackson-based U.S. Life Insurance Co. recently received approved from the Mexican Government to participate in the Mexican reinsurance market. That is a brand-new area that the United States have been excluded from entirely in the past, in the insurance and reinsurance market. There is a huge opportunity for U.S. firms. These are just a couple of examples. Let me, as I close my thoughts here, remember that we are really not talking just about names of firms, we are not talking about sales and dollars, we are talking about human beings, jobs, good jobs for Americans, for American men and women and for their families. That is what trade is all about. I know my good friend from California shares that vision of trade as the engine of growth for the United States, and that is why we work so hard to make sure that NAFTA becomes a reality. And I think that is why we stand here today with some justifiable pride and certainly some satisfaction, knowing that the efforts we put forth have literally, literally led to the creation of thousands of new jobs here in the United States for American workers. I know he is going to be a leader as he has been in the past on NAFTA. He was on NAFTA and he will be a leader in making sure that we have a good GATT agreement, and GATT-implementing legislation.

I thank the gentleman for his contribution.

Mr. DREIER. I thank my friend very much for the leadership role he has played in this issue of the NAFTA and will continue to work closely together on the MFN with China and the General Agreement on Tariffs and Trade and the wide range of trade issues which, as he said, create opportunities to benefit not only workers in this country but also the consumers who do see a real plus from the issue of free trade.

Things are not perfect in this arrangement with Mexico and the United States. You will recall the package is to be phased in over a long period of time, 15 years. We are hopping to reduce that total phase-in period. We know there are very serious problems that continue to exist in Mexico today. But having said that, it is very clear from what we have discussed over the past hour and other evidence that has come forward the preponderance of information that has been provided demonstrates that breaking down tariff barriers, as was done with the North American Free-Trade Agreement, is a win-win situation. There is no benefit for the United States of America to have a poor southern neighbor. We want to help lift the economies throughout the world and we want to do it not with dramatically increasing, taking U.S. taxpayer dollars through foreign aid, but instead through trade. And that really is the key to growth in the United States and in the other countries.

Mr. Speaker, with that, I would like to extend best wishes to our friends and colleagues, all those who work here in the Congress, for the next 10 days as we embark on our Independence Day district work period.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORTS ON H.R. 3800, ENVIRONMENTAL INSURANCE RESOLUTION AND EQUITY ACT 1994, AND H.R. 2448, RADON AWARENESS AND DISCLOSURE ACT OF 1993

Ms. LAMBERT. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tonight to file a report on the bill (H.R. 3800) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes, and a report on the bill (H.R. 2448) to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.

Mr. Speaker, this request has certainly been cleared with the minority side.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentlewoman from Arkansas?

There was no objection.

□ 1150

INTRODUCTION OF LEGISLATION TO IMPROVE HEALTH CARE IN RURAL AREAS

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, for the last 4 years I have been traveling through the 25 counties of Arkansas' First Congressional District talking with the people about what they really need to improve their health care in rural Arkansas. I have talked with mothers who have to drive hundreds of miles across county lines to deliver babies because there are no obstetricians near their home, or their HMO only contracts with a hospital that is 200 miles away.

I have talked with small town doctors who pay triple the costs for repairs on their medical machines, x-rays and other things, and they pay triple the costs for supplies like film because they work in isolated areas and serve the people of Arkansas' First Congressional District. And I have talked to parents of chronically ill children who could not get their children the care they needed because their HMO's did not cover specialized treatment like pediatric cardiologists.

Now the time for talking is over. It is time for action. I am pleased to introduce today three bills that will bring doctors to rural areas that will help to keep them there, and will more adequately reimburse the cost of serving in rural areas, and, hopefully, improve delivery of services to chronically ill children.

Mr. Speaker, my fear is that in these confusing discussions of health care reform that rural concerns will get left out or simply the short end of the stick. Insurance for all people does not mean a lot in rural communities if we do not have doctors or health care providers there and if they cannot get the type of treatment that they need. These bills will answer the call of the people of the rural areas of this Nation and in Arkansas' First Congressional District.

FINDING A REMEDY TO THE CARBONE DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to urge my colleagues to support bipartisan legislation I, along with others, have introduced, H.R. 4661, to ensure the protection of flow control authority for those local and State governments that rely on it for the implementation of long-term, integrated, environmentally sound municipal solid waste management plans.

Mr. Speaker, it is absolutely clear that without this flow control option, recycling, composting, source reduction, resource recovery programs, waste-to-energy and other environmental projects to manage municipal solid waste in communities across the United States will be seriously endangered. Indeed, it is fair to say that in the aftermath of the Carbone decision, which has overnight eliminated this important local government tool, the momentum toward increased recycling, composting, and source reduction will not only come to a halt but could be significantly reversed, undoing all the progress we have made over the last

decade. As Justice Sandra Day O'Connor noted in her concurring opinion, it is within Congress' power to authorize local imposition of flow control. I urge my colleagues to move legislation that would ensure localities continued use of and investment in innovative and environmentally sound solid waste management systems.

Mr. Speaker, some who claim to be concerned about the negative environmental impact of the Carbone decision are suggesting a narrow grandfather of exact facilities already built. I believe that could prove to be short sighted and environmentally regressive. It would freeze in current technology, making it more difficult to finance new technology for recycling, composting, resource recovery and source reduction. Accordingly, I have introduced legislation, H.R. 4661, that grandfathers solid waste management plans that are predicted on waste flow control. My bill enables communities that rely on waste flow control to pursue those plans and for those communities that do not have such plans, they may proceed pursuant to the new guidelines established in the bill.

Mr. Speaker and my colleagues, we need to fully understand and appreciate this: the Carbone decision and other similar court cases place many planned and existing recycling and composting facilities in jeopardy.

To underscore this concern, let me point to some places across the country where composting and related environmental projects are at risk absence of flow control legislation like H.R. 4661.

The city of Springfield, MO, has decided to open to $17.9 million recycling and composting facility—referred to as a materials recovery facility [MRF]—the funding of which requires a bond issue. After the decision to build the facility was made, however, local waste haulers purchased landfills outside the city limits. They then began transporting 75 percent of the city's waste to these landfills, thereby jeopardizing the city's chances for a bond issue. The waste hauler's landfills do not, of course, incorporate source reduction or recycling into their waste disposal programs. In contrast, the city's plan, which now stands in jeopardy due to the actions of the local waste haulers, incorporates recycling, source reduction, public education, and the removal of household chemicals from the waste stream.

The city of San Diego's municipal solid waste composting project, Cape May County, New Jersey's municipal solid waste composting project, and Rockland County New York's recycling facility are all in similar situations. Each local government has planned an environmentally sound recycling or composting facility as part of an integrated solid waste management plan. Each one must now put implementation of its recycling or composting facilities as well as its entire integrated solid waste plan on hold as a result of its inability to use flow control in the wake of the Carbone decision.

Similarly, Fresno, CA, is in the planning phase of its municipal solid waste composting project. Under the California State "Integrated Waste Management Act of 1989," California communities are required by law to divert 50 percent of their waste from landfills by the year 2000. In order to comply with this mandate, San Diego built the waste recovery facility at issue. Plans for this facility will also be put on hold.

Riverside County, CA, is in the final permitting stages for their planned recycling facility, a facility which would allow the county to avoid landfilling a significant portion of their waste in compliance with California law. These plans will now be put on hold as a result of the Carbone decision.

The Connecticut Resources Recovery Authority operates two recycling facilities that are absolutely dependent on flow control. Connecticut Attorney General Richard Blumenthal recently described the impact the Carbone decision will have on his State. He told the press that "as a direct and immediate result" of the Carbone decision, "many (Connecticut) municipalities, and ultimately their taxpaying citizens will find themselves liable for huge payments in lieu of garbage which they can no longer supply." As Blumenthal notes, it is ironic that Connecticut municipalities find themselves in this position because Connecticut complies with Federal mandates requiring long range planning for solid waste disposal and recycling. The State of Connecticut could ultimately be liable for $520 million in State revenue bonds.

San Diego County recently began commercial operation of a $134 million waste recovery facility which recovers recyclable from the waste stream. In order to comply with California State mandate, San Diego built the waste facility at issue. The fate of this facility, which depends on flow control, is uncertain in the wake of the Carbone decision.

In my own district, one county, Mercer County, issued and spent $71 million in revenue bonds for the construction and implementation of a state-of-the-art comprehensive solid waste management system which incorporates many environmental programs. Its solid waste management system includes comprehensive recycling, leaf and yard waste compositing, household hazardous waste collection, an aggressive consumer education program, resource recovery and landfilling. Similarly, Atlantic County has a comprehensive solid waste management system that includes compositing of municipal waste, including leaf and yard waste, a comprehensive recycling program, including curb-side collection of batteries and other items, household hazardous waste collection and an aggressive consumer education program.

By employing comprehensive waste management systems, the counties eliminate the need to send significant portions—often over 50-percent—of their waste streams to waste disposal facilities. Under Mercer County's comprehensive recycling program, which includes curbside collection of recyclable materials including wood, paper, plastic, glass, steel, aluminum, bi-metallic, newsprint, batteries, tires, and ascptic containers, last year 63 percent of the county's municipal solid waste was recycled.

In addition to the many environmental projects employed by Mercer and Atlantic Counties, the two counties have agreed to jointly operate a regional resource recovery facility, scheduled to begin construction on July 31, 1994. As a result of the Carbone decision and the counties' inability to use flow control in the absence of Federal legislation authorizing its use, both counties' entire comprehensive solid waste management systems—and the $71 million in revenue bonds used to fund the Mercer County system—are in jeopardy. As a result, not only is the construction of this regional facility placed in jeopardy, but so are the numerous aggressive and effective environmental programs currently run by the counties.

Burlington County, in my district, faces a similar situation regarding its proposed sewage sludge composting plant. The plant is estimated to cost $70 million and the County has already borrowed $46 million from the State wastewater trust. However, financing is based on the assurance that sewage sludge from all 40 municipalities in Burlington County would be treated at the plant. Without this guaranteed revenue, the county may be forced to accept sludge from outside the county—thus breaking a longstanding promise to Burlington residents—or hike disposal fees which would inevitably mean higher local property taxes.

Situations similar to those I have just described also exist in Snohomish County, WA, Brookhaven, NY, Lancaster County, PA, Beaumont, TX, and in many other localities throughout the country.

Mr. Speaker, under Federal law, these State and local governments, as well as many more, are presupported by the Federal Government to have the responsibility for managing municipal solid waste. As part of this responsibility, local governments have developed and implemented integrated municipal solid waste management plans. In many instances recycling or other environmental programs are mandated by local governments as part of their diposal of MSW. In other instances, local governments choose, often based

on public demand, to implement recycling and other environmentally responsible programs such as composting, source reduction, household hazardous waste collection, and public education to deal with municipal solid waste. Local governments use flow control ordinance to implement the long-term integrated solid waste plans required of them and to fullfil their responsibility to protect the public health and safety by providing adequate long-term disposal capacity. To change the rules now, would be patently unfair and wreak havoc on environmentally safe and publicly approved waste management plans across the country.

When a locality implements a fully-integrated solid waste management system that includes components such as recycling, composting, waste-to-energy facilities, landfills and public education, flow control allows the locality to fund these components through the collection of tipping fees at the municipal solid waste landfill and/or waste-to-energy facility which are parts of the system.

Often times large private haulers compete for only a portion—or the cheapest aspect—of the complete plan leaving it to the taxpayers to pay for the nondisposal costs of the system, such as the costs of recycling, composting, source reduction and public education program. Unlike local governments who are required to act in the public interest, private waste companies often overlook the long-term environmental benefits and focus on their prime interest: making money through the cheapest disposal means. Such profit motives create disincentives for the employ of recycling, resource conservation and recovery technologies, which are invariably more expensive, when you do not factor in their obvious long-term benefits to the community and the environment.

Mr. Speaker, there is a consensus that our local governments have the responsibility to provide for the safe and sanitary disposal of municipal solid waste over the long-term. Yet, Congress must ensure that local governments have the explicit authority to: first, pursue environmentally safe avenues of recycling, composting, and disposal as components of their integrated solid waste management plans and, second, to cost effectively finance such activities through guaranteeing adequate waste streams to their waste management facilities to ensure that they receive sufficient revenues to met their bond obligations. One of the most equitable and progressive ways to accomplish these two objectives is to ensure that municipalities who have enacted flow control programs are permitted to carry them out.

In my own State of New Jersey we have required each of our 21 counties to develop their own waste flow and management plans so that our State will become self-sufficient in our management of garbage disposal and no longer export our trash. All around the country, in more than 25 States, State and local governments have taken the initiative and are developing environmentally responsible integrated systems for the management of waste. All of their efforts, as well as their financial and environmental health, are now at risk if Congress remains silent on the flow control issue. I therefore strongly urge my colleagues to support my legislation which restores flow control authority to those local governments that have planned for it. Those of us who are environmentally concerned about solid waste reduction and preserving our open spaces through increased recycling and other means must vigorously support enactment of this comprehensive measure.

Outline of the provisions of H.R. 4661:

THE WASTE FLOW CONTROL ACT OF 1994 (H.R. 4661)

Grandfather for States and political subdivisions that have relied on flow control:

(A) Allows continued flow control for residential, commercial, incinerator ash, construction or demolition debris, industrial, institutional waste, if adopted before May 15, 1994 (date of *Carbone* decision);

(B) Protects source separation and recycling programs, if adopted before May 15, 1994;

(C) Protects all ordinances, laws, contracts, administrative/legislative provisions, including solid waste management plans, adopted before May 15, 1994; and

(D) Protects all existing and planned facilities.

Clearly states that waste flow control is a reasonable regulation of commerce, retroactive to the effective date of the contract or agreement or date of adoption of any law, ordinance, regulation, legislative/administrative provision.

Congressional grant of authority to States for prospective waste flow control:

(A) Gives States and qualified political subdivisions permission to flow control residential waste, including:

(1) from a single or multifamily residence;

(2) from an apartment or condominium; or

(3) from a hotel or motel.

(B) Gives States and qualified political subdivisions authority to control destination of recyclables, if:

(1) the materials are relinquished voluntarily; or

(2) the State or qualified political subdivision assumes responsibility for the materials.

(C) Allows the designation of waste management facilities.

Contingencies for prospective waste flow control:

(A) State or political subdivision must establish a source separation program for recycling, reclamation, and reuse.

(B) Designation process for waste management facilities must include 1 or more public hearings and a written explanation.

Competitive bidding process for prospective waste flow control:

(A) Designation process must be a part of a long-term municipal solid waste management strategy.

(B) Goals of the designation process must at least include:

(1) capacity assurance;

(2) provisions to protect human health and environment; and

(3) additional goals determined to be relevant to State or qualified political subdivision.

(C) Identifies/compares reasonable and available alternatives.

(D) Provides for public participation and comment.

(E) Provides for an open competitive process for designation, including:

(1) in writing, criteria to be utilized in selection;

(2) opportunity for private and public persons to offer their existing or proposed facilities; and

(3) use of the merits of the facilities in selection.

Protects State procurement laws and Federal and State environmental standards relating to the disposal or management of solid waste or recyclables.

RECESS

The SPEAKER pro tempore (Mr. KANJORSKI). Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 57 minutes p.m.) the House stood in recess subject to the call of the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 263. Concurrent resolution providing for an adjournment or recess of the two Houses.

□ 1659

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KANJORSKI] at 4 o'clock and 59 minutes p.m.

WAIVER OF BUDGET RULES FOR FREE-TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, Treasury Secretary Lloyd Bentsen rightly refers to the impending results of the Uruguay round of GATT as a "huge global tax cut" amounting to nearly $750 billion over the next decade. Second, Trade Representative Mickey Kantor says it is the most substantial elimination of trade barriers in the history of GATT.

Mr. Speaker, this Member could not agree more. The Uruguay round trade agreement of GATT would accomplish both of these remarkable achievements.

Unfortunately Mr. Speaker, the Clinton administration seems determined

to jeopardize these two achievements by refusing to waive strict budget rules which cripple our ability to implement the recently negotiated GATT agreement.

These budget rules require either more taxes or spending cuts to offset the estimated $11.5 billion in Federal Government revenue that is cut by the GATT agreement's proposed reductions in tariffs over 5 years. The Federal Government collects these tariffs on a variety of goods imported to the United States. U.S. consumers ultimately pay these tariffs in the price of the imported goods.

Mr. Speaker, economists almost unanimously agree that a direct waiver of the budget rules could be justified so that additional taxes or spending cuts are not required to make up the loss of Federal revenue from tariff reductions under GATT. These economists correctly argue that increased trade and economic activity resulting from GATT would immediately stimulate more corporate and individual Federal tax revenues. These increased Federal tax revenues would clearly exceed the Federal revenues lost from tariff reductions.

Mr. Speaker, the Clinton administration is jeopardizing these two remarkable achievements by proposing to raise taxes on a variety of industries which have little nexus to the trade agreement. For example, the administration has proposed imposing taxes on broadcasters for their use of the electromagnetic spectrum. Clearly, these broadcasters have little to gain from increased trade among member nations of GATT. Therefore, forcing them to pay for GATT really makes no sense—it is just a search for revenue.

Additionally Mr. Speaker, Mr. Leon Panetta has recently jeopardized agricultural support for the Uruguay round trade agreement by saying agriculture would only have to sacrifice approximately $1.7 billion of the agricultural budget to help pay for the cost of implementing the GATT accord.

Mr. Speaker, during the Uruguay round of the GATT talks the United States negotiated with other grain subsidizing nations and agreed to reduce its agricultural export subsidies by approximately $1.7 billion—the amount Mr. Panetta says agriculture owes; but, the United States agricultural industry *did not agree during the negotiations* to permit these funds to disappear from the agricultural budget. Unfortunately, the administration has wrongly linked these two different items out of misplaced convenience and is thereby using the GATT implementing legislation to do an "end run" around the House Agriculture and Appropriations Committees.

Fortunately Mr. Speaker, at least 21 Members of Congress led by Representative TOM EWING have the courage to advocate a straightforward budget waiver for the GATT agreement and do what makes sense. Representative EWING's legislation, H.R. 4198, would permit us to avoid our current and future predicaments by waiving budget rules for the implementation of all free-trade agreements. Certainly it is appropriate at least for the revenue-positive GATT agreement from the Uruguay round.

Mr. Speaker, the Journal of Commerce and the Wall Street Journal agree; a waiver of the budget rules is absolutely justified because increased Federal revenues from increased corporate and individual income tax proceeds springing from greater trade generated by GATT will greatly exceed the Federal revenues lost by tariff reductions. Therefore, this Member urges his colleagues to cosponsor the Ewing legislation to waive budget rules for free-trade agreements and support U.S. trade.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

(The following Member was granted permission to revise and extend his remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. LEVIN, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of New Jersey and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,020.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2155. An act to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 263 of the 103d Congress, the House stands adjourned until 10:30 a.m., Tuesday, July 12, 1994.

Thereupon (at 5 o'clock and 4 minutes p.m.) pursuant to House Concurrent Resolution 263, the House adjourned until Tuesday, July 12, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3454. A letter from the Assistant Secretary of the Army—Installations, Logistics, and Financial Management—Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

3455. A letter from the Secretary of Defense, transmitting certification that each military service has developed and implemented a plan to adjust its officer personnel assignment and promotion policies; to the Committee on Armed Services.

3456. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 07–94, concerning a cooperative research and development project to be executed by the Department of Defense Advanced Research Projects Agency and the United Kingdom Ministry of Defense Directorate for Future Systems, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major defense equipment marketed to Taiwan (Transmittal No. DTC–18–94), pursuant to 22 U.S.C. 2776(c) and (d); to the Committee on Foreign Affairs.

3458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Mexico (Transmittal No. DTC–19–94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3459. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to

Brunei (Transmittal No. DTC–17–94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3460. A letter from the President, Resolution Funding Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3461. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting notification that the report on the implementation of the Indian Self-Determination and Education Assistance Act should be completed by July 1994, pursuant to 45 U.S.C. 450j–1(c); to the Committee on Natural Resources.

3462. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for the maintenance and use of the area between the White House and the Capitol, and for other purposes; to the Committee on Natural Resources.

3463. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, calender year 1993, pursuant to Public Law 88–449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

3464. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the disposal of land valued in excess of $50,000, pursuant to 42 U.S.C. 2476a; to the Committee on Science, Space, and Technology.

3465. A letter from the Comptroller General, General Accounting Office, transmitting a report studying the ability of the State and local governments to rebuild following the January 1993 earthquake in southern California, pursuant to Public Law 103–211, section 404; jointly, to the Committees on Appropriations and Government Operations.

3466. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the principal financial statements of the U.S. Customs Service for fiscal year 1993, pursuant to Public Law 101–576, section 305 (104 Stat. 2853); jointly, to the Committees on Government Operations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 3707. A bill to establish an American Heritage Areas Partnership Program in the Department of the Interior; with an amendment (Rept. 103–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 208. An act to reform the concessions policies of the National Park Service, and for other purposes; with an amendment (Rept. 103–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small business. H.R. 4322. A bill to amend the Small Business Act to increase the authorization for the development company program, and for other purposes; with an amendment (Rept. 103–572). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. Investigation of the Office of the Postmaster, pursuant to House Resolution 450 (Rept. 103–573). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2448. A bill to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes; with an amendment (Rept. 103–574). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. House Joint Resolution 373. Resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China (Rept. 103–575). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3800. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; with an amendment (Rept. 103–582 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. S. 537. An act for the relief of Tania Gil Compton (Rept. 103–576). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 3718. A bill for the relief of Mark A. Potts (Rept. 103–577). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2266. A bill for relief of Orlando Wayne Naraysingh (Rept. 103–578). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2411. A bill for the relief of Leteane Clement Monatsi (Rept. 103–579). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1184. A bill for the relief of Jung Ja Golden (Rept. 103–580). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2084. A bill for the relief of Fanie Phily Mateo Angeles; with an amendment (Rept. 103–581). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. BROWN of California, Mr. BOEHLERT, Mr. TRAFICANT, Mr. FAWELL, Mr. EHLERS, and Mrs. LLOYD):

H.R. 4684. A bill to authorize and provide program direction for high energy and nuclear physics research at the Department of Energy, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. LAFALCE:

H.R. 4685. A bill to authorize the establishment of a premier lending program for participation in the certified development company program, and for other purposes; to the Committee on Small Business.

H.R. 4686. A bill to provide limited relief from high interest rates in certain debentures guaranteed or purchased by the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Ms. LAMBERT:

H.R. 4687. A bill to amend title XIX of the Social Security Act to prohibit a State from requiring any child with special health care needs to receive services under the State's plan for medical assistance under such title through enrollment with a capitated managed care plan until the State adopts pediatric risk adjustment methodologies to take into account the costs to capitated managed care plans of providing services to such children, and to direct the Secretary of Health and Human Services to develop model pediatric risk adjustment methodologies for such purpose; to the Committee on Energy and Commerce.

H.R. 4688. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; jointly, to the Committee on Energy and Commerce, Ways and Means, and Education and Labor.

H.R. 4689. A bill to amend title XVIII of the Social Security Act to increase the bonus payment provided for physicians' services furnished under part B of the Medicare Program in a health professional shortage area to 20 percent in the case or primary care services, to establish updates for 1995 in the conversion factors used to determine the amount of payment made for physicians' services under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BEREUTER:

H.R. 4690. A bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, to assist providers of emergency medical services in such areas, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary.

By Mr. BOUCHER:

H.R. 4691. A bill to establish the Saltville Heritage Area in the Commonwealth of Virginia; to the Committee on Natural Resources.

H.R. 4692. A bill to establish the Appalachian Coal Heritage Area; to the Committee on Natural Resources.

By Mr. BROWN of California:

H.R. 4693. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mrs. BYRNE (for herself, Mr. BOUCHER, Mr. MORAN, Mr. SCOTT, and Mr. SISISKY):

H.R. 4694. A bill to exclude from Federal income taxation amounts received in settlement of refund claims for State or local income taxes on Federal retirement benefits which were not subject to State or local income taxation on the same basis as State or local retirement benefits; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4695. A bill to amend title 39, United States Code, to provide for procedures under which persons wrongfully arrested by the Postal Inspection Service on narcotics

charges may seek compensation from the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. DEFAZIO:

H.R. 4696. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ENGLISH of Arizona:

H.R. 4697. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Natural Resources.

H.R. 4698. A bill to terminate price support and marketing quotas for tobacco, disallow the income tax deduction for certain advertising expenses for tobacco products, and to establish a trust fund to support antidrugs and antitobacco use activities; jointly, to the Committees on Agriculture, Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. EVANS (for himself, Mr. DELLUMS, Mr. MEEHAN, Mr. BONIOR, Mrs. UNSOELD, Mr. STARK, Mr. DEFAZIO, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. VISCLOSKY, Ms. FURSE, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. HOCHBRUECKNER, Mr. HINCHEY, Mr. WYNN, Mr. ENGEL, Mr. FARR, Mr. GUTIERREZ, Mr. DURBIN, Mr. EDWARDS of California, Mr. FINGERHUT, Mr. LIPINSKI, Mr. BEILENSON, Mr. KREIDLER, Mr. SERRANO, Mr. SANDERS, Mr. SHAYS, Mr. KENNEDY, Ms. SHEPHERD, Mr. HAMBURG, Mr. FOGLIETTA, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. VENTO, Ms. WOOLSEY, Mr. FISH, Mr. JACOBS, Mr. OWENS, Ms. SLAUGHTER, Mr. STRICKLAND, Mr. BERMAN, Mr. ANDREWS of Maine, Mr. MCDERMOTT, Mr. KOPETSKI, and Mrs. SCHROEDER):

H.R. 4699. A bill to state the sense of Congress on the production, possession, transfer, and use of antipersonnel landmines, to place a moratorium on U.S. production of antipersonnel landmines, and for other purposes; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. MARKEY and Mr. SABO):

H.R. 4700. A bill to amend the Communications Act of 1934 to prohibit unjust enrichment in the award of licenses by means of pioneer preferences; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 4701. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GOODLING (for himself, Mr. DOOLITTLE, Mr. FISH, Mr. MURPHY, Mr. ROHRABACHER, Mr. UNDERWOOD, and Mr. PAYNE of Virginia):

H.R. 4702. A bill to amend the Internal Revenue Code of 1986 to allow builders to compute on the installment sales method income from the sale of certain residential real property, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 4703. A bill to amend the Federal Election Campaign Act of 1971 to strengthen certain reporting requirements; to the Committee on House Administration.

By Mr. KLINK:

H.R. 4704. A bill to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a nonprofit organization known as the Beaver County Corp. for Economic Development to provide a site for economic development; to the Committee on Public Works and Transportation.

By Mr. KOPETSKI:

H.R. 4705. A bill to authorize the appropriation of funds for the Federal share of the cost of the construction of a forest ecosystem research laboratory at Oregon State University in Corvallis, OR, and other purposes; to the Committee on Agriculture.

By Mr. KREIDLER:

H.R. 4706. A bill to provide for certain reductions in Federal spending at or through facilities of the Department of Energy, and for other purposes; jointly, to the Committees on Armed Services, Energy and Commerce, and Science, Space, and Technology.

By Mr. MACHTLEY:

H.R. 4707. A bill to amend the Immigration and Nationality Act to make permanent the visa waiver program and to authorize, under certain conditions, the designation of certain member states of the European Union as visa waiver program countries; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Ms. WATERS):

H.R. 4708. A bill to establish a national public works program to provide incentives for the creation of jobs and address the restoration of infrastructure in communities across the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Education and Labor.

By Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming):

H.R. 4709. A bill to make certain technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. SANDERS (for himself, Mr. BONIOR, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. DEFAZIO, Mr. HINCHEY, Mrs. BENTLEY, Mr. EVANS, Mr. DELLUMS, and Mr. OLVER):

H.R. 4710. A bill to require the inclusion of provisions relating to worker rights and environmental standards in any trade agreement entered into under any future trade negotiating authority; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 4711. A bill to amend title 11, United States Code with respect to certain debts in connection with divorce or separation; to establish a commission to analyze bankruptcy issues; and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself, Mr. LANTOS, and Mr. MCCANDLESS):

H.R. 4712. A bill to assure that the United States can provide assistance to certain foreign officials to reduce illicit drug traffic; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mrs. UNSOELD (for herself and Ms. CANTWELL):

H.R. 4713. A bill to promote public confidence in the Magnuson Fishery Conservation and Management Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARDIN:

H.R. 4714. A bill to amend the Internal Revenue Code of 1986 to restore the exception to the market discount rules for tax-exempt obligations; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4715. A bill to authorize the Secretary of the Interior to convey certain lands administered by the Secretary, and for other purposes; jointly, to the Committees on Agriculture and Natural Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 4716. A bill to provide compensation to certain parties injured under the trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. KIM (for himself, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BONILLA, Mr. BROWN of California, Mr. CALVERT, Mr. CASTLE, Mr. COBLE, Mr. CRAPO, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GINGRICH, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. LEVY, Mr. LEWIS of California, Mr. LINDER, Mr. MARTINEZ, Mr. MCHUGH, Mr. MCKEON, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. PACKARD, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAWYER, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. FILNER, and Mr. HUTCHINSON):

H.J. Res. 384. Joint resolution to designate the week of February 6, 1995, as "National Inventors Week"; to the Committee on Post Office and Civil Service.

By Ms. MOLINARI (for herself, Mr. RICHARDSON, Mr. QUINN, Ms. PRYCE of Ohio, Mr. BORSKI, Mr. ACKERMAN, Mr. KASICH, Mr. HOKE, Mr. CASTLE, Mr. VALENTINE, Mr. MINETA, Mr. EMERSON, Mrs. UNSOELD, Mrs. FOWLER, Mr. BLUTE, Ms. BROWN of Florida, Ms. COLLINS of Michigan, Mr. FRANKS of Connecticut, Mr. GUNDERSON, Mr. HOUGHTON, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. THOMPSON, Mr. WAXMAN, Mrs. MORELLA, Mr. DINGELL, Mr. SANDERS, Mr. SCHUMER, Mr. SYNAR, Mr. WALSH, Mr. WOLF, Mr. FROST, Mr. TRAFICANT, Ms. FURSE, Mrs. KENNELLY, Mrs. MINK, Mr. SKEEN, Mr. CALVERT, Mr. ANDREWS of Maine, Ms. SNOWE, Mr. BACCHUS of Florida, Ms. NORTON, Mr. FISH, and Mr. FLAKE):

H.J. Res. 385. Joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. TORRICELLI, Mr. GILMAN, Mr. HYDE, Mr. HALL of Ohio, Mr. LIVINGSTON, Mr. GOSS, and Mr. EMERSON):

H. Con. Res. 264. Concurrent resolution establishing a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti; to the Committee on Foreign Affairs.

By Mrs. FOWLER (for herself, Mr. TORKILDSEN, Ms. DUNN, and Mr. DREIER):

H. Res. 472. Resolution providing for the consideration of the bill (H.R. 3801) to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. MANTON (for himself, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. OWENS, and Mr. MEEHAN):

H. Res. 473. Resolution to raise awareness about domestic violence against women in the United States; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEVIN:

H.R. 4717. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Sea Hawk III*; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY:

H.R. 4718. A bill for the relief of Joe W. Floyd; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. KAPTUR.
H.R. 70: Mr. KYL.
H.R. 455: Mr. POMEROY.
H.R. 465: Mr. KYL.
H.R. 500: Mr. MORAN.
H.R. 561: Mr. YOUNG of Alaska.
H.R. 851: Mr. SOLOMON.
H.R. 1482: Mr. KYL.
H.R. 1483: Mr. KYL.
H.R. 1487: Mr. KYL.
H.R. 1505: Mr. KYL.
H.R. 1859: Mrs. BYRNE.
H.R. 1915: Mr. TORKILDSEN.
H.R. 2088: Mr. FRANKS of Connecticut and Mr. SWETT.
H.R. 2292: Mrs. MORELLA and Mr. BLUTE.
H.R. 2467: Mr. FLAKE and Mr. KLINK.
H.R. 2626: Mr. LAFALCE and Ms. PELOSI.
H.R. 2929: Mr. MCINNIS.
H.R. 2990: Mr. PARKER.
H.R. 3024: Mr. BALLENGER.
H.R. 3039: Mr. FINGERHUT, Mr. UPTON, and Mr. BACHUS of Alabama.
H.R. 3270: Mr. ACKERMAN, Mr. BAESLER, Mr. BARCA of Wisconsin, Mr. BARLOW, Mr. BROOKS, Mr. BROWN of Ohio, Mrs. BYRNE, Ms. CANTWELL, Mr. COPPERSMITH, Mr. DEFAZIO, Mr. DERRICK, Mr. DEUTSCH, Mr. DINGELL, Mr. DOOLEY, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FINGERHUT, Mr. FORD of Michigan, Ms. FURSE, Mr. GEPHARDT, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMBURG, Mr. HOYER, Mr. KANJORSKI, Ms. KAPTUR, Mr. KLINK, Mr. LAROCCO, Mr. LEWIS of Georgia, Ms. LOWEY, Mr. MCNULTY, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. MEEHAN, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. OBEY, Mr. OWENS, Mr. PARKER, Ms. PELOSI, Mr. PENNY, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Ms. SHEPHERD, Mr. SOLOMON, Mr. STENHOLM, Mr. STUPAK, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mrs. UNSOELD, Ms. VELAZQUEZ, Ms. WATERS, Mr. WATT, Mr. WILLIAMS, Mr. WISE, Ms. WOOLSEY, Mr. MURTHA, Mr. SHARP, Mr. REED, Mr. NADLER, Mr. ANDREWS of Maine, Mr. MARTINEZ, Mr. WILSON, Mr. BACCHUS of Florida, Mrs. KENNELLY, Mr. JOHNSON of South Dakota, Mr. VALENTINE, Mr. HEFNER, Mr. BISHOP, Mr. BEVILL, Mr. RICHARDSON, Mr. VENTO, Ms. SLAUGHTER, Mr. HASTINGS, Mr. FLAKE, Ms. MCKINNEY, Mr. BORSKI, and Mr. LAFALCE.
H.R. 3407: Mr. KNOLLENBERG, Mr. DIAZ-BALART, Mr. GUNDERSON, Mr. MOORHEAD, Mr. ROYCE, and Mr. CLEMENT.
H.R. 3458: Mr. SOLOMON.
H.R. 3472: Mr. MCHALE.
H.R. 3483: Mr. KINGSTON.
H.R. 3519: Mr. VENTO.
H.R. 3523: Mr. MINGE.
H.R. 3630: Mr. RAHALL and Mr. WISE.
H.R. 3906: Mrs. FOWLER, Mr. TALENT, Mr. COLEMAN, Mr. KOLBE, and Mr. PETE GEREN of Texas.
H.R. 4050: Ms. SLAUGHTER, Mr. KANJORSKI, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. FURSE, and Mr. HILLIARD.
H.R. 4058: Mr. GENE GREEN of Texas and Mr. CARDIN.
H.R. 4074: Mr. YATES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, Ms. DELAURO, Mr. KINGSTON, Mr. MCCRERY, Mr. BAKER of California, and Mr. PETE GEREN of Texas.
H.R. 4088: Mr. KING.
H.R. 4181: Mrs. SCHROEDER.
H.R. 4257: Mr. SHAW.
H.R. 4271: Mr. MCDADE.
H.R. 4291: Mr. MINGE, Mr. BROWN of Ohio, and Mr. BARCIA of Michigan.
H.R. 4386: Mr. KING.
H.R. 4404: Mr. RICHARDSON and Mr. MEEHAN.
H.R. 4411: Mr. OWENS.
H.R. 4413: Mr. OBERSTAR.
H.R. 4427: Mr. FOGLIETTA and Mr. PARKER.
H.R. 4475: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FISH, Mr. EHLERS, and Mr. GALLO.
H.R. 4477: Mr. GEJDENSON, Mr. RAVENEL, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mr. BORSKI, Mr. DEFAZIO, Mr. CRAPO, Ms. FURSE, Mr. MANTON, Mr. JEFFERSON, Mr. HANSEN, Mr. WYDEN, Mr. CALLAHAN, and Mr. BARLOW.
H.R. 4495: Mr. SWETT, Mr. DE LUGO, Mr. WASHINGTON, Mr. MILLER of California, and Mr. BORSKI.
H.R. 4496: Mr. SWETT, Mrs. LLOYD, Mr. LIPINSKI, Ms. MARGOLIES-MEZVINSKY, and Mr. BEILENSON.
H.R. 4497: Mr. THOMAS of Wyoming, Mr. OBEY, Mr. ROBERTS, and Mr. SMITH of Oregon.
H.R. 4517: Ms. NORTON.
H.R. 4570: Mr. KILDEE, Ms. PRYCE of Ohio, Mr. MEEHAN, Ms. FURSE, Mrs. UNSOELD, Mrs. MINK of Hawaii, Mrs. LLOYD, Mrs. FOWLER, Ms. CANTWELL, and Ms. COLLINS of Michigan.
H.R. 4580: Mrs. MEEK of Florida, Mr. BORSKI, Ms. VELAZQUEZ, and Mr. LIPINSKI.
H.R. 4590: Mr. BUNNING, Mr. DELLUMS, Mr. DURBIN, Mr. EVANS, Mr. HALL of Ohio, Mrs. SCHROEDER, Mr. STOKES, Mr. TRAFICANT, Mr. VENTO, Mr. WASHINGTON, and Mr. HINCHEY.
H.R. 4617: Mr. BURTON of Indiana, Mr. SANDERS, and Mr. LAUGHLIN.
H.J. Res. 44: Mr. LUCAS.
H.J. Res. 160: Mr. LUCAS.
H.J. Res. 256: Mr. BALLENGER.
H.J. Res. 326: Mr. POMBO and Ms. MARGOLIES-MEZVINSKY.
H.J. Res. 349: Mr. UNDERWOOD, Mr. HUGHES, Mr. JEFFERSON, Mr. PASTOR, Mr. PORTER, Mr. LANCASTER, Mr. DEFAZIO, Mr. FARR, Mr. SCHAEFER, Mr. THOMAS of Wyoming, Mr. RICHARDSON, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. COX, and Mr. GIBBONS.
H.J. Res. 363: Mr. HALL of Ohio, Mr. DEAL, Mr. THOMPSON, Mr. CLYBURN, Mr. HINCHEY, Mr. FARR, Mrs. MALONEY, Mr. KANJORSKI, Mr. DURBIN, Mr. RICHARDSON, Mr. THOMAS of Wyoming, Mr. BLUTE, Mr. BAKER of California, Mr. POMBO, Mr. HAMILTON, Mr. FILNER, Mr. CONDIT, Ms. CANTWELL, Mr. FINGERHUT, Mr. HAMBURG, Mr. LAROCCO, Mr. BARLOW, Mr. DE LA GARZA, Ms. ESHOO, Mr. JOHNSON of Georgia, Ms. DANNER, Ms. ENGLISH of Arizona, Mr. RUSH, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. FIELDS of Texas, Mr. JEFFERSON, Mr. CARDIN, Mr. GONZALEZ, Mr. TORKILDSEN, Mr. MILLER of Florida, Mr. GENE GREEN of Texas, Mr. MCHALE, Mr. BORSKI, Ms. KAPTUR, Ms. MCKINNEY, Mr. TUCKER, Mr. POMEROY, Mr. WATT, Mr. WYDEN, Mr. MILLER of California, Mr. BARCIA of Michigan, Mr. RAHALL, Mr. BRYANT, Mr. FAZIO, Mr. HASTINGS, Mr. OLVER, Mr. MINETA, Mr. SANDERS, Mr. BECERRA, Ms. SHEPHERD, Mr. DEFAZIO, Mr. MANN, Mr. FRANK of Massachusetts, Mr. APPLEGATE, Mr. PASTOR, Mr. SMITH of Iowa, Mr. VISCLOSKY, Mr. KLUG, Mr. PETE GEREN of Texas, Mr. ANDREWS of Maine, Mr. SCOTT, Mrs. UNSOELD, and Mr. DORNAN.
H.J. Res. 366: Mr. ALLARD, Mr. ANDREWS of New Jersey, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BAKER of California, Mr. BARCA of Wisconsin, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BORSKI, Mr. BRYANT, Mrs. BYRNE, Mr. CALLAHAN, Mr. CANADY, Mr. CARDIN, Mr. CLEMENT, Mr. COBLE, Mr. COLEMAN, Ms. COLLINS of Michigan, Mr. CONYERS, Mr. COOPER, Mr. COPPERSMITH, Mr. COX, Mr. COYNE, Mr. CUNNINGHAM, Mr. DARDEN, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Ms. ESHOO, Mr. EVANS, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mrs. FOWLER, Mr. FROST, Mr. GIBBONS, Mr. GILMAN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. HEFLEY, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HOYER, Mr. KANJORSKI, Mr. KLECZKA, Mr. KLINK, Mr. KNOLLENBERG, Mr. LAFALCE, Mr. LANCASTER, Mr. LAZIO, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LLOYD, Mr. LUCAS, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. MCHALE, Mr. MCINNIS, Mr. MCKEON, Mr. MENENDEZ, Mr. MICHEL, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. MYERS of Indiana, Mr. PACKARD, Mr. RAHALL, Mr. RANGEL, Mr. REED, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mr. ROTH, Mr. SANGMEISTER, Mr. SAWYER, Mr. SERRANO, Mr. SHARP, Mr. SHAYS, Mr. SISISKY, Mr. SKEEN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. SPENCE, Mr. SYNAR, Mr. TALENT, Mr. THOMPSON, Mr. TRAFICANT, Mr. UPTON, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WHEAT, Mr. WILSON, and Mr. WISE.
H.J. Res. 378: Mr. MCNULTY.
H.J. Res. 383: Ms. MOLINARI, Mr. MANTON, Mr. HINCHEY, Mr. MENENDEZ, Mr. TOWNS, and Mr. LAFALCE.
H. Con. Res. 90: Mr. KYL.
H. Con. Res. 166: Mr. ROYCE, Mr. EMERSON, Mr. CANADY, and Mr. MOORHEAD.
H. Con. Res. 243: Mr. BILIRAKIS and Ms. BROWN of Florida.
H. Con. Res. 256: Mr. UPTON, Mr. SLATTERY, Mr. WELDON, and Mr. DARDEN.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 23, June 29, 1994, by Mr. TAUZIN on the bill H.R. 3875, was signed by the following Members: W.J. (Billy) Tauzin, Bill McCollum, Jack Fields, John J. Duncan, Jr., Richard K. Armey, Frank D. Lucas, Dan Schaefer, Pat Roberts, Philip M. Crane, James V. Hansen, Wayne Allard, Joe Barton, Craig Thomas, Don Sundquist, Sonny Callahan, Harold Rogers, Stephen E. Buyer, Dan Burton, Bob Stump, Jim McCrery, Mel Hancock, Cass Ballenger, Don Young, John Linder, Bill Baker, Michael D. Crapo, Tom DeLay, John T. Doolittle, Alfred A. (Al)

McCandless, Wally Herger, Thomas J. Bliley, Jr., Randy "Duke" Cunningham, Jim Bunning, J. Alex McMillan, Jack Kingston, Terry Everett, Bill Emerson, Joe Skeen, Charles H. Taylor, J. Dennis Hastert, Thomas W. Ewing, Christopher Cox, Scott McInnis, Jay Dickey, Dan Rohrabacher, Peter Hoekstra, Bill Archer, Peter Blute, Michael Bilirakis, Robert F. (Bob) Smith, Joel Hefley, Bob Livingston, William M. Thomas, Lamar Smith, Howard Coble, James A. Traficant, Dan Miller, Mike Parker, Larry Combest, Henry Bonilla, Ken Calvert, Jerry Lewis, John L. Mica, Charles Wilson, Howard P. "Buck" McKeon, Richard W. Pombo, James M. Inhofe, Barbara F. Vucanovich, Ron Packard, Michael Huffington, Joe Knollenberg, Ralph M. Hall, Duncan Hunter, Jim Lightfoot, Tillie K. Fowler, Dave Camp, John A. Boehner, Paul E. Gillmor, Bill Paxon, Sam Johnson, Gary A. Condit, J. Roy Rowland, Robert H. Michel, Jim Kolbe, Michael G. Oxley, Floyd Spence, Donald A. Manzullo, Gerald B.H. Solomon, John M. McHugh, Charles W. Stenholm, James A. Hayes, Pete Geren, Nick Smith, James H. (Jimmy) Quillen, Robert K. Dornan, C.W. Bill Young, Carlos J. Moorhead, Jon Kyl, William F. Clinger, Jr., E. Clay Shaw, Jr., Richard H. Baker, Newt Gingrich, David Dreier, Mac Collins, Peter T. King, Bill Barrett, Bill K. Brewster, Jim Nussle, David L. Hobson, Frank D. Lucas, Henry J. Hyde, William H. Zeliff, Jr., William F. Goodling, Jay Kim, Cliff Stearns, Elton Gallegly, Charles T. Canady, Helen Delich Bentley, F. James Sensenbrenner, Jr., Susan Molinari, Stephen Horn, Martin R. Hoke, Thomas J. Ridge, Robert S. Walker, Calvin M. Dooley, Rob Portman, and Porter J. Goss.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: David Dreier and Steve Gunderson.

Petition 16 by Mr. ZELIFF on House Resolution 407: Jim Slattery.

Petition 17 by Mr. SHAW on House Resolution 386: Richard H. Baker, Joseph H. McDade, Sherwood L. Boehlert, Frank R. Wolf, Duncan Hunter, C.W. Bill Young, Michael Bilirakis, Don Young, Helen Delich Bentley, Joe Skeen, Bill Emerson, John R. Kasich, Roscoe G. Bartlett, Robert K. Dornan, Sonny Callahan, Christopher H. Smith, Wally Herger, Harold Rogers, James V. Hansen, Joe Barton, Robert F. (Bob) Smith, James M. Inhofe, Spencer Bachus, Susan Molinari, David L. Hobson, and Martin R. Hoke.

Petition 18 by Mr. HASTERT on House Resolution 402: Don Sundquist.

Petition 19 by Mr. EWING on House Resolution 415: Jack Kingston, Newt Gingrich, Tom DeLay, Gerald B.H. Solomon, Ralph M. Hall, Robert S. Walker, Peter Blute, Christopher Cox, Bob Livingston, Lamar S. Smith, Jack Quinn, Jim Chapman, and Steve Gunderson.

Petition 20 by Mr. SANGMEISTER on House Resolution: Michael Bilirakis and Dan Miller.

Petition 22 by Mr. INHOFE on House Resolution 409: Ron Lewis, Toby Roth, James A. Barcia, Nick Smith, Newt Gingrich, Roscoe G. Bartlett, John Linder, Michael D. Crapo, Donald A. Manzullo, Ernest J. Istook, Jr., Bob Franks, Bill Paxton, John T. Doolittle, Gerald B.H. Solomon, Ralph M. Hall, Richard K. Armey, James M. Talent, Deborah Pryce, Bill McCollum, Mel Hancock, Scott McInnis, Christopher Cox, Craig Thomas, Spencer Bachus, and Steve Gunderson.

SENATE—*Thursday, June 30, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

Husbands, love your wives, even as Christ also loved the church, and gave himself for it * * *.*—Ephesians 5:25.

Eternal God of infinite love, perfect and just in all Thy ways, Thou knowest the hurt and the anger that weighs so heavily on the hearts of the many women who have had to endure, silently, the indignities, the agonies, the pain visited upon them by a brutal husband or lover. Thou knowest those who have been violated and humiliated. Thou knowest the children, every day abused by the cruelty of brutal men.

All this evil which has, so smugly, been ignored or minimized by family, friends, justice systems and even churches, has finally been brought to light by the national, hourly press and media coverage of the O.J. Simpson affair.

Gracious, righteous Lord, we ask that Thou will make Thy presence felt by all the victims, known and unknown, who have suffered for so long in their silent desperation. Forgive all of us who have ignored this suffering and may have contributed to it by our indifference.

Mighty God, bring healing to our Nation and to all of us who seem so blind and deaf to so much agony.

We pray in the name of the Great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 30, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

1994 JULY QUARTERLY REPORTS

The mailing and filing date of the July quarterly report required by the Federal Election Campaign Act, as amended, is Friday, July 15, 1994. All principal campaign committees supporting Senate candidates in the 1994 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 9 p.m. on July 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1994 second quarter mass mailings is July 25, 1994. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 1995

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 4506, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [$179,062,000] *$181,199,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Los Angeles County Water Conservation and Supply, California, $700,000;

[Norco Bluffs, California, $400,000;

[Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

[Ohio River Greenway, Indiana, $900,000;

[Lake George, Hobart, Indiana, $260,000;

[Little Calumet River Basin (Cady Marsh Ditch), Indiana, $150,000;

[Kentucky Lock and Dam, Kentucky, $2,000,000;

[Hazard, Kentucky, $500,000;

[Mussers Dam, Pennsylvania, $200,000;

[Hartsville, Trousdale County, Tennessee, $95,000;

[West Virginia Comprehensive, West Virginia, $350,000; and

[West Virginia Port Development, West Virginia, $800,000]

Red River Navigation Study, Arkansas, $500,000;

Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $150,000;

Kentucky Lock and Dam, Kentucky, $2,000,000;

Hazard, Kentucky, $500,000;

Hartsville, Trousdale County, Tennessee, $95,000;

West Virginia Comprehensive, West Virginia, $350,000; and

West Virginia Port Development, West Virginia, $800,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,023,595,000] *$977,660,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Red River Emergency Bank Protection, Arkansas and Louisiana, $6,000,000;

[Red River below Denison Dam Levee and Bank Stabilization, Arkansas and Louisiana, $1,500,000;

[West Sacramento, California, $500,000;

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

[Sacramento River Flood Control Project (Deficiency Correction), California, $3,700,000;

[San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

[Central and Southern Florida, Florida, $11,315,000;

[Kissimmee River, Florida, $9,000,000;

[Casino Beach, Illinois, $1,000,000;

[Des Moines Recreational River and Greenbelt, Iowa, $4,000,000;

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $20,000,000;

[Middlesborough (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,200,000;

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,000,000;

[Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

[Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $800,000;

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $12,500,000;

[Ste. Genevieve, Missouri, $3,000,000;

[Hackensack Meadowlands Area, New Jersey, $2,500,000;

[Ramapo River at Oakland, New Jersey, $600,000;

[Salem River, New Jersey, $1,000,000;

[Carolina Beach and Vicinity, North Carolina, $2,800,000;

[Fort Fisher and Vicinity, North Carolina, $900,000;

[Broad Top Region, Pennsylvania, $1,000,000;

[Lackawanna River, Olyphant, Pennsylvania, $1,100,000;

[Lackawanna River, Scranton, Pennsylvania, $1,000,000;

[South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $7,000,000;

[Wallisville, Lake, Texas, $1,000,000;

[Richmond Filtration Plant, Virginia, $2,000,000; and

[Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $1,500,000]

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,000,000;

Red River below Denison Dam Levee and Bank Stabilization, Arkansas and Louisiana, $1,500,000;

West Sacramento, California, $500,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

Sacramento River Flood Control Project (Deficiency Correction), California, $3,700,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Kissimmee River, Florida, $3,000,000;

Savannah Harbor Deepening, Georgia (Reimbursement), $11,585,000, of which $2,083,000 is for a cost-shared Savannah River recreation enhancement and public access project along 900 linear feet of shoreline in the City of Savannah;

Casino Beach, Illinois, $1,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $2,000,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $20,000,000;

Middlesborough (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,200,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,000,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $800,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $12,500,000;

Ouachita River Levees, Louisiana, $4,500,000;

Ste. Genevieve, Missouri, $3,000,000;

Ramapo River at Oakland, New Jersey, $600,000;

Broad Top Region, Pennsylvania, $1,000,000;

Lackawanna River, Olyphant, Pennsylvania, $1,100,000;

Lackawanna River, Scranton, Pennsylvania, $1,000,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $2,000,000;

Wallisville Lake, Texas, $1,000,000;

Richmond Filtration Plant, Virginia, $2,000,000;

Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $1,500,000;

Hatfield Bottom (Levisa and Tug Fork of the Big Sandy River and Upper Cumberland River), West Virginia, $500,000; and

Upper Mingo (Levisa and Tug Fork of the Big Sandy River and Upper Cumberland River), West Virginia, $250,000:

Provided, That of the offsetting collections credited to this account, $71,000 are permanently canceled.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [$334,138,000] *$328,138,000*, to remain available until expended, [of which $3,000,000 is provided for the Eastern Arkansas Region, Arkansas, project] *and of which funds are provided for the following projects in the amounts specified:*

Eastern Arkansas Region, Arkansas, $3,000,000;

Yazoo Basin, Mississippi, Upper Yazoo Projects, Belzoni Bridge Removal, $640,000; and

Tiptonville, Tennessee, Levee Extension, Mississippi River Levees, $1,000,000.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,646,535,000] *$1,631,434,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $37,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), and of which funds are provided for the following projects in the amounts specified:

[Tucson Diversion Channel, Arizona, $2,500,000;

[Jeffersonville-Clarksville, Indiana, $750,000;

[McAlpine Lock and Dam (Ohio River Locks and Dams), Kentucky, $1,000,000; and

[Raystown Lake, Pennsylvania, $5,330,000]

Tucson Diversion Channel, Arizona, $2,500,000; and

John H. Kerr Reservoir, Virginia and North Carolina (Mosquito Control), $40,000:

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That of the offsetting collections credited to this account, $1,000 are permanently canceled: *Provided further, That the Secretary of the Army is directed during fiscal year 1995 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.*

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $14,979,000, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $5,000 are permanently canceled.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, [$625,000] *$900,000*, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the

Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, [$152,500,000] *$156,255,000, to remain available until expended: Provided,* That not to exceed [$56,480,000] *$59,280,000* of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: [*Provided further,* That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the Division Offices] *Provided further, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices, except that activities conducted under the authority of 33 U.S.C. 702a and 702g–1 will be funded by the Flood Control, Mississippi River and Tributaries account.*

PERMANENT APPROPRIATIONS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $4,000.

RIVERS AND HARBORS CONTRIBUTED FUNDS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

SEC. 101. In fiscal year 1995, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), $38,972,000, to remain available until expended, of which $22,839,000 shall be to carry out the activities authorized under title II of the Act and for feasibility studies of alternatives to the Uintah and Upalco Units, and of which $16,133,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided,* That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $11,133,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,191,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$14,190,000] *$14,340,000: Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$432,727,000] *$425,727,000* of which $23,272,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $153,793,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, [$286,521,000] *$282,165,000: Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98–381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost of direct loans and/or grants, [$9,000,000] *$6,000,000,* to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *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 these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed [$23,000,000] *$20,000,000.*

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided,* That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $37,232,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of

June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

WORKING CAPITAL FUND

Of the offsetting collections credited to this account, $863,000 are permanently canceled due to reduced GSA rental charges and $1,848,000 are permanently canceled due to efficiencies in the procurement process.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), [$3,302,170,000] *$3,329,728,000*, to remain available until expended: *Provided, That the Secretary of Energy may transfer available amounts appropriated for use by the Department of Energy under title III of previously enacted Energy and Water Development Appropriations Acts into the Isotope Production and Distribution Program Fund, in order to continue isotope production and distribution activities: Provided further, That the authority to use these amounts appropriated is effective from the date of enactment of this Act.*

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; purchase of passenger motor vehicles (not to exceed 11 for replacement only), $73,210,000, to remain available until expended: *Provided,* That revenues received by the Department for residual uranium enrichment activities and estimated to total $9,900,000 in fiscal year 1995, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than $63,310,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $301,327,000 to be derived from the fund, to remain available until expended: *Provided, That at least $41,700,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A of the Energy Policy Act of 1992.*

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), [$989,031,000] *$973,632,000*, to remain available until expended: *Provided,* That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract: *Provided further, That of the amounts previously appropriated to orderly terminate the Superconducting Super Collider (SSC) project in the Energy and Water Development Appropriations Act, 1994, amounts not to exceed $65,000,000 shall be available as a one-time contribution to the completion, with modification, of partially completed facilities at the project site if the Secretary determines such one-time contribution (i) will assist the maximization of the value of the investment made in the facilities and (ii) is in furtherance of a settlement of the claims that the State of Texas has asserted against the United States in connection with the termination of the SSC project: Provided further, That no such amounts shall be made available as a contribution to operating expenses of such facilities.*

NUCLEAR WASTE DISPOSAL FUND

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, [$304,800,000] *$402,800,000*, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided,* That of the amount herein appropriated, within available funds, not to exceed [$6,000,000] *$5,500,000* may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further,* That of the amount herein appropriated, not more than [$8,500,000] *$7,000,000* may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy and made available to the State and affected units of local government by direct payment: Provided further,* That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: *Provided further,* That none of the funds herein appropriated may be used for litigation expenses: *Provided further,* That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

[ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

[For Department of Energy expenses for isotope production and distribution activities, $11,600,000, to remain available until expended.]

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 104, of which 103 are for replacement only, including 22 police-type vehicles), [$3,201,369,000 to remain available until expended, of which $20,765,000 shall be available only for program activities at the University of Rochester, Rochester, New York; and $8,750,000 shall be available only for program activities at the Naval Research Laboratory, Washington, District of Columbia] *$3,251,268,000, to remain available until expended.*

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 87 of which 67 are for replacement only including 6 police-type vehicles), [$5,128,211,000] *$5,083,691,000*, to remain available until

expended[: *Provided*, That funds previously made available under this head in the Energy and Water Development Appropriations Act, 1992, to assist the State of New Mexico and affected local governments in mitigating the impacts of the Waste Isolation Pilot Plant are available for any authorized purposes under this head].

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, [$1,842,204,000] *$1,865,910,000*, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $129,430,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (*42 U.S.C. 7101, et* seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $407,312,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $161,490,000 in fiscal year 1995 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than *$245,822,000*.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,465,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $6,494,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the purchase, operation and maintenance of two rotary-wing aircraft for replacement only, and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1995, no new direct loan obligations may be made.

[Amounts otherwise available for obligation in fiscal year 1995 are reduced by $485,000.]

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $22,431,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $21,316,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $3,935,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, [$224,085,000] *$222,285,000*, to remain available until expended, of which $202,512,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, within available funds, $5,135,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,472,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $166,173,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $166,173,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1995, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$187,000,000] *$287,000,000*.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,933,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91–407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft,

[$540,501,000] *$535,501,000*, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at [$518,501,000] *$513,501,000* in fiscal year 1995 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1995 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,080,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102-486, section 802, $1,000,000 to be derived from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, [$136,856,000] *$142,873,000*, to remain available until expended.

TITLE V—GENERAL PROVISIONS

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 501. (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.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1995".

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, Members of the Senate, the Senate will now consider the energy and water appropriations bill. As I stated last evening, it is my intention that we complete action on that bill this morning. So far, very few Senators have indicated an intention to offer amendments, and those Senators who intend to do so must be present promptly to offer their amendments. We must complete action on this bill in order to resume consideration of the Department of Defense authorization bill. As I indicated last evening, we will remain in session this week until we complete action on these two bills. As soon as we finish the DOD authorization bill, the Senate will adjourn for the Independence Day recess. But we will stay in session however long it takes to complete action on the Department of Defense authorization bill. My hope is that we can do it by a reasonable hour tomorrow, but if not we will simply stay here until we finish it.

However it is important—indeed it is imperative—that those Senators who intend to offer amendments to the energy and water appropriations bill come to the Senate floor immediately to be in a position to do so, because we are going to proceed promptly with this bill, as I have now stated on several occasions so Senators are plainly on notice in that regard.

Mr. President, I thank my colleagues. I note the presence of the managers, the distinguished Senators from Louisiana and Oregon, and I therefore yield the floor.

Mr. HATFIELD. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly, yes.

Mr. HATFIELD. Would the leader give us a little guidance as to how long would be a reasonable period to wait for amendments to be offered before we might ask for third reading?

Mr. MITCHELL. Mr. President, my hope is that Senators have heard this and are hopefully in the process of alerting their staffs to notify the staffs of the Senators from Oregon and Louisiana. I do not wish at this time to impose a time deadline, but I think there is a real sense of urgency. Senators are on notice if they are not going to come to the Senate floor to offer their amendments we are going to proceed to complete action on the bill.

Mr. HATFIELD. If I might just comment, I would take note of the fact that only the managers and the majority leader are presently on the floor.

Mr. MITCHELL. Not an uncommon event.

Mr. JOHNSTON. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Certainly, yes.

Mr. JOHNSTON. I believe the distinguished majority leader said something similar to what he has just said yesterday.

Mr. MITCHELL. That is correct.

Mr. JOHNSTON. So Senators have twice been put on notice.

Mr. MITCHELL. That is correct.

Mr. JOHNSTON. And solicited to come with their amendments.

Mr. MITCHELL. Right.

Mr. JOHNSTON. Mr. President, does the leader concur with me that if Senators do have an amendment and do want protection, that they should see the floor managers? At this point the only amendment we know about—and I tell this to Senators—is a Kerry amendment, which I assume he will put in. He has been alerted to the fact we are starting at 9 today. So I would assume he will be here after very short opening statements.

Mr. MITCHELL. Mr. President, what I will do, if that is the only amendment that has been specifically noted, I will direct the floor staff to contact Senator KERRY's office to notify him of what has been said and what the plans are so he will understand that it is imperative he be present promptly to offer his amendment.

Mr. JOHNSTON. I take it any time agreements we can enter to dispose of amendments, the majority leader would concur in? May we seek those freely?

Mr. MITCHELL. Not only concur but encourage.

Mr. JOHNSTON. I thank the leader.

Mr. MITCHELL. I thank my colleague.

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we, again, are on the floor and I say again, because this is an annual event with my friend and colleague from Oregon, Senator HATFIELD, on handling the energy and water appropriations bill. I guess we are probably the longest running twosome in the Appropriations Committee, 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 members.

Again, Mr. President, it is a relationship that is greatly to be desired among Senators: Productive, pleasant, and always, I think, the kind of relationship that Senators seek and glory in when it is present.

Senator HATFIELD and I are pleased to present the energy and water appropriations bill again today. Our total obligational authority is $20.5 billion. We are $143,000 over the President's estimate and $157 million more than the House-passed bill, but we are within our 302(b) allocation.

Mr. President, this has been a particularly difficult year for the energy and water appropriations bill. I say that because our bill had greater cuts in our 602(b) allocation, proportionately, than any other appropriations subcommittee. There are 13 appropriations subcommittees and we had the largest cuts of all.

We are $1.3 billion under last year's nominal spending levels in BA—that is, in budget authority—and $1.5 billion below last year's nominal spending levels in budget outlays. So it was very, very difficult to meet the needs of the Nation in the areas of energy and water.

I might say here on the floor, as I have said in committee and as I have repeated over and over again, I think we made a real mistake in adopting the Exon Grassley amendment because it is beginning to impinge on the muscle and fiber and bone of the infrastructure of this country in our subcommittee and in other subcommittees, because that amendment goes to that very small percentage of spending which is discretionary spending and which is largely infrastructure-type spending to meet the new priorities, to meet the new vision of the country.

All of us know that the real spending in this country is in entitlements. Senator Bob Kerrey, of Nebraska, is chairman of a new entitlement commission. I hope they can find a way to cut entitlement spending because that is where the money is.

In discretionary spending, such as energy and water—such as protecting people from the ravages of floods, such as protecting them from rivers flooding and hurricanes, building water projects and providing the infrastructure in California, for example, to restore the salmon runs—all of that kind of spending is severely cut, $1.5 billion less than last year.

We have had, I believe it was, 1,200 separate requests from Senators to include items in this bill. To say that we could even meet a majority of those requests, of course, is impossible. We are not meeting the needs of the Nation in this bill.

Mr. President, I am pleased to present to the Senate, the energy and water development appropriation bill for the fiscal year beginning on October 1, 1994, and ending on September 30, 1995. This bill, H.R. 4506, passed the House of Representatives on June 14, 1994, by a vote of 393 yeas to 29 nays. The Subcommittee on Energy and Water Development marked up this bill on June 23, 1994, and the full committee marked it up and reported this bill the same day, June 23, 1994.

Before summarizing the principal aspects of this year's appropriation bill, I want to take a moment to especially thank the chairman of our full Committee on Appropriations, the distinguished President pro tempore and our leader for all the hard work confronting us in moving these appropriation bills through the subcommittee, the full committee and now to the Senate. I commend the chairman in leading us to this point.

Mr. President, as usual, I want to thank the distinguished Senator from Oregon, [Mr. Hatfield], who is a former chairman of the full committee and the ranking minority member of the committee for his cooperation, teamwork, and leadership. He is an outstanding minority member as he was an outstanding chairman.

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 activities—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 IV.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1995 budget estimates for the bill total $20,512,750,000 in new budget obligations authority. The recommendation of the committee provides $20,512,893,000. This amount is $143,000 over the President's budget estimate and $157,271,000 more than the House-passed bill.

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, 103–291, accompanying the bill, which has been available since last Friday, June 24, 1994.

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, we are recommending a total amount of new budget authority of $3,391,565,000, which is $60,869,000 below the House and $77.7 million over the budget estimate.

The committee has had a large number of requests for various water development projects including many requests for new construction starts. However, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does not include a small number of new construction starts and has deferred without prejudice the largest of the projects eligible for initiation of construction. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continue to monitor each project's progress to insure that it is ready to proceed to construction when resources become available. I should caution, however, that due to the cost to construct a number of these projects, budgetary support from the executive branch will be critical in making the decision to proceed.

TITLE II, DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior Bureau of Reclamation, we recommend a total in new budget authority of $869.4 million, which is $47.4 million over the budget estimate and $14.2 million under the House.

TITLE III, DEPARTMENT OF ENERGY

Under title III, Department of Energy, the committee provides a total of $15.9 billion. This amount includes $3.3 billion for energy supply, research, and development activities; $63.3 million

for uranium supply and enrichment activities; $301.3 million for uranium enrichment decontamination and decommissioning fund, $973.6 million for general science and research activities, $402.8 million for Nuclear Waste Disposal Fund, and $6.2 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of $10.3 billion, comprised of $3.2 billion for weapons activities; $5.1 billion for defense environmental restoration and waste management; $1.86 for materials support and other defense programs and $129.4 million for defense nuclear waste disposal.

For Departmental Administration $407.3 million is recommended offset with anticipated miscellaneous revenues of $161.5 million for a new appropriation of $245.8 million. A total of $272.5 million is recommended in the bill for the power marketing administrations and $166,173,000 is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

A net appropriation of $272 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar renewables, $373 million, an increase of over $25 million compared to 1994.

For nuclear energy programs, $308 million is recommended, which is about $30 million less than the current level. The major programs provided for include funds to continue the integral fast reactor and a phase shutdown which will complete the research program, as opposed to an immediate termination. The sum of $12 million is included for the gas turbine modular helium reactor, also known as the gas reactor, or HTGR. The amount recommended for the IFR Program is $98 million.

For the magnetic fusion program, we are recommending $362.5 million, which is $10 million less than the budget. The main issue here is called the TPX or the Tokamak physics experiment at Princeton University. The House included a new start for this program. Construction of TPX would be in the range of $800 million to $1 billion, and probably a like amount to operate it over the life of its years. It is on the critical path to what we call ITER, the international tokamak experiment. It is necessary to do ITER or something like ITER to get to the commercialization of fusion. ITER will probably cost $10 billion and another $10 billion to operate, for $20 billion overall. If $2 billion is added for TPX, the program is about $22 billion. Now, it is an international Tokamak. If it is built in this country, the estimates are that the United States' share would be 60 to 70 percent. If it were built in Japan, the United States would have to pay at least 25 percent. So that the 64-dollar question is—"Is America willing to sign a mortgage for TPX for almost $2 billion, including operation.

TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $475.4 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $287 million; Nuclear Regulatory Commission, $535.5 million; and for the Tennessee Valley Authority, $142.9 million. The Nuclear Regulatory Commission amount of $535.5 million is offset by licensing fees.

The 602(b) allocation for the bill is $20.513 billion in new budget obligational authority and $20.943 billion in outlays. The bill before the Senate contains $20.525 billion in budget authority and $20.889 billion in outlays. So there is no room to add to the bill.

Let me give a few highlights.

First of all, the biggest science endeavor that this country faces in the future, or at least one of the biggest—perhaps the space station competes in size, I have not compared the two—is nuclear fusion. Fusion offers the hope to the country of limitless energy, relatively clean and with a fuel which is inexhaustible. However, it is also extremely expensive.

The way we would get from here to commercialization is, first, to do what we call the TPX, the Tokamak physics experiment at Princeton, which will cost somewhere in the neighborhood of $800 million to build, perhaps over time, over a decade or so, maybe another $1 billion to operate.

Following on as a second iteration is what we call the ITER, the international Tokamak experiment. ITER is likely to cost $10 billion to build and $10 billion to operate. ITER should bring us what we call break even—that is, more energy out than goes in—and it should be that which proves the feasibility of fusion energy.

Fusion energy is greatly debated, Mr. President. I believe the evidence is fairly clear that it will work, that we can get more energy out than we put in. The big unanswered question is whether it could be made to work on an economically feasible basis. If it can, it may produce commercial amounts of energy by the year 2050; in other words, more than half a century from now, we may be able to get this limitless energy, this energy from limitless sources in the middle of the next century sometime. So it is a very big question to go into.

In the committee language, we kept the team at Princeton together for TPX, but we said we should not enter into this endeavor, the international physics experiment, ITER—$20 billion in scope, TPX which itself could be, including operations money, $2 billion—without a national debate, without the Congress having been involved and without the President having signed on.

This Senator led the fight on the SSC, the superconducting super collider, and after 10 years and $2 billion, we finally decided—the House did—that we could no longer pursue the SSC. I think it was a great mistake and a terrible loss to the country. Nevertheless, that was the will of the Congress and that is what we have done. With termination expenses, that will probably be in the neighborhood of $3 billion down the drain.

We are determined on this committee not to have that happen on fusion. If we are going to go into fusion—and I believe we should; I believe this great country ought to pursue this limitless source of energy—then we ought to do so only after national debate, to have the budget cutters come here and talk about why we should not do it, have a debate, have a vote and then abide by decisions and not get into this thing incrementally. The TPX has never been authorized. It has never had that debate. Let us not get another $2 billion into a project and then say we cannot afford it.

For that reason, in our bill we provided that we would keep the team together at Princeton but that we would not make a decision on a start of construction of TPX until and unless the Congress and the President had signed on to this endeavor for fusion.

In other words, you should not do TPX unless you also decide to do ITER, ITER being an international Tokamak experiment. If we build it in this country, we would probably have to pay from 60 to 70 percent of the cost, or if we built it in Japan, pick a figure—maybe 25 percent, and 25 percent of $20 billion is still a lot of money, particularly to build a Tokamak reactor in another country.

So we need to think about those things as a country. I am for TPX but not now, not until it is authorized, not until the President and the Congress go into this with their eyes wide open.

Now, another big project, Mr. President, is the advanced neutron source at Oak Ridge, TN. The advanced neutron source is clearly a very useful reactor. It would examine the structure of metals and other materials. It would also cost $3 billion.

Now, in the case of the advanced neutron source, the House had a new start, committing us to the $3 billion. We said, and we believe, that the advanced neutron source is not yet ready. The environmental impact statement has yet to be completed, the site specific environmental impact statement. They have not yet made a decision as to the kind of fuel, the degree of enrichment that they would use in this reactor, a very fundamental choice involving what is a new reactor.

Mr. President, we believe that we should commit the same amount of money as the House to the advanced neutron source but that they should

complete those studies, complete the EIS, make those fundamental determinations of fuel enrichment and the structure of the machine and then make a decision—again, an eyes-wide-open decision. It is not as expensive, of course, as fusion, but believe me at a time when spending this year is down $1.5 billion in this bill below last year, and next year with the Exon-Grassley amendment, it will take an even further hit.

To start a new project like the advanced neutron source, which will probably peak out at somewhere between, well, perhaps $800 million in 1 year it would require, taking from other programs is something you should not enter into lightly and certainly not prematurely. For that reason we believe that was premature this year.

Now, Mr. President, we underfunded a lot of programs that we would like to be able to fund more. In solar energy, we would like to have had an even greater increase than we had. We have a $25 million increase in solar energy over last year which, considering the budget stringencies of this year, is heroic. We had a $15 million cut in our nuclear programs, which are getting more and more modest, but some spending in this area is absolutely essential.

All in all, Mr. President, this is a bill that is very sparse and that demands and needs much more money than it has.

Mr. President, I expect an amendment on what we call the IFR, the integral fast reactor from Senator KERRY today. There may or may not be an amendment by Senator HARKIN. And we hope to have the bill finished by noon. Those are the directions given us by the majority leader. So I ask all Senators to come to the floor and let us know if they have amendments.

I yield the floor.

Mr. HATFIELD. Mr. President, I would like to thank Senator JOHNSTON, first of all, for his introductory remarks and the explanation and description of the bill we have now before us, the energy and water development bill for fiscal 1995.

Chairman JOHNSTON, let me say, has done an outstanding job again this year in developing the Committee's bill that we have before us, and I am very pleased to be associated with his effort. It has been truly bipartisan throughout.

Mr. President, the subcommittee's work was more difficult this year than ever before. We say that each year because it is true each year. And if you put it into a 5-year context, you can certainly understand then the drastic changes that have occurred and are occurring at this time. Our 602(b) allocation was $20.513 billion in budget authority, which was $1.176 billion below the current year's enactment level of $21.689 billion. Unfortunately, the lack of resources that this committee was provided means that we have made some very drastic cuts in programs that are very worthy and very important to this country.

Chairman JOHNSTON and I have worked many years on both the Appropriations Committee and on the Energy and Natural Resources Committee which, as you know, is the authorizing committee. We have mutual interests in developing our policies which will provide for the long-term energy security of the United States. Although we sometimes disagree on what the Nation's energy priorities should be, we respect each other's views and understand the reasoning behind our respective positions.

Ultimately, I believe that the dynamics and bipartisan nature of the Energy and Water Development Subcommittee have tended to narrow the swing of the energy policy pendulum from one extreme to the other, whether it be nuclear, solar, and renewable technologies, or atomic energy defense activities.

In the end and over the years, the subcommittee's recommendations have been guided by prudence, reason and fiscal awareness. This constancy of purpose on the subcommittee's part has been of tremendous benefit I believe to the Nation.

Although the chairman has presented the highlights of the bill earlier, I wish to mention a few areas in which I have particular and special interest.

First, the committee has recommended a total of $369 million for solar and renewable energy programs under its jurisdiction. While this is about $40 million below the President's request, it is $22 million above the current funding level.

I know that many Members of the Senate share my concern that the full amount requested by the administration has not been provided for these popular and very important programs. While I am disappointed with the lack of available resources for the solar and renewable programs, I also believe that this should be viewed in a historic context. The committee's recommendation of $369 million represents a 257 percent increase in the solar and renewable budgets over the last 5 years. From anyone's perspective, this represents a significant commitment on the part of the subcommittee to support the development of these particular technologies.

The committee's proposals regarding atomic energy defense activities also should be viewed historically to appreciate fully the change in the U.S. nuclear weapons policy since the end of the cold war. The total amount provided in this bill for atomic weapons activities is $10.33 billion. Approximately half of this amount, $5.084 million is for environmental restoration and waste management activities at the Department of Energy's nuclear weapons production facilities, and $5.246 billion is for weapons-related activities.

In other words, it is about a 50–50 split.

Comparing these funding levels of the fiscal year 1990 appropriations, we find that our nuclear weapons priorities have changed significantly. During this 5-year period, environmental restoration and waste management funds have increased by 306 percent, while the weapons activities and nuclear materials support programs have declined by about 34 percent.

And even this 34-percent decline does not tell the full story if we acknowledge that significant weapons resources are now directed to technology transfer activities with private industry, nonproliferation, nuclear safeguards and security, and other nontraditional nuclear weapons programs.

The bill also contains $50 million, under the Materials Support and Other Defense Programs appropriation account, for fissile materials control and disposition activities. This represents a $41 million increase over the President's request. I think it is important for every Member of the Senate to understand that the committee is providing these funds for activities relating to research and evaluation of reactor and accelerator technologies for plutonium disposition and tritium production.

While I agree we must investigate all possible options for plutonium disposition and storage, I am concerned that we may be heading down this path a little too quickly. I am especially disturbed by the proposals which would have us embrace existing light water reactors to burn plutonium and generate electricity for commercial consumption. In my view this obscures the line between nuclear weapons activities and commercial power generation, and has significant implications on national security and worldwide nonproliferation policies. We should take care to ensure that any decision we make on plutonium disposition does not further encourage the development of a global plutonium economy.

Finally, Mr. President, I want to mention the funding provided in the bill for salmon recovery activities in the Columbia River Basin. We have provided $38.3 million for the Corps of Engineers to continue its activities under the Columbia River Juvenile Fish Mitigation Program to increase fish bypass efficiency on the Columbia and Snake Rivers.

The committee report provides additional direction for the corps to investigate new bypass technologies including surface flow facilities, sound and light guidance systems, and other devices.

An additional $9 million has been provided under the Lower Snake River

Fish and Wildlife Compensation Program for fish hatchery construction projects in the Snake River Basin. These projects include adult trapping and juvenile acclimation facilities in various streams, and water treatment facilities for the Lookingglass fish hatchery. I am pleased to say that these represent the first funds appropriated specifically for hatchery projects to assist in rebuilding depleted salmon stocks in the Columbia Basin. Once again, the Energy and Water Subcommittee is taking the lead in providing initial and crucial funds for salmon recovery efforts.

Also, the committee has provided the $5.6 million requested by the administration for the Bureau of Reclamation's salmon recovery activities.

Mr. President, I am compelled to emphasize that salmon recovery activities encompass a wide range of activities dealing with the hydroelectric system, hatchery reforms, habitat enhancement, and changes in salmon harvest. The recent release of the Snake River Salmon Recovery Team's final recommendations, together with the Northwest Power Planning Council's Strategy for Salmon, now provides us with two regionally developed, complementary plans to recover the species.

Let me also emphasize that the rate payers of the Pacific Northwest will, in addition to these figures and funds, provide $350 million this year for further salmon mitigation; and that over 50 percent of these funds that I have just enumerated will be repaid to the Federal Treasury by the rate payers under the Bonneville Power Administration.

Mr. President, just to give you some indication, in the last 10 years the rate payers of the Pacific Northwest have paid over $1 billion—over $1 billion—for salmon mitigation and recovery. So no one can say that the regional resource is not being tapped as far as salmon recovery and salmon mitigation.

These two plans that we now have for recovery provide a broad prescription of activities which deal with all four major areas of reform.

Both documents indicate that the recovery process will be slow and painful—there are no quick fixes or free lunches. While there certainly are measures which should be taken sooner rather than later, we need to develop a common sense strategy based on science and public input that directs our scarce resources to those areas which will provide the most immediate protection for the remaining depleted stocks and best prospects for rebuilding them.

Again, I want to thank Senator JOHNSTON for his assistance in providing the salmon recovery funds included in the bill, and surely will look to him again in future years when funding requirements inevitably will increase further.

I think we have to understand that point as well; that these will be increases in the outlying years, and we must meet those needs.

I also want to thank Senator BYRD, the chairman of the full Appropriations Committee, who has the great responsibility of shepherding 13 separate appropriations bills through the subcommittee process, the full committee process, to get them passed on the floor, into conference, back into the respective Chambers for approval of the conference reports, and down to the White House for signature. This is no mean undertaking, and Senator BYRD has done this with great skill over the years, as he has done all of his work with great skill in the committee.

Finally, I want to thank the staff of the Energy and Water Development Subcommittee for their assistance in putting this bill together. Senator JOHNSTON has already indicated that we have a long tenure of partnership in giving leadership to the subcommittee, which I treasure. But we also have been blessed with a very outstanding staff, who have great seniority in time and in service to this subcommittee.

I want to especially recognize Proctor Jones, David Gwaltney, Gloria Butland, Mark Walker, and Dorothy Pastis, who have all worked for many weeks on this bill. And their efforts should not go unnoticed.

Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Louisiana [Mr. JOHNSTON].

ORDER OF PROCEDURE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded for purpose of amendment as original text; provided that no point of order shall have been considered to have been waived by agreeing to this request.

Mr. HATFIELD. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. HATFIELD. Reserving the right to object, and I will not, Mr. President, may I say to the chairman of the committee, Mr. JOHNSTON, that I have just had a request by Senator STEVENS to set aside the committee amendment on page 32.

Mr. JOHNSTON. Mr. President, I will certainly do that. I say to my colleague that this would be considered original text under my request for the purpose of further amendment. So it would be amendable by Senator STEVENS to accomplish whatever he wishes to accomplish.

Mr. HATFIELD. I do not have the background as to his request. But that has been sent to me at this moment by telephone. I request that of the chairman; if he might exclude that from his unanimous-consent request.

Mr. JOHNSTON. All right. In view of the request, Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, except for the committee amendment on page 32, line 15; and that the bill, as amended, be regarded for the purpose of amendment as original text; provided that no point of order shall have been considered to have been waived by agreeing to this request.

Mr. HATFIELD. I thank the Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I might say that I have now received word that Senator HARKIN will have an amendment that will transfer $33 million from the nuclear weapons program to renewable energy; that he will have a second amendment that will strike $275 million from the Nuclear Weapons Program; that Senator WELLSTONE has asked to reserve two relevant amendments; that Senator LAUTENBERG has two amendments which he believes to be cleared. And other than that Kerry amendment, which will be shortly offered, we have no word of any other amendments.

Mr. President, with respect to the Kerry amendment, it is our intention to have opening statements and then, thereafter, to seek a time agreement, but we will not do so at this time.

I yield the floor.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Mr. President, I want to take a brief moment at the beginning of the debate on this important appropriation bill to thank the chairman and ranking member for their work on behalf of the Pacific Northwest and my State of Idaho, and the cooperative relationship we have been able to maintain as we have worked with these very important issues.

My colleague from Oregon has mentioned very key appropriations on the Snake and Columbia River systems to deal with an issue in the Pacific Northwest that is absolutely key and must be resolved, and that is the endangered species of salmon in the Snake and Columbia system and the mitigation plan to try to save those important species.

That plan, while it is important, must be balanced with the economy of the Pacific Northwest and intermountain area. Of course, the Senator from Oregon and this Senator knows how key the hydro production on the Snake and Columbia is, the transportation systems that have been developed that are now a critical link to the economy of that region, and the areas within the bill that deal with fish mitigation and dam modification are all part of an ongoing responsibility that I think the Federal Government has to share with us in the cost of providing

for an environment in which the salmon can live and can continue to grow and develop. That is part of this bill, it is an important part.

The Senator from Oregon has been extremely sensitive to making sure that we continue to resolve this issue and that the Federal Government be a partner with us in the Pacific Northwest in the resolution of this particular problem. I must also say that with the Department of the Interior, the Bureau of Reclamation, and all of the kinds of issues that are in part here, and also the Department of Energy with its national laboratory in my State, this is a key appropriation of funds not only critical to jobs, but very important science programs that are charting a future for this country's energy. This committee has been extremely sensitive to that.

Senator JOHNSTON is well known for his knowledge in those areas and his advocacy of them, and I appreciate the relationship we have as this budget has been developed in the work we do on the Energy and Natural Resources Committee together.

In the next few moments, we will begin debate on an amendment that I hope the Senators will listen very carefully to and weigh its consideration as it relates to our future, not only in nuclear energy as a safe, clean energy source for our country, but the dedication this country has had to resolving nuclear problems around the world, and especially the proliferation of plutonium and the responsibility we have signed off on—to be a world leader in resolving this problem and the development of the technology that can ultimately burn these wastes and these risks and put them in a state that future generations will know are safe and secure. That is our responsibility as a Senate, and this Government has so charged us. This legislation reflects those responsibilities, and I hope we can, in large part, pass it.

I yield the remainder of my time.

Mr. HATFIELD. Mr. President, if I can respond briefly to the Senator from Idaho, I appreciate his comments relating to the committee's work. His efforts have been certainly a part of the product we bring here today, because the Senator from Idaho [Mr. CRAIG], has been most attentive to the problems facing us in the region, whether it is power generation or salmon mitigation, or whatever it may be. If we did not have the broad-based support of this body, our committee's work would be much more difficult. Because of the leadership of the Senator from Idaho in helping to bring attention and to focus on these problems, it has been very helpful. I thank him at this time.

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

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

The assistant legislative clerk proceeded to call the roll.

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

Mr. McCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue calling the roll.

The assistant legislative clerk continued calling the roll.

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

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

Mr. KERRY. Mr. President, a few moments before the quorum call was put into place, the Senator from Idaho asked Senators to listen carefully to this debate, because it is about the future, the future of nuclear power, and about the interests of the United States with respect to the control of plutonium.

I think that in so stating, the Senator has framed, in one sense, the reality of what this debate is about and, in another sense, the illusion of what it is about. And I ask my colleagues indeed to listen carefully and to weigh carefully the truth, the reality of what is at stake in this debate.

Those who want to keep what is known as the advanced liquid metal reactor alive will assert arguments that I respectfully submit simply do not stand up under scientific inquiry or under sound proliferation or fiscal analysis. And I ask my colleagues to weigh carefully the balance of what studies and who makes the arguments for the illusion and what studies and who makes the arguments for the reality. And there is not one Senator here who is not capable of distinguishing between the interests behind the illusion and the interests that assert the reality.

The reality of the ALMR, the advanced liquid metal reactor, is that it is a waste and that it is a danger, that it is fiscally irresponsible, scientifically irresponsible, and irresponsible with respect to arms control and nuclear waste. And every single independent study—independent study—confirms what I have just said: OTA, National Academy of Sciences, GAO, and so forth.

Now let me frame this debate, if I may, by reading a letter from the President of the United States sent to me yesterday. I will just read the first paragraph which is relevant.

Thank you for your letter supporting our decision to terminate the Department of Energy's advanced liquid metal reactor program, including the integral fast reactor project. I want to assure you that this administration does not support the IFR and will oppose any efforts to continue the funding for this reactor project. The IFR has no foreseeable commercial value and its continuation would undercut our international nuclear weapons nonproliferation efforts.

And that is signed by the President of the United States.

In addition, the Secretary of Energy, Hazel O'Leary, has taken a courageous position and put very squarely before the Senate what is at stake here.

I quote from her letter of June 27:

In summary, terminating the Integral Fast Reactor program in FY 1995 would save taxpayers $2.9 billion between 1995 and 2010. If we take the direction that has been outlined in the budget amendment submitted on June 17, 1994, and your Integral Fast Reactor termination bill recommending redirection of the assets of the facility * * * we would save $1.3 billion in taxpayer money from FY 1995–2010. This is the Administration's preferred option.

No further testing of the Integral Fast Reactor concept is required to prove the technical feasibility of actinide recycle and burning in a fast spectrum reactor, such as the Experimental Breeder Reactor in Idaho. The basic physics and chemistry of this technology are established.

The principal concerns that led me to withdraw my support for this program are *the inconsistencies with our nonproliferation* objectives and the high cost of further development.

Now, Mr. President, here is the President of the United States and the Secretary of Energy saying clearly, "Senate, Congress, do not continue this program."

Now, who is here on the floor asking to continue it? Understandably—and I do not begrudge them and I understand it—the Senators from Idaho, where you have a breeder reactor program, and the Senators from Illinois, where you have the research.

The question is squarely before the U.S. Senate: Do we have the courage and the foresight to be willing to cut a program that every single analysis has deemed a waste, which the President does not want, which the Secretary of Energy does not want, and which so clearly threatens the proliferation concerns of this country?

I ask my colleagues to weigh very carefully how, in the midst of the Korean crisis, where we are summoning the international community to come together in an effort to try to preach nonproliferation, we can turn around and engage ourselves in a program that embraces the potential for that proliferation.

This kind of irresponsible effort for fundamental pork barrel purposes undercuts every single effort of the United States in the international community.

Mr. President, let me show my colleagues a little of the background of this program.

Unbelievably, this program really began in 1948. This program has now become more expensive than the Clinch River breeder reactor that we killed. The program, incredibly, was attempted to be killed by one of the cosponsors of this amendment today, Senator BUMPERS.

Senator BUMPERS had the foresight to try to kill this back in 1982. We have

spent, beginning in 1948, $297 million; this was 1948 to 1967.

In 1968, $112 million; 1969, $132 million; 1970, $144 million. On you go through the 1970's. It climbs, $234 million, $353 million, $568 million, $612 million. You get into the 1980's and we get into $614 million, $546 million; 1984 it began to go down a little, $304 million. Now we are in the $136, $142 million range.

The National Academy of Sciences, OTA, independent research, Department of Energy, and the President of the United States have all come to the conclusion we do not have anything to show for that. We do not have anything to show for that incredible investment except running up against the barrier of nonproliferation efforts, an extraordinary amount of increased potential waste as we pursue a technology that not only puts more plutonium into circulation, but increases the amount of waste, the actinides that you then have to have in a repository and hold for literally thousands of years for it to be eliminated.

My colleagues are going to come to the floor and say you can eliminate all of that because this technology is going to chew it all up. Wrong. Wrong. The National Academy of Sciences tells you: Wrong and unnecessary. That is the most important thing I ask colleagues to focus on. When we come to the floor of the Senate and we are asked to make a judgment about a program—you may have the most incredibly highfalutin, wonderful program of creative technology, but it could be absolutely unnecessary because you have a far simpler, more readily available, safer technology at your hands. And that is precisely what we have.

You do not need to develop a separate reprocessing capacity to burn fuel or to chew up plutonium because we have at our disposal means of getting rid of the plutonium and of controlling the plutonium better with the existing technology.

Let me just frame this a little bit for some of those who have not had the time to read all the faxes that have been circulated on it or understand all the technology. It is not half as complicated as it sounds, because if it were that complicated I am sure I would not be here debating it. It is not that complicated.

I also want to ask colleagues to look at the fact that every major publication in the country from the Post to the Times, Philadelphia out to the Far West, the South—there is not one editorial that I have read that said keep this going. They all label it a waste, and they have singled this as one of the most important opportunities for the U.S. Senate to eliminate waste. For those who come to the floor with all these line item vetoes and balanced budget amendments and all these techniques to control spending—here is the technique to control spending. Vote to cut this program.

We all know how hard it is to cut, how few programs have ever been eliminated. If ever there was a golden opportunity for reality to begin to set in, here it is. I share with my colleagues some of the public opinion on this.

The Washington Post:

The Wrong Reactor. Killing the ALMR appropriation would make it a little easier for the United States to restrain the proliferation of nuclear weapons in a world that has too many of them.

The Hartford Courant, Connecticut:

End The Research On Breeder Reactor. Scientists have raised serious doubts about the breeder's ability to reduce the nuclear waste, to burn plutonium efficiently, to make more fuel.

The Oregonian:

Give up nuclear breeder dream. The time has come for America to abandon the 1970's dream of developing an advanced light metal reactor. Continuing financial support for this technology makes no sense from an energy development point of view.

St. Louis Post Dispatch, the Philadelphia Inquirer:

It's back. The Senate meets the Clinch River monster.

Like Freddie Kreuger, the breeder has made a nightmare issue come back. The Clinton administration wants to end this program. The House is virtually certain to vote it down again so its prospects of survival depend once again on the Senate which kept it alive by voting for it last year.

The San Francisco Chronicle:

Saying no to nuclear pork.

The Morning Sentinel; the Bangor Daily News; the Buffalo News and on. The Los Angeles Times:

The broad understanding about this is this is pork. It is dangerous pork because it threatens the nonproliferation policy of this country.

What are we talking about? We are talking about a whole new form of a nuclear reactor.

This is not a vote for or against nuclear power and it should not be confused as that. I support light water reactor technology. I support the advanced light water technology that is proposed in this bill. And I hope we will indeed develop more contained and even safer second-generation technology. But that technology is based on a once-through fuel cycle, where you take uranium as your major fuel source, burn it, and then when you have waste, when the fuel is spent, as we say, that waste is deposited and you put in more uranium. Out of that waste you could reprocess, and through chemical additives you can extract plutonium. The extraction of plutonium reduces it to a very, very small amount of plutonium, and the plutonium obviously is the bomb-capable material, taking about 15 pounds to make a bomb.

What this reactor does is create a reprocessing technique that is not dependent on the uranium, but separates and reuses plutonium. It does so with the technology that can very easily be used as breeder technology. I will later point out how the National Academy of Sciences and others fear the potential for this particular design to provide breeder technology in other parts of the world.

We know, all of us, how difficult it is to make this kind of choice. But I respectfully submit that the realities of this particular program are such that, hopefully, colleagues will decide that we have no choice. I have pointed out the close to $89 billion history of expenditure which has left us not even with a technology at this point in time, let alone the problems with the threat with which it leaves us. But let me share with my colleagues the projections for this program if we do not cut it off today. This is what it is going to cost over the next 15 years if we pour the money into it that is currently in the mark that comes to us from the committee.

This is the termination line, this red line going across, about $0.3 billion for termination funding.

If, on the other hand, we proceed forward—and I want to emphasize not just proceed forward with the 4 years of expenditure within the bill which will take you to a certain point in the technology, but if you have spent that money and you want to go to the point where you are really putting this technology on line, you are looking at, going out to the year 2010, a $3.2 billion expenditure just to begin to prove whether or not this is indeed truly feasible. As Secretary O'Leary has said, that is the difference of $2.9 billion, between continuing it and terminating it.

I will say something later about that. My colleagues are going to try to make the argument that it is more expensive to terminate than not to.

That is such an extraordinary argument, given the history of the U.S. Senate, and we can go into that in a little while. I know they are going to say it is more expensive to terminate it, and I will show how, in fact, that is not true.

I just ask any colleague here, as a matter of common sense, what program, where you have an option between terminating it and not ever going on with the program or paying for it in a so-called termination payout—you tell me which is cheaper. There is not a program in the history of the Senate that has not been cheaper just to end it.

Mr. President, you have the Secretary, the OMB, and all of your neutral—and I emphasize neutral—observers telling the U.S. Senate that there is an enormous cost to the continuation of this program.

I know that some of my colleagues are going to say, "OK, it's expensive. But even if it's expensive, probably we

ought to fund scientific research because that is a good long-term investment."

In this case, it is not a good investment because it is never a good investment to research into something that is a bad idea. The technology here, even if successful, No. 1, is just not needed. We do not need this. And, No. 2, it is dangerous. It is dangerous for the very reasons that the President and Secretary O'Leary have set out: It threatens the nonproliferation protocol.

I want to make it clear again—and I want to emphasize this—it is not just dangerous for anything to do with nuclear power, et cetera. That is not what is the argument here. It is only dangerous because of the questions that I have raised with respect to proliferation, to the breeder reactor and, I might add, to the additional waste that this new technology creates. But the prime reason for Senators being concerned about this truly remains this question of proliferation.

I also would like to emphasize—and I think it is important to emphasize this—that the President has asked the Senate not to fund this program because he and all of the national security team have made the judgment that this threatens their capacity to make a clean-hands argument, a legitimate argument to other countries about proliferation.

I think any Senator would say if, indeed, you can create more plutonium through this, and there is a risk of breeder reactor capacity, then that technology, being out in the marketplace, represents more possibilities for rogue nations to begin to pursue that technology. It is clearly not in the United States interest to do that.

Let me share with my colleagues a letter from Senator GLENN. I think there is no Member of the Senate who has spent more time on nonproliferation issues or who has been more on the cutting edge of holding Pakistan and other countries accountable. He writes a letter to colleagues. Senator GLENN says:

I urge you to support the Kerry-Gregg-Bumpers amendment. Events on the Korean peninsula have made all of us more aware than ever of the dangers of plutonium. The Korean crisis underscores the importance of U.S. efforts to steer countries away from programs that produce plutonium by reprocessing and breeding. But if the United States is itself pursuing breeder and reprocessing technologies, its credibility in these nonproliferation efforts will be greatly diminished.

Mr. President, I ask unanimous consent that the letter from Senator GLENN, from the Secretary of Energy, and from the President be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, June 30, 1994.

DEAR COLLEAGUE: When the Energy and Water Development Appropriations Bill comes to the floor, Senators Kerry, Gregg, and Bumpers will offer an amendment to terminate the Department of Energy's Advanced Liquid Metal Reactor (ALMR) and actinide recycling programs. As a Senator concerned with stopping the spread of nuclear weapons, I urge you to support the Kerry-Gregg-Bumpers amendment.

Events on the Korean peninsula have made all of us more aware than ever of the dangers of plutonium. The Korean crisis underscores the importance of U.S. efforts to steer countries away from programs that produce plutonium by "reprocessing" and "breeding." ("Reprocessing" refers to the extraction of plutonium from spent nuclear fuel; "breeder reactors" are reactors that produce more plutonium than they consume.)

But if the United States is itself pursuing breeder and reprocessing technologies, its credibility in these nonproliferation efforts will be greatly diminished. Largely for this reason, Secretary O'Leary decided to terminate funding for the ALMR system. According to the Secretary, U.S. pursuit of plutonium production technologies:

"* * * could provide an excuse for rogue nations to oppose international efforts to end their plutonium separation efforts * * * continued support of the IFR would make it difficult, if not impossible, for the United States to help lead the world toward reducing the threat of plutonium proliferation."

In addition to undermining U.S. non-proliferation policy, the ALMR system represents a proliferant technology. Recent studies by the National Academy of Sciences (NAS) and the Office of Technology Assessment (OTA) have confirmed the warnings of ALMR opponents during last year's floor debate—that the ALMR could be used by a proliferator to produce material that is directly usable in a nuclear weapon, and that it can be readily converted into a breeder reactor even if it is not originally designed as one.

Finally the ALMR cannot be justified as an option for disposition of plutonium from nuclear weapons. The comprehensive NAS study on this subject found the ALMR inferior to other options because of the technological uncertainties, long time frame, and high costs that would be required.

In short, the ALMR does not enhance U.S. nonproliferation efforts; it is a proliferation risk. I urge you to vote for the Kerry-Gregg-Bumpers amendment to terminate this unneeded program.

Best regards
Sincerely,

JOHN GLENN,
Chairman.

THE SECRETARY OF ENERGY,
Washington, DC, June 27, 1994.

Hon. JOHN F. KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: At your request, we have reviewed the letter dated June 23, 1994, regarding the Integral Fast Reactor/Advanced Liquid Metal Reactor program that was circulated by Senators Simon, Moseley-Braun, Craig, and Kempthorne. The Administration remains firmly opposed to the program's continuation.

In summary, terminating the Integral Fast Reactor program in FY 1995 would save taxpayers $2.9 billion between FY 1995–2010. If we take the direction that has been outlined in the budget amendment submitted on June 17, 1994, and your Integral Fast Reactor termination bill recommending redirection of the assets of the facility to work on nonproliferation and environmental cleanup, we would save $1.3 billion in taxpayer money from FY 1995–2010. This is the Administration's preferred option.

No further testing of the Integral Fast Reactor concept is required to prove the technical feasibility of actinide recycle and burning in a fast spectrum reactor, such as the Experimental Breeder Reactor in Idaho. The basis physics and chemistry of this technology are established.

The principal concerns that led me to withdraw my support for this program are its inconsistencies with our nonproliferation objectives and the high cost of further development. Research on the Integral Fast Reactor system is inconsistent with the Administration's nonproliferation policy, because the United States does not encourage the civil use of plutonium and does not engage in plutonium reprocessing for nuclear power purposes. Because it is based on plutonium reprocessing and recycle, continued development of Integral Fast Reactor would undercut our efforts to discourage other countries from plutonium reprocessing and recycle.

I also support termination on the grounds that the Integral Fast Reactor has little commercial potential in the marketplace. There is no foreseeable prospect that it would be economically competitive with the next generation of light water reactors currently being developed with Department of Energy support. But, continuation of the program in FY 1995 and beyond would be extremely costly. We disagree with the information contained in the letter mentioned before that a savings would not be achieved if termination of the Integral Fast Reactor began in FY 1995. The Department estimates that it would cost $4.2 billion, including $1 billion of industry cost-sharing to complete development of the Integral Fast Reactor. The Department believes it makes little sense to spend such a large sum.

Termination of the program beginning FY 1995 would require approximately $0.3 billion between FY 1995–1998. Thus, if the program is terminated, with no follow on missions, $2.9 billion would be saved between FY 1995–2010.

The Department supports redirecting the scientific, personnel and technological assets of the laboratory currently preforming research on the Integral Fast Reactor to higher priority missions. These missions, which are fully described in a budget amendment, submitted to Congress on June 17, 1994, would cost $1.9 billion between FY 1995–2010. Thus, redirecting the Laboratory to perform critical work would save $1.3 billion between FY 1995–2010. This is totally consistent with the legislation (S. 1859) introduced by you and Senators Bumpers and Gregg, which urged that personnel assigned to Integral Fast Reactor be reassigned to other activities of the Department such as nuclear nonproliferation and environmental cleanup.

For these reasons, I believe that the Integral Fast Reactor program, including actinide recycle and development of the advanced liquid metal reactor, should be terminated in FY 1995. The Administration support redirecting the people and facilities associated with the Integral Fast Reactor to higher priority projects. Redirection is consistent with the bill introduced by yourself and Senators Bumpers and Gregg. These activities are proposed in the Administration's

budget amendment submitted by the President on June 17, 1994. We would urge congressional support for this approach.

Sincerely,

HAZEL R. O'LEARY.

THE WHITE HOUSE,
Washington, DC, June 29, 1994.

Hon. JOHN F. KERRY,
U.S. Senate, Washington, DC.

DEAR JOHN: Thank you for your letter supporting our decision to terminate the Department of Energy's (DOE) advanced liquid metal reactor (ALMR) program, including the Integral Fast Reactor (IFR) project. I want to assure you that this Administration does not support the IFR and will oppose any efforts to continue the funding for this reactor project. The IFR has no foreseeable commercial value and its continuation would undercut our international nuclear weapons nonproliferation efforts.

In an effort to redirect the ALMR's dedicated and talented workforce at the Argonne National Laboratory in Illinois and Idaho, the Department of Energy, at under Secretary O'Leary's direction, recently completed a proposal to restructure its nuclear research program and focus on areas that support the Administration's nuclear policy goals. On June 17, 1994, I asked Congress to consider an amendment to DOE's FY 1995 budget request, which implements this restructuring effort. The new research areas include high priority energy projects, such as the development of novel technology to address our important nonproliferation objectives, research into the safe decommissioning of nuclear facilities, and fuel cycle safety studies. By shifting to these higher priority research programs. DOE will be able to make productive use of the technical staff at the Argonne National Laboratory to achieve the Administration's policy goals.

Thank you for your letter of support.

Sincerely,

BILL.

Mr. KERRY. Mr. President, the New York Times on Sunday wrote the following:

Financing the integral fast reactor would send the wrong signal to Japan and others who are planning to produce more plutonium to fuel nuclear power plants. Besides sabotaging U.S. nonproliferation policy, further research into the ALMR will put information on plutonium separation into the public domain.

So, Mr. President, proponents will argue that the United States will be discriminating in sharing this technology, but I tell you, the record of that is not good. In the past, technology has spread to rogue nations. North Korea reportedly acquired its advanced European reprocessing technology that was used in a facility in Belgium, and its operating reactor is known to be a clone of a British production reactor.

So here we are, staring in the face of the fact that we have the potential of war on the Korean Peninsula over people pushing the envelope of nuclear reprocessing, and we know they got their technology from the British or Belgium, and here we are pursuing a technology which everybody knows will move across the pages of scientific publications and ultimately into the marketplace as people buy it and use it.

Much of the ALMR reprocessing technology is going to be described in open scientific literature because the contract calls for it to be. At least one of the contracts on pyroprocessing establishes the right of the contractors to publish the detailed results of their R&D work. So here you have the R&D work that is going to be put out into the public domain as a matter of contractual right.

Further, Mr. President, the ALMR facilities themselves are going to make plutonium more available to those wishing to acquire it for bonds.

Here we get to one of the central arguments. Proponents say that it is more proliferation resistant to alternative reprocessing technology, but I would caution my colleagues that that is not the measurement, No. 1. The meaningful comparison is to compare the ALMR technology with the current light water reactor technology, the once-through fuel technology which we currently use to produce electricity in our reactors. Under this comparison, the ALMR clearly increases proliferation risks.

I have talked about a National Academy of Sciences study. I would like to quote from that study so my colleagues are aware of precisely what the National Academy of Sciences has said:

Possession of such a facility would still offer a State the technology needed to produce separated plutonium for weapons should it choose to do so openly.

I talked about new studies. Last year, we had this debate on the floor of the Senate and my colleague from Louisiana, and others, stood up and said, "No, no, this is not a breeder; it can't do this, it can't do that."

There have been a series of new studies in the last year. I think it is three, to be precise. Three studies. Not one of those studies does anything except confirm what I said last year and refute what the Senator from Louisiana asserted.

This technology will not recycle the spent fuel from nuclear reactors and the plutonium from weapons, and each of the independent studies has come out which refutes the notion that they might. It is almost shocking, if not hard to believe, that notwithstanding every independent study, there is not one independent study suggesting to the contrary.

The National Academy of Sciences published a study saying that the ALMR is a bad idea for weapons plutonium disposition. My colleagues are going to try to assert that it is a good idea for disposition, but the neutral, independent National Academy of Sciences says, no, it is a bad idea.

The GAO published a study saying that the ALMR is a bad idea for commercial spent fuel disposition, and the OTA has published a study agreeing with both of these studies and claiming that the ALMR could easily become a breeder reactor producing more plutonium than it consumes.

These are the only—I repeat, the only—objective studies conducted in the last year, and they all came out against the technology. I think we would all be well served to heed the independent entities that are supposed to provide us with advice of this nature.

Let me just point to this list. These are the independent studies. The DOE says no; GAO, no; OTA, no; NAS, no; Lawrence Livermore Labs, no; Rand Corp., no; the NRC Committee on International Security and Arms Control, no.

This is a formidable array of independent studies suggesting that the Senate should not fund this program, that it is dangerous, that it is a waste, that it is a combination of the two, and even other reasons why we should not pursue this program.

Now, further, on the question of weapons plutonium, the National Academy of Sciences did a very thorough study of just the weapons plutonium as distinguished from commercial waste, and they concluded unequivocally that the ALMR was far less desirable than two other technologies for disposal. And this is why I make the argument, Mr. President, that this is not necessary. Even if you were to accept the arguments of the proponents that this is somehow a terrific idea, you still have to weigh their notion of terrific against less expensive alternatives and currently available technology.

The fact is that in a neutral analysis of that you come out and you say to yourself, well, we do not really need to do this because we can dispose of this fuel faster and safer using one of two other methods. And those two other methods are to mix the spent fuel, to mix the plutonium with the current fuels, uranium, et cetera, and when you mix it up adequately, the reprocessing is so complicated and expensive, as we found ourselves, that you have effectively eliminated it from use and danger.

The second means is through vitrification, glassification, creating glass logs and then you put it in a repository. And every one of the independent entities that analyzed this have said those are the preferred routes. They are available today. They do not create more waste as does the IFR, and they are safe and they are cheaper.

Now, the vitrification technology and the MOX technology as they are known, are not something that we have to spend another $8 billion to pursue. I might add, even if you wound up with this technology and you wanted to go ahead, you are talking about billions of dollars to be able to spend just to get this into place compared to the costs of the current disposition.

Mr. President, the National Academy of Sciences said to us that there is a

clear and present danger from the presence of weapons plutonium and that therefore the most important quality in the solution of it is speed, the speed with which we can get rid of it, the speed with which you make that plutonium unusable. Well, the ALMR would in fact take a great deal longer than either vitrification or MOX, the two other technologies.

The proposed ALMR system would not start the disposition campaign of plutonium until after the completion of the vitrification. In other words, if you have available plutonium, you can begin today immediately to do the glassification, and the period of time it takes in the predisposition would take you up until about the year 2005, and then you begin the actual disposition. And that is because of the handling and so forth.

In terms of mixing with MOX, it would also take you to about the year 2004, and then the period for disposition because of the time it takes to dispose and go through the half life, et cetera, would take you up to the year 2035. But you would not even begin the preparation for disposition on the current rate of the ALMR until about the year 2015, and it takes you way out to the year 2045, which is considerably longer to deal with the problem that the National Academy of Sciences said is a clear and present danger and one that you ought to deal with immediately.

Now, Mr. President, there are other reasons why this is wasteful and dangerous, but I am going to wait until my colleagues have articulated some of their views as to why we ought to proceed forward. I would simply say to colleagues that if they will take a moment to peruse the literature which they have been given, the copies of the studies, the copies of the editorials, the President's letter, Hazel O'Leary's letters, and other sources, the conclusion is really inescapable, that there is no legitimate justification for proceeding forward with this.

It is not a legitimate form of future research. It is not needed. It represents dangers. There are extraordinary costs attendant to it, far in excess of what is necessary to deal with the current waste. And perhaps most important of all, it is clearly making more plutonium available in the waste stream and in the production stream, which is always dangerous, in addition to the technology which can be transferred into breeder capacity, therefore representing an escalation of the potential for plutonium problems and proliferation problems in the future. This is not wise, and it is certainly not necessary measured against other available technologies and means of proceeding forward.

So I will await further arguments, and at this point in time I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, my friend from Massachusetts makes a very good recitation of arguments on the people who are against the IFR. I will not engage in listing all the people who are for the IFR. We could go through the same litany of listing who is for. That should not determine what we do here.

Suffice it to say, I will quote only from one editorial, which I think sums up the argument against IFR, from the Chicago Tribune. They said:

> The administration's rationale on the fast reactor is based at best more on nuclear politics and fuzzy thinking than on good science. At worst it's another sign of the administration's hostility toward nuclear energy.

Now, you can dismiss that editorial just as we dismissed the other editorials that have been talked about here. Today's debate is a pretty good indication of the fact that if you ask the wrong questions you will get the wrong answers.

Now, this is a very simple, in my view a very clear, issue in which the overwhelming, the overwhelming side should say to complete the studies on the IFR.

Therein lies the first question: What are we trying to do here? Are we trying to build an integral fast reactor? The answer is no. All we are trying to do is complete the studies while we make a decision among the many options, which I will deal with soon, about plutonium.

The administration, Mr. President, has not made a decision on how to dispose of plutonium. They have not. All they have are a number of options as to which they have no decision, and so far as I know, they do not have even an inclination.

Mr. President, my friend from Massachusetts put up a list of people who say they are all against the IFR, listing prominently the National Academy of Sciences. Not so, Mr. President. Not so. There are only two studies that I know of of the National Academy of Sciences. We not only have those studies but we have held hearings. We have the luxury on the Energy Committee of holding hearings and bringing forth the experts to testify about what their studies are and what their opinions are.

One is the Panofsky study, a very distinguished scientist, Pefe Panofsky from Stanford, who was the chairman of the Management and Disposition of Excess Weapons Plutonium Study dated 1994. Dr. Panofsky came before our committee and testified. What he said was that there are short-term and long-term options for the disposal of plutonium. The short-term options are what we call the dirty option; that is, you mix it with reactor fuel, or with waste from Hanford and you store it away. I will deal with those options soon. As a short-term option, the IFR is not a particularly good—well, it is not good, and his report so states. As a long-term option, it is. The long-term option is to burn up the plutonium. Quoting from page 185 of the Panofsky study, the long-term disposition, he says:

> The ALMR, for example, is a pyro-processing approach intended to significantly reduce the costs, wastes, and proliferation risks of reprocessing. In this integrated reprocessing approach, plutonium is never fully separated in a form that could be used directly in nuclear weapons, thereby reducing safeguards concerns.

He goes on to say that:

> If operated in a once-through mold, however ALMR—
>
> Advanced Liquid Metal Reactor—
>
> could be used to transform weapons plutonium into spent fuel. The capital costs of these ALMR concepts are generally higher than those of the light water reactor, however, and they are much less close to being licensed in the United States.

What he is saying is that the ALMR, the Advanced Liquid Metal Reactor, or we call it the IFR, is not close to being licensed. It is a long-term solution. But it burns up the plutonium.

The other National Academy of Sciences study on Nuclear Power Technical and Institutional Options for the future states this about the long-term ALMR. It says:

> The committee believes that the LMR should have the highest priority for long-term nuclear technology development.

The National Academy of Sciences said it should have the highest priority.

Mr. President, this is a quotation. I have the studies here. I invite my colleagues to come see it.

If you ask the National Academy of Sciences what is the best short-term solution, they will tell you indeed that it is not the IFR. If you ask them what is the long-term solution, they will say the IFR has the highest priority.

So what is the question here before us today? The question here is whether to preserve the option for the IFR. Should we build an IFR, Mr. President? I do not have the slightest idea. And nobody can until these studies are completed. At the completion of those studies, we can weigh it against the other options; not until we complete the studies.

What does it cost us to complete the studies, Mr. President? These are the figures from the Department of Energy. The original DOE request was $83.8 million; an additional DOE request was $33.2 million, or a total of $117 million. We are talking fiscal year 1995. This is the DOE position of terminating the IFR.

Under our option under what the committee has proposed, we have a total of $113.8 million, and indeed if you get the Japanese cost-sharing, that is reduced further by $15 million, for a

net cost of $98.8 million. So that you save some $18.2 million with the approach that the committee has taken in FY 1995.

Let me repeat that, Mr. President. You save money in fiscal year 1995, some $18.2 million; that is, assuming Japanese cost-sharing, and there is every indication that they will cost share. Without the cost-sharing, you still have $3.2 million for fiscal year 1995. That is to complete the study phase.

If you want the 4-year funding profile, this is a 4-year profile to complete the program, the immediate termination, the Kerry position, would cost you $344.3 million; the phased termination costs with the Japanese contribution would cost you $327.8 million; the bottom line is a cost savings of $16.5 million to complete the studies.

Mr. President, that sounds counterintuitive. The reason that it costs more to terminate than to complete the studies is, first of all, that the termination costs involve continuing to operate the reactor and using this spent fuel in the reactor which adds additional costs. In addition to that, the Department of Energy had additional, I guess what you might call, pork to satisfy Illinois.

So, Mr. President, let me make it clear, and I hope my colleague from Massachusetts will admit the fact that it costs less money to pursue the option we propose than to terminate the program now. Let me repeat that. It costs less money to pursue the option from the Appropriations Committee which will give us a look at the option than it does to immediately terminate the program.

Mr. President, what is involved in plutonium? Why this special concern with plutonium? The reason is, Mr. President, of course plutonium is a poison and is long-lived. Frankly, that is not the biggest reason. Uranium is long-lived, as is arsenic, for example, which has no half life. It just goes on forever. The problem of dealing with and storing plutonium is not particularly a formidable scientific challenge. I mean it is a challenge, no doubt. But it is one where Dr. Panofsky said we are not so much worried about dealing with the plutonium on the short-term basis for example in the tanks at Hanford using known scientific technology. We can deal with that. The problem is that plutonium has a proliferation problem. It has a proliferation problem that uranium does not have.

The reason is, first of all, that it takes less of it to make a bomb. Ten pounds of plutonium will make a bomb, whereas it takes some 30 pounds of uranium 235. So a lesser quantity of it will make a bomb as, indeed, we are finding out in North Korea where small amounts of plutonium might give them one or two bombs right now according to published reports.

Second, it is more easily separable than is uranium 235. You can blend uranium 235 with uranium 238 which occurs naturally and is not fissionable. And you cannot then separate that without going to an enormous amount of expense which no terrorist in the world and virtually no Third World country could do. Uranium enrichment requirements which you require for uranium are formidable indeed.

On the other hand, Mr. President, plutonium can be chemically separated. There are some 26 countries in the world including North Korea that have what we call the Purex process where you simply take the plutonium and spent fuel rods, mix it with acid and other things that will in effect leech out the pure plutonium, and you can have your plutonium for a bomb. A terrorist cannot do it. But Third World countries like North Korea presently have the ability to do that.

So it is because of that that we look to a long-term solution. There are now in this country in plutonium bombs about 100 tons of plutonium. There are probably 250 tons of plutonium worldwide. Remember, only 10 pounds can make a bomb. So if you have 250 tons of this stuff worldwide, it is a very big threat.

It is also a big problem, Mr. President, because in its pure form—and people say it is so highly reactive and poisonous—but the fact of the matter is, in its pure form, as in the bomb form, the pits, made out of pure plutonium, you can put it in your pocket and walk out of the factory with it. That is one of the big problems. It emits what they call alpha rays, which if you ingest it, it can kill you, and will kill you in sufficient amounts. You can hold it in your hand, and the alpha rays do not penetrate the skin or do not penetrate a piece of paper. So it is a material that can be handled like this glass of water. You can put it under your overcoat and walk out of the building and go make a bomb. That is the problem with plutonium.

Mr. President, we have what we call short-term and long-term solutions. My friend from Massachusetts talked about one of the short-term solutions. We have extensive hearing records on these solutions, Mr. President.

The first is to take the plutonium and put it in existing light water reactors in Palo Verde, AZ. There are certain advantages to doing so. There are only three of these reactors in the country that can use this. What you do is take the plutonium and mix it with uranium fuel. The problem with using that reactor in Arizona is that it is a private company. It would assume significant licensing and security burdens. Frankly, the Department of Energy has not explored this with Palo Verde. It is an option, but they have not explored it, I think, for the very reasons I have said. There is a resistance to using private reactors to burn up fuel.

The second is to use the uncompleted nuclear reactors in Washington, what we call the WPPSS reactor. This is the so-called Isaiah project, Mr. President. I do not see my friend from Oregon on the floor, but I can tell you that he is absolutely apoplectic about the idea of even considering completing the WPPSS project in the State of Washington and using that to burn up the fuel.

That Isaiah project, Mr. President, is not even being pursued as an option by the Department of Energy. We had the Department of Energy up and asked them, "What are the options you are going to pursue? Isaiah is one of them. Are you keeping the Isaiah reactor in shape where you can use it?" They said, "No." I said, "Well, is it an option or not? Are you using it as an option?" They said, "Well, it is an option, but we are not going to fund the option." I am sure that met with great approval by the Senator from Oregon [Mr. HATFIELD]. Nevertheless, it is one of the options, and you can treat it as seriously as you wish, but I can tell you that the Department of Energy is not funding that. They have not talked to them in Arizona.

The third is to use the Candu reactor in Canada. We have not talked to Canada either, Mr. President. They have not agreed to use their reactors to burn weapons-grade plutonium. It would involve transporting large amounts of weapons plutonium or reactor plutonium out of the country. You can say, well, that is a great option, but the Canadians have not agreed to it. I do not know of anybody in this country that is pushing it. So treat that one as seriously as you like, Mr. President.

The fourth is the modular helium reactor, which may be a very good option, again, in the long term. It can actually burn up the plutonium. These first three reactor options really just dirty up the plutonium, make it difficult to separate. But you could separate it by the Purex process. Again, 26 countries have that Purex process, including North Korea. It makes it proliferation-proof in the sense that you cannot put it in your pocket and carry it out of the building. It is not as good as the IFR, which can actually burn up the plutonium.

The modular helium reactor is in the very early stages. There is $12 million to pursue that option in this bill. That is not a lot. It is a long way down the line. There are some international interests in it. The Russians have some particular interest in the modular helium reactor as a long-term solution. But we are a long way away from that, and it would cost a lot of money.

The next option is this option, the integral fast reactor. It has advantages that nothing else has. It will actually burn up the fuel. It will actually take the plutonium and not just dirty it up

—which would require the Purex process to again separate it—it would actually consume the plutonium. That is the great advantage of IFR. It also has the great advantage of reducing the amount of waste, reducing the space you would need to dispose of the waste.

There are still other options, Mr. President. You can indefinitely store the nuclear warheads. We store some of those down at Barksdale Field in my hometown. I do not think people indefinitely want to have these nuclear warheads where somebody could break in and cart off a nuclear warhead or a pit to a nuclear warhead. I do not think that is a serious option.

Another is to vitrify with high-level waste and bury it in the repository. That is, mix it with glass. I saw a chart of my friend from Massachusetts that said we can start doing that in 1995. Not so, Mr. President. We do not have a single plant in this country that can vitrify. There are as yet tremendous problems in vitrifying using plutonium, because the science of where you get to a critical mass and the storage of plutonium in a vitrified form is not known; it is way down the line. Nevertheless, Mr. President, this is a short-term solution. We have not agreed or decided, as a country, which option to use. This is only a temporary option. It would still be possible to go in and retrieve those vitrified logs and extract the plutonium and make bombs out of those. Maybe that is the solution that the country will come to. The Department of Energy has not made that decision.

You can see what the advantages and disadvantages are. You have to store it in a nuclear waste dump, and it can be reprocessed to extract the plutonium from it. Or you could drop it down in deep bore holes in the Earth's crust. If you cannot do that with fuel rods, you certainly could not do it with plutonium.

You could dispose of it under the sea bed. Scientists tell us that is a serious solution and it could be done. I do not think the American people would put up with the idea of disposing of these things—what they do is they have these little screw things that would get down to the silt in the bottom of the ocean and screw themselves down into the silt. Scientists say it is serious. I do not think it is serious. I do not think anyone likes the idea of putting all that plutonium in the ocean.

Or you could detonate the warheads underground. Again that is a nonstarter.

Launch it into space. That is good except at what cost? And what happens if they fall back to Earth as too many of our rockets do.

Or you could dilute it in the ocean, literally. Scientists tell us you can do that, just dilute it. The ocean is big. I do not think we want to take the chance of having all that plutonium in our oceans and fish ingesting it.

As you can see, Mr. President, most of these options are not options at all. There are serious options here, some of which are not being seriously pursued by the Department of Energy. And clearly as a long-term solution the integral fast reactor is really the best solution, if it works, if it can be done in a cost effective way. But we do not know that until we pursue the option.

Now, what did the National Academy of Science say. They say the long-term steps will be needed to reduce the proliferation risks posed by the entire global stock—that is about 250 tons—of plutonium particularly as the radioactivity of spent fuel decays.

To further refine these concepts, research on fission options for the near total elimination of plutonium should continue at the conceptual level.

(Mrs. MURRAY assumed the chair.)

Mr. JOHNSTON. Remember, Madam President, the IFR is the only one that eliminates the plutonium. All the others dilute it in poisonous fuel, which makes it more difficult to deal with it to be sure, but this is the only one that eliminates it.

Research and development should be undertaken immediately to resolve the outstanding uncertainties facing each of the options. There are tremendous uncertainties as to the costs, as to the practicality. All of these things are uncertain—uncertainties. That is why at no cost to the taxpayer, using the Department of Energy's fission, we should complete the 4-year research program to ripen this option along with these other options.

These options, Madam President, are not without risk. Each one has some risk. But this option, the IFR, the integral fast reactor, or the advanced liquid metal reactor, as others would call it, is the only one that eliminates the plutonium. Indeed it takes a long time to do so, but it does eliminate the plutonium. And in the process of burning the plutonium in the reactor it is never in a form that can be easily dealt with by terrorists. That is it will be in an irradiated form, just as the fuel rods from light water reactors can be chemically processed using that purex. Nevertheless, it would be very difficult during the process of burning these up to take them away.

As the National Academy of Science says, plutonium is never fully separated—this is the IFR process—in a form that could be used directly in nuclear weapons thereby reducing safeguard concerns.

The National Academy of Science is recognizing that using the IFR, and during this period in which you are burning up and eliminating the plutonium, that you never have the plutonium in a form where the terrorists can take it away. I mean they could not transport it, in effect.

The Department of Energy says it is highly diversion resistant.

The Office of Technology Assessment says compared with other older technologies that have been used to reprocess and separate spent reactor fuel and to separate plutonium, the ALMR system—that is this system—may offer more proliferation advantages because of technical barriers that could be designed into the system.

The point of all these, and I think it is accepted, and I do not think this would be argued to the contrary, is that the IFR is proliferation resistant, more so than the other options.

Now, Madam President, how does this thing work and how does it differ? This is a little bit of a complicated chart, but it compares light water reactor plants, the existing plants, with the ALWR in the light water plant.

You mine uranium and fabricate fuel; you put it in the light water reactor. This is a traditional nuclear reactor. You generate your electricity. The spent fuel comes out and you store it in Yucca Mountain, or wherever, or in the spent fuel pools, in the meantime.

With the advanced liquid metal reactor, you can actually take the spent fuel from the light water reactor and put it in a reprocessing plant. You can also take the plutonium from nuclear weapons. Remember we have about 100 tons in this country of plutonium from nuclear weapons, or 250 tons worldwide. You can take those and put it then in your advanced liquid metal reactor and generate electricity. Then you put it back in your IFR plant where it burns. Once-through, it burns up about 25 percent of the plutonium.

You bring it back in your recycle plant where you remix the fuel, leaving it in a form that is not proliferation friendly, always being proliferation resistant. You put it right back into your advanced liquid metal reactor until all the plutonium is gone.

The plutonium is gone, and that is why we call it a long-term solution.

Now, Madam President, I am not here saying that we ought to build the IFR or the advanced liquid metal reactor. I am saying that we ought, at no cost to the taxpayer, look at this option and compare it to the other options because these other options, Madam President, have downsides, too.

You know, it is very easy to say we do not want to do the IFR; we want to do something else. You say, what else do you want to do? They say, one of the options is the WPPSS reactor up in Washington. You say, good. What do you have to do to make that come about? First of all, we have to maintain that reactor by putting some money into it. Are you maintaining it? No. Do you lose that option by not maintaining it? Yes.

So, they say anything but IFR. But when you ask them what is the solution they have none. That is why, at no cost to the taxpayer, we ought to get a look-see and complete the 4-year research term.

Now, Madam President, let me deal quickly with one or two other red herrings here. First of all, that is the son of Clinch River, and this is a breeder reactor. Any reactor, Madam President, breeds a certain amount of plutonium. A regular light water reactor breeds plutonium or makes plutonium. I mean you start off with U–235 and U–238, and you end up with a lot of fission products and some plutonium which can be separated out using PUREX. To be sure it is not terribly efficient like with most light water reactors, but it can be done.

Now, indeed, this reactor as well as most any other reactors can be reconfigured to breed plutonium. But according to the Department of Energy, in a question asked by Senator BUMPERS in writing to the Department of Energy, they say it would take some $60 million and some 3-plus years to convert this reactor to a breeder reactor.

It is not now a breeder reactor. It is not a son of Clinch River. I mean, it is different from Clinch River. Clinch River used an oxide fuel. This uses a metal fuel. Clinch River was not passively safe. This is passively safe, proliferation resistant. Clinch River had primary components in multiple vaults. This uses a single vault. Clinch River breeds plutonium. This burns plutonium.

Advanced nuclear physicist and Nobel Prize winner Hans Bethe said:

> Some members of your committee, I am told, believe that the IFR is a repackaging of the defunct Clinch River breeder. Nothing could be further from the truth.

Madam President, my friend from Massachusetts and I can stay up here all day and say, "Yes, it is," "No, it isn't." The Nobel Prize winner Hans Bethe says, "Nothing could be further from the truth" that this is the son of Clinch River, that this is a breeder reactor. It is not.

The Department of Energy, which, to be sure, opposes the IFR, says 3 years and $60 million. As I said in the debate last time, Madam President, you could make an airplane out of a speedboat, and that is no reason not to say do not buy the speedboat to go fishing just because you can make an airplane out of it. Or you could make a silk purse out of a sow's ear, given enough time and enough money.

But, Madam President, we are talking $60 million and 3 years plus. So the idea that somehow this will be regarded as the son of Clinch River and as a new breeder reactor is just not so. It is just not true. To be sure, it will have the capability, with modifications, as will any other reactor in the country, with greater or lesser efficiency, to breed plutonium. But it is neither intended nor capable of doing that. And, as the Nobel Prize winning laureate Hans Bethe says, "Nothing could be further from the truth."

Madam President, I hope we will take a look at this; that we will complete this research program.

If I could put up that 4-year cost just one more time. Really, the key to this argument is this: It is a research program to preserve the option to finish the design of this project which, in the finishing of the research, we will be able to answer these tough questions. It costs less money to finish the research program than to terminate it, using the Department of Energy's figures. Until the Department of Energy can give us some justification of what option they have chosen, they should not foreclose what the National Academy of Sciences says is the best long-term option.

Is it likely that we would ever build the reactor? I do not know, Madam President. You cannot make that judgment until you finish the program. But to say we are going to shoot it into space, or we are going to dilute it in the ocean, or we are going to sink it on the ocean floor, or we are going to use some technology like vitrification, which we do not now have, to foreclose this option when we do not have that option, does not make any sense. Or to say we are going to send it to Canada when we have not even talked to the Canadians, or we are going to go to Palo Verde, when we have not even talked to the Arizona Public Service Co.

You talk about the antinukes; they would come unglued if you tried to use a civilian reactor for the purpose of burning plutonium. And the WPPSS reactor, they are not even funding the possibility and they lose that possibility in the so-called WPPSS reactor, the so-called Isaiah project, by failing the funding. They say it is an option, on the one hand, and they foreclose the option, on the other hand.

That is why, Madam President, this solution, at no cost to the taxpayer to finish a 4-year research program, is the only prudent thing for this country to do.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I strongly concur with my colleague from Louisiana, and I say this as one who has generally voted antinuclear. I voted against the Price-Anderson limit on liability because I do not think there should be this exemption from liability for the nuclear industry. Had there not been that limitation on liability, we would not have had the kind of developments that we had.

I have also learned over the years that there is no Member of the U.S. Congress, House or Senate, who knows as much in the scientific area as Senator BENNETT JOHNSTON from Louisiana. If you want a good argument against term limits, BENNETT JOHNSTON of Louisiana is the argument, because it takes a huge amount of time to develop that kind of expertise.

Now, it has been said that the President of the United States is opposed to it and the administration has gone on record against it.

I could read you a letter from a year ago, where the President of the United States was for it. What happened in the meantime? Is there any scientific development in the meantime? None that I am aware of.

I think what happened is a political decision was made, and I understand that. We all understand political decisions. A political decision was made because some of the people who are antinuclear, just as a reflex action, went to work on the White House and the decision was made that we are going to try and satisfy them.

The Secretary of Energy has come out against it. But let me tell you that the personnel, the scientific personnel in the Department of Energy, are overwhelmingly for this development.

Those of us who are interested in seeing that we have nuclear energy that does not have weapons-grade plutonium ought to be very, very much for this. The Presiding Officer right now, Senator MURRAY from the State of Washington—a fresh, new face who is adding luster to this body—has the second largest accumulation of weapons-grade plutonium in her State, 11 tons. Only Colorado, with 12.9 tons, has more. The people of Washington have a great stake in this.

As my colleague from Louisiana pointed out, we are not talking about the Clinch River breeder reactor.

Then what about the cost factor? You see the things here. You heard my colleague from Massachusetts read a letter from the Secretary of Energy, for whom I have a high regard, who said it is going to cost $2.7 billion if we carry this out to commercialization. That is the commercializing of it. That is a decision that will be made if this is successful. We do not know for sure if it is going to be successful. But, presumably, the commercialization is going to be paid by commercial interests.

But let us listen to the same Secretary of Energy—this is on March 9 of this year—over in the House Energy and Power Subcommittee. Representative CRAPO asked:

> Also, it is my understanding that there is termination money in the budget for this project. I have been advised that the amount of money that it will take to terminate this research exceeds, or at least equals, the amount of money it will take to complete the research. Do you have an understanding in that regard?

Secretary O'Leary: "That is correct."

Then, come over to the Senate. On March 23, the distinguished junior Senator from Idaho asked the Secretary:

"Is it true that the decision to terminate the IFR program is not based on budgetary savings?"

Secretary O'Leary: "Not in the near time; you're absolutely correct."

We are not talking about dollars being saved here. We are talking about whether we should proceed with research so we can develop nuclear energy that cannot be converted to nuclear weapons. That is what the fight is all about. And I think it just absolutely does not make sense at all for us not to move ahead on this.

I ask unanimous consent to have an article from Business Week printed at this point in the RECORD.

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

[From Business Week, Mar. 22, 1993]

A BIG-SCIENCE CUT THAT COULD DROWN US IN NUCLEAR WASTE

While the science community is feeling rather good, overall, about President Clinton's technology agenda, there's one curious slight: Funding for the Integral Fast Reactor (IFR) has been dropped. Many scientists think the decision is shortsighted. In fact, a recent study by the National Academy of Sciences tagged the IFR as the No. 1 priority in nuclear-reactor science.

The IFR program was originally launched by Argonne National Laboratory to develop a safer nuclear-power plant. But it evolved into something far more important. The reactor could burn the spent nuclear fuel from traditional nuclear plants—waste that will otherwise pose a radioactive threat for thousands of years. Moreover, the IFR should be able to burn the radioactive plutonium recovered from dismantled nuclear weapons. Tons of this nasty stuff have already piled up at a remote site near Amarillo, Tex.—with lots more to come. Without the IFR, this weapons-grade plutonium may have to be guarded night and day for centuries.

Mr. SIMON. Business Week: March 22, "A Big-Science Cut That Could Drown Us in Nuclear Waste."

This says if we cut this, we have nuclear waste problems.

While the science community is feeling rather good, overall, about President Clinton's technology agenda, there's one curious slight: Funding for the Integral Fast Reactor (IFR) has been dropped. Many scientists think the decision is shortsighted. In fact, a recent study by the National Academy of Sciences tagged the IFR as the No. 1 priority in nuclear-reactor science.

The Livermore National Labs have been quoted here. Listen to what they have to say.

In summary, using IFR high transuranic plutonium would add significant difficulties to a proliferation of the Nation's nuclear weapons program as compared to using weapons grade or reactor grade plutonium.

The House Appropriations Committee on Energy and Water used this language in their report. It is not simply the Senate committee that unanimously, and I underscore unanimously, voted this out. Listen to what the House committee said:

The committee has significant reservation over the elimination of the advanced liquid metal reactor. The committee considers the research conducted to be vital to maintain a nuclear option for future generations.

What do the scientists at Argonne say? What will happen? In terms of fuel, a thousand megawatt light water reactor uses 20 tons per year. The IFR, 1,000 megawatt, will use 1,500 pounds; less than 5 percent.

Waste, nuclear waste—what are we talking about? Light water reactor, 20 tons per year. IFR, if it works—and we cannot be sure—1,500 pounds per year.

Plutonium waste: Light water reactor, 1,000 megawatts, 500 pounds per year; integral fast reactor, zero.

If we are interested in doing what we can to reduce weapons proliferation and to solve this problem of nuclear waste, I think we ought to be moving ahead with the integral fast reactor. And I think the evidence is overwhelming.

Candidly, I got into this because Argonne, an Illinois facility, was involved. And I went in, frankly, with no commitment to them to support it. I went in very, very reluctantly. I have become convinced this is something essential to the future of the Nation.

Let me also mention that just this month the Department of Energy made a report. My colleague from Louisiana will be interested in this. Just this month the Department of Energy made a report on the *Seawolf*. What does it say we are going to do with the residue from the *Seawolf*? They have a little map in here. It shows it all going out to Idaho. They are going to use the integral fast reactor. The Department of Energy says that is the way we take care of the fuel from this.

The evidence is just overwhelming that we ought to be moving in this direction. I hope we will do the right thing, the logical thing, and continue this program. If we do the political thing I, frankly—I do not know where the political side is on this for Members. But I know where the right thing is. If you look at how we stop the potential of producing weapons grade plutonium, there is no question on that. I think that is something that is important to our children, to the pages, to future generations.

I strongly support the comments of Senator JOHNSTON and urge that the Kerry amendment be defeated.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Madam President, we have been told here today on the floor, and in private conversations before today, that the decision the Senate is about to make is principally about nonproliferation, about technology options, and about our nuclear future. But that premise is wrong.

Although the Senate has heard a thoughtful and well-presented set of arguments for terminating the IFR project operated by Argonne National Laboratory, these arguments are all based on the same faulty premise that the Senate is, today, deciding whether or not to commercialize the advanced liquid metal reactor/integral fast reactor technology. That is not the issue.

Although a letter, Madam President, circulated by the administration and referred to by the distinguished Senator from Massachusetts, makes that case, the fact is the Senate is not deciding whether to build a commercial-type prototype for the period of fiscal years 1995–2010. Rather, the Senate has before it two much more limited questions. I would like for a moment to pick up the debate where the distinguished Senator from Louisiana [Mr. JOHNSTON] left off in that regard.

The limited questions are, first, whether to complete ALMR/IFR technology research which has been underway since 1984 and has only 2 more years to go before it is finished and the test reactor is shut down in any event; and, second, whether it is cheaper to finish the project now or to terminate it prematurely.

As the administration's own figures state flatly and clearly, it is now less expensive to complete this research than it is to arbitrarily shut it down prematurely. Those are the only questions, the real questions before the Senate today.

At this juncture, we must decide only whether to terminate research that is 80 percent complete, when doing so costs more money instead of saving money. Premature termination of this project will cost $344 million between 1995 and 1998. Finishing research, on the other hand—that is defeating this amendment and letting the IFR research program go forward—will cost $327 million over the same time period. So finishing the research, as Senator JOHNSTON has eloquently pointed out with his charts, actually saves taxpayers $16.5 million over 4 years. A vote to kill this research program today is a vote to spend more money, not less.

In testimony before the Senate Energy and Natural Resources Committee on the 1st of March, the then-Acting Director of Nuclear Programs in DOE stated:

Funding [for the ALMR/IFR program] comes out the same either way, given the participation [from the Japanese] that we are expecting.

That has been confirmed by Secretary O'Leary before the House Energy and Power Subcommittee this year. It is now less costly to complete this experiment than it is to kill it. The Japanese want to help pay to complete the research. They have committed to provide some $60 million through fiscal year 1998 to do so. However, if we cancel the experiment, we will bear the total costs alone. In fact, if we do not do the research, not only would we wind up paying to prematurely shut

this down by ourselves, but the Japanese will go forward with the technology on their own—with or without us. They make that point very clearly in a letter to my distinguished colleague from Louisiana.

I ask unanimous consent to have this printed in the RECORD.

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

POWER REACTOR AND NUCLEAR
FUEL DEVELOPMENT CORP.,
June 17, 1994.

HON. BENNETT JOHNSTON,
Committee on Appropriations,
U.S. Senate,
Washington DC.

DEAR SENATOR JOHNSTON, In response to your inquiry, I would be pleased to provide you with information on the status of PNC's views about actinide recycling R&D activities. We have three cooperative agreements with the Department of Energy [DOE] in the areas of fast breeder reactors, waste management activities, and safeguards. In general, we would like to enhance our cooperative R&D activities with the DOE since we believe that, through joint efforts in areas of mutual interest, each country can further its own research agenda and conserve limited budget resources as well.

In this regard, we did make a specific offer earlier this year to contribute to a multi-year, R&D program on actinide recycling and the IFR directed by the Argonne National Laboratory [ANL]. If realized, this would have marked the first commitment by a corporation affiliated with the Japanese Government such as our (although several Japanese private entities have supported certain projects in this area). We came very close to reaching a final agreement with the DOE.

Our tentative assumption for this cooperative project was approximately $60 million over five years, subject of course to the approval of the budgetary authorities in Japan. However, the project was abruptly terminated by the DOE in January of this year when funding wasn't identified in the Administration's request for FY 1995 budget. We were therefore forced to cease cooperative discussions with the DOE and no longer secure financial resources for this cooperative project in coming years.

Meanwhile, we are starting on our own to carry out R&D in the field of actinide recycling. A new long-term plan for nuclear energy, under the auspices of the Atomic Energy Commission of Japan, will include specific reference to the importance of carrying out R&D on advanced reactors, including those for recycling actinides. It requires technologies which are still in the initial stage of research, but we are committed to proceed with R&D in the long-term in order to make tangible progress.

We remain interested in working with the DOE in this field, although its recent actions don't provide a stable, credible basis on which to proceed at this point. If Congress were to restore the program for the next fiscal year, we would reconsider our options about participating in a joint program.

We appreciate your interest and leadership on these issues and hope our two Governments can continue to cooperate on nuclear energy and other advanced technologies in the future.

Sincerely,

TAKAO ISHIWATARI,
President.

Ms. MOSELEY-BRAUN. I will not read the letter. I believe Senator JOHNSTON has already referenced the letter, talking about the lack of participation in the shutdown costs from the Japanese. But this is a serious budgetary mistake, for us to move in the direction the Senator from Massachusetts suggests.

Madam President, I am surprised that at a time of real budget crisis, when we are having such difficulty finding money to meet important domestic priorities, such as more police on the streets, health care reform and welfare reform, we are contemplating dumping a billion dollars of tax money into the trash. Let there be no mistake about it at all, that is precisely what we would be doing if we vote to kill this program today.

We have already spent roughly $800 million on this research. We will spend roughly another $330 million whether we terminate the research before it is finished, or whether we carry out research to its completion. Either way, we are going to spend a total of a billion dollars.

Ending the ALMR/IFR Program now saves absolutely nothing. It simply wastes money and, worst still, it wastes a decade worth of research. We are here debating this on the floor now because, quite frankly, I think an artificial decision point has been created.

The real decision on the ALMR/IFR is in 1998, consistent with the time-line outline in the Energy Policy Act of 1992. That act directs the Secretary of Energy to assess ALMR/IFR technology when, and only when, adequate scientific data exists to make a well-informed conclusion.

Madam President, I ask unanimous consent that a relative page of this act be printed in the RECORD.

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

ENERGY POLICY ACT OF 1992

SEC. 2122. PROGRAM, GOALS, AND PLAN.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program to encourage the deployment of advanced nuclear reactor technologies that to the maximum extent practicable—

(1) are cost effective in comparison to alternative sources of commercial electric power of comparable availability and reliability, taking into consideration life cycle environmental costs;

(2) facilitate the design, licensing, construction, and operation of a nuclear power-plant using a standardized design;

(3) exhibit enhanced safety features; and

(4) incorporate features that advance the objectives of the Nuclear Non-Proliferation Act of 1978.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include—

(1) for the near-term—

(A) to facilitate the completion, by September 30, 1996, for certification by the Commission, of standardized advanced light water reactor technology designs that the Secretary determines have the characteristics described in subsection (a) (1) through (4);

(B) to facilitate the completion of submissions, by September 30, 1996, for preliminary design approvals by the Commission of standardized designs for the modular high-temperature gas-cooled reactor technology and the liquid metal reactor technology; and

(C) to evaluate by September 30, 1996, actinide burn technology to determine if it can reduce the volume of long-lived fission by-products;

(2) for the mid-term—

(A) to facilitate increased efficiency of enhanced safety, advanced light water reactors to produce electric power at the lowest cost to the customer;

(B) to develop advanced reactor concepts that are passively safe and environmentally acceptable; and

(C) to complete necessary research and development on high-temperature gas-cooled reactor technology and liquid metal reactor technology to support the selection, by September 30, 1998, of one or both of those technologies as appropriate for prototype demonstration; and

(3) for the long-term, to complete research and development and demonstration to support the design of advanced reactor technologies capable of providing electric power to a utility grid as soon as practicable but no later than the year 2010.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the activities under this section. The program plan shall include schedule milestones, Federal funding requirements, and non-Federal cost sharing requirements. In preparing the program plan, the Secretary shall take into consideration—

(1) the need for, and the potential for future adoption by electric utilities or other entities of, advanced nuclear reactor technologies that are available, under development, or have the potential for being developed, for the generation of energy from nuclear fission;

Ms. MOSELEY-BRAUN. Madam President, I am not going to hide the fact—and Senator SIMON, I think, has spoken eloquently about the fact that there are jobs involved. These are jobs of highly skilled scientists with hundreds of years of cumulative experience. Five hundred Illinoisans and 900-plus some Idahoans accepted the invitation of this Government to perform this research. These scientists have had to commit their entire careers to long-term, Government-sponsored research projects. They make those commitments for decades at a time, totally dependent on our orderly establishment of research priorities.

But Government science policy has been far from orderly these days, Madam President. In fact, it has been chaotic and, I would suggest, disruptive. We are faced now with playing political games with people's careers and people's families.

Look at the space station, for example; look at the SSC. When we make a commitment to these long-term projects, we ought to at least not move precipitously to end those commitments unless there are absolute, compelling budgetary reasons that force us to do otherwise.

An article in last year's Washington Post written after the demise of the SSC makes the point very well and I want to quote from that:

To one * * * family * * * and their two young daughters, their news from Washington seemed a cruel twist * * *. They cannot understand why * * * lawmakers were never committed to the project.

One scientist employed at the SSC said, "They don't care up there * * * they don't seem to understand how they've been jerking around the citizens down here."

Another made the point that, "* * * the Government asked the scientists and computer experts and engineers to come work on this * * *. We were invited * * *. Next time will everybody come? Will anybody listen? The Government has really blown its credibility."

Well, Madam President, we might just blow it again and, in this case, we do not have the compelling budgetary justification that drove the SSC decision. What must the American scientific community think of Congress? What must the American people think of the Congress, now that we have just spent $1 billion of their tax money for absolutely nothing if this amendment is successful?

Such poor policy decisions end up discouraging scientists and eager students from entering Government research, and I think that is the real danger that is done here.

At some point, we are going to have to stop such disruptive and herky-jerky turnaround science policy. The Government signed a contract, the Government made a commitment to Illinois and Idaho scientists and, Madam President, perhaps—just perhaps—it is time for the Government to keep its word.

I have further concerns about the process in which this decision was made. The Energy Policy Act of 1992, which underwent intense debate and scrutiny, calls for final evaluation of the Actinide Recycle Program in 1996 and for a final decision to proceed with prototype construction in 1998.

Instead, the administration made a major energy policy decision behind closed doors, slipped it into the budget without consulting Congress and without fully obtaining the views of the scientific community. That is one of the reasons, I submit, for the battle of the network editorials that we are seeing on the floor. We do not yet have the conclusive scientific evidence and data that the law originally contemplated for evaluating the efficacy of this program.

Opponents of completing the IFR experiments cite a mosaic of reports conducted on the ALMR/IFR. They argue these reports appear to show consensus within the scientific community against this experiment. The problem is that the reports that are being referenced evaluate the ALMR/IFR technology solely for plutonium disposal, or solely for waste disposal, but not in the context of its primary purpose, which is to provide a future energy source.

It is like the old story about the blindfolded men who confront an elephant from different prospectives. One guessed it was a tree, another guessed it was a snake. These reports come from the ALMR/IFR from different directions but do not address what it was fundamentally designed to do. We must look at this project as a sum of its parts.

The ALMR/IFR was designed to produce energy. It just so happens it can burn plutonium and nuclear waste as well. A 1992 National Research Council report on future options looked at the ALMR/IFR in this context and concludes:

The LMR should have the highest priority for long-term nuclear technology deployment.

A recent report from the Office of Technology Assessment also points out the following:

The development of this technology needs to be considered in the context of plutonium disposition policy objectives—as well as overall policy objectives.

Although the 1994 National Academy of Sciences report concludes the ALMR/IFR should not be deployed solely for plutonium disposition in the short-term, the report does, in fact, go on to say that in the context of future nuclear energy options, ALMR/IFR technology, and I quote, "offers the possibility of pursuing the elimination approach in the long term, not only for weapons plutonium, but also for the much larger quantities of civilian sector plutonium."

Further, the OTA report clearly emphasizes the need to complete this research, and I quote:

Because of the nature of any research project in which both problems and opportunities have yet to be discovered, it is difficult to evaluate the suitability and potential [of the ALMR/IFR] for any specific goal. Such a research project will change and adapt in response to data gathered during its development.

I digress for a moment from the quote. That is precisely what research is about—change and adaptation.

Thus, the OTA analysis reflects that uncertainty.

And then the report goes on to say:

OTA cannot provide conclusive results regarding its potential for newly identified uses other than power production.

So, Madam President, if money then is not a factor, and as we have already demonstrated, we are going to lose money in the process, why not let us finish this research?

IFR opponents go on to say that the 1994 National Academy of Sciences report rejects ALMR/IFR technology. But let us put that report in perspective. The premise of the report was to assess the quickest, cheapest way to deweaponize plutonium from dismantled weapons into a form useless for a proliferator, into a form like spent fuel.

Given the dangers posed by that material, I certainly agree that we need to do that. And to do that, the NAS report recommends that: One, we use plutonium as fuel in existing reactors or, two, mix plutonium with radioactive waste, glassify it and bury it, and that will take care of it in the short-term. However, not only would burning plutonium through existing reactors in the U.S. require relicensing and expensive facility construction, but the denatured plutonium could still be reprocessed back into weapons-grade plutonium.

Further, glassifying—the proposal that was discussed a moment ago—glassifying plutonium would not only require a place for storage at a time when we are running out of storage room, but as its radioactivity decays over time, it, too, can be reprocessed back into bombs.

The NAS report recognizes this fact, concluding that:

While the spent fuel standard is the appropriate goal for excess weapons plutonium disposition, further steps should be taken to reduce the proliferation risks posed by all of the world's plutonium stocks, including plutonium in spent fuel * * * this broad question is beyond the scope of this study.

The only way to destroy plutonium forever is by burning it in fast reactors like the IFR. As there is disagreement within the scientific community, there is disagreement within this administration as well. And there have been many flip-flops of position as, again, the senior Senator from Illinois pointed out, on this technology over the past 2 years.

This year, the administration says the ALMR/IFR is a proliferator, but last year, responding to a question posed by my colleague from Idaho, the Department of Energy stated:

Because the ALMR/IFR pyroprocessing is incapable of producing a pure plutonium product, subsequent reprocessing using the aqueous process, is necessary.

Therefore, we believe the risk of proliferation is not any greater than that associated with current power reactors.

This fact, Madam President, has since been further confirmed by a recent Lawrence Livermore study, a summary of which I would like also to submit for the RECORD.

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

THE INTEGRAL FAST REACTOR (IFR) FUEL CYCLE—SOME IMPLICATIONS OF USING IFR HIGH-TRANSURANIC PLUTONIUM ["HITRU PU"] IN A PROLIFERANT NUCLEAR WEAPON PROGRAM

(By Donald L. Goldman, Defense Technologies Engineering Division, Lawrence Livermore National Laboratory)

PURPOSE OF THE STUDY

To assess the usefulness, relative to weapons-and reactor-grade plutonium, of Integral

Fast Reactor (IFR) processed metallic fissile material ("HITRU Pu") in a nuclear proliferant nation's program.

DEFINITIONS AND ABBREVIATIONS

Weapons-grade plutonium="w-g Pu".
99+% pure plutonium.
94% Pu239.
May contain −1% gallium.
Reactor-grade plutonium="r-g Pu".
99+% pure plutonium.
50–60% Pu239.
From spent LWR fuel via aqueous processing after cooling for 2 years or more.
High Transuranic plutonium="HITRU Pu".
65–70% plutonium plus a large fraction of mixed transuranics
30–40% Pu239.
From (FR low-temperature pyro-processing.
High Explosives="HE".

INTERNATIONAL NUCLEAR FUEL CYCLE EVALUATION DEFINITIONS—IAEA, VIENNA (1980)

Proliferation.—Misuse by a government of nuclear fuel cycle facilities, know how, or materials to assist in the acquisition, manufacture or storage of a nuclear weapon.

Diversion.—All activities needed to implement a decision, whether by national government or sub-national group, to misuse nuclear fuel cycle facilities or nuclear materials in order to attempt the manufacture of nuclear weapons or for other purposes.

Major fissile materials properties of concern to the weapons engineer are:

Thermal power (watts generated per unit mass).

Radiation output (neutrons and photons leaving the fissile material).

Metallurgical stability (constancy of its dimensions and properties).

Chemical stability (constancy of its chemical makeup).

A proliferant using HITRU Pu for nuclear weapons faces issues and concerns that use of weapons- or reactor-grade Pu would avoid:

High heat output from the HITRU Pu means having to avoid excessively high internal temperatures, making issues of HE and pit material design and selection, and possibly limiting allowed operational (i.e., air) temperatures.

High radiation output from HITRU Pu can lead to: Potentially lethal personnel exposures during manufacturing and use, forcing development of remote capabilities and hindering the weapon's usefulness; and potentially damaging material and component exposures during the weapon's stockpile life.

Metal properties from 18 material scenarios were examined for their impact on the heat and radiation design issues.

Each material scenario is defined in terms of fuel management processing and the cooling period prior to processing.

ANL calculated the output material properties assuming LWR feed-stock:

2 fuel management cases: Once-thru and recycled to equilibrium.

3 processing cases: the IFR baseline; 2 possible off-normal uranium-removal approaches.

3 cooling periods before pyro-processing: 1, 10, and 30 years.

Heat: Temperatures reached by the pit and the HE are of crucial concern to the weapon engineer.

Pit: Dimensional and density stability.

High explosive: melting and self-initiation ("cook-off").

These temperatures were calculated for some simple geometries.

Conclusion: heat output from HITRU Pu will be a major problem for the proliferant designer.

HITRU Pu heat output will complicate and may even preclude the design of simple nuclear devices, due to its effect on HE and Pu components.

HITRU Pu self-heating will create density and dimensional stability design issues.

HITRU Pu heat can cause HE to self-detonate or melt, severely impacting the design process. Allowable outside air temperature will likely be limited.

The HITRU Pu from the 2 off-normal processing cases studied create more heat than the baseline process.

Use of either weapons- or reactor-grade Pu would largely avoid these problems.

Radiation: the neutron and photon outputs from HITRU Pu would create issues regarding: Personnel safety, materials and components, weapon utility.

Manually fabricating pits for a proliferant's stockpile would result in unacceptable personnel exposures.

For example, making a pit in the U.S. required about 22 hours of close-in body exposure (at—½ meter) and about 8 hours of hands-on contact by the principal workers.

Using unshielded dose rates for the best-case HITRU Pu from the IFR (30 year cooling), these times would result in: About 10^3 Rem whole-body exposure (well above the 100% lethal dose), about 10^4–10^5 Rem hand exposure (not shieldable).

These levels are incapacitating and lethal. Designing processes to deal with them would significantly complicate a proliferant's development and development programs and production activities.

High radiation levels within a HITRU Pu nuclear weapon could also affect and constrain other material selections and components designs.

Over time, high photon and neutron fluxes negatively impact materials and electronics behaviors.

Conclusion: Very high potential radiation exposures from IFR HITRU Pu will add major complexities in developing a proliferant weapons fabrication and handling capacity.

HITRU Pu neutron outputs per gram are in general 3–4 orders of magnitude higher than weapons-grade or reactor-grade Pu.

The neutron multiplication of the weapons will raise this even more.

Gamma radiation is similarly higher.

So, remote fabrication and assembly facilities will be needed, from receipt of the metal ingot, through plutonium part fabrication and pit assembly, to installation into a weapon or storage container.

And, very high radiation levels outside a weapon using HITRU Pu will preclude close exposures for more than brief periods.

Final conclusions: Based on our assumptions regarding a proliferant nation's nuclear program:

To base a nuclear weapon stockpile on HITRU Pu, significant additional and unique challenges would have to be overcome by the proliferant's nuclear weapon R&D program:

Design and use of remote fabrication and assembly facilities.

Selection and use of heat-insensitive materials and components or invention of new, unproven design approaches.

Selection and design of radiation-insensitive components.

Constraints on the use of the nuclear weapons made with HITRU Pu would include:

Dealing with the need for either exposing personnel to high radiation or remotely handling it.

Limiting the outside temperatures that the warhead sees.

In summary, using IFR HITRU Pu would add significant difficulties to a proliferant nation's nuclear weapon program, as compared to using weapons-grade or reactor-grade plutonium.

Ms. MOSELEY-BRAUN. This year the administration says completing ALMR/IFR research sends bad signals to the world, but last year they said:

If the United States wished to play a major role in deterring proliferation and enforcing the international safeguard regime, it is important we maintain the technical leadership in the development of nuclear power and continue to make advances in proliferation-resistant technologies.

Madam President, that is what this project is about.

In one of the most remarkable moves of all, Madam President, Secretary O'Leary this year awarded the general manager—and this is almost a funny story—the general manager of the ALMR/IFR program a gold medal and $10,000 for his work on this technology, and the Secretary at the time described the ALMR/IFR as having "improved safety, more efficient use of fuel, and less radioactive waste." So why would the administration award someone $10,000 and a gold medal for a program that they then turn around and want to kill, Madam President?

Because there are those in the administration who believe this technology has promise, and there are those in the Senate who believe this technology has promise.

There will be some today who will tell you this is an issue about nuclear proliferation. I submit that anyone with common sense who has watched the proliferation policy in this country over the past 15 years knows we are not going to influence other nations from aspiring to or rejecting reprocessing.

For example, opposition by previous administrations had a minimal effect on reprocessing policies of major nuclear nations. France went ahead and did what it was going to do; England did what they were going to do; Japan did what they were going to do. Their argument is that they seek energy independence that we in the United States already enjoy. So the idea that we can whipsaw other nations by shutting down our research capacity really does not make a whole lot of sense and, frankly, borders on arrogance.

I know the scare tactic and the specter of North Korea has been raised here, and that is a concern for every American. But regrettably, North Korea just may have chosen to reprocess its spent fuel into something more dangerous than new fuel.

The IFR does not produce weapons-grade plutonium. That is a red herring in this whole debate. Proliferation, therefore, is not a problem that arises with IFR research or IFR technology. Proliferation, Madam President, is a problem with existing light water reactors and PUREX reprocessing. Today's reactors produce plutonium that then

can be reprocessed into bombs. Plutonium proliferation is going to be a serious problem, and it is a serious problem whether we complete the ALMR/IFR research or not. Regrettably, this problem is not going to go away overnight. Therefore, if the moral high ground is to be taken here—and I wish to associate myself with Senator SIMON'S remarks in this regard—it ought to be taken by those willing to provide an alternative to PUREX reprocessing, for example. PUREX is readily accessible to other nations. They have it. They can get it. It is out there. PUREX can separate plutonium for civilian energy use or for bombs. ALMR/IFR technology, however, keeps power production completely separated from weapons production. That is kind of an important point here, that we are talking about power production and not weapons production. ALMR/IFR technologies, nations seeking to reprocess will in fact choose PUREX. With ALMR/IFR technology, there would be no legitimate excuse for nations to obtain PUREX capability.

In closing, I would like to say this is a modest investment for a research project that holds great promise for the future. I know that many of my colleagues are intrigued by the promise of this technology. I know that many would like to see whether we can actually recycle nuclear waste into energy, or burn the plutonium from bombs. That is what we hope this research is going to give us the capacity to do. That is all we are asking for today, to take a look, to finish the research. And just think, Madam President, it is not going to cost us money. In fact, if anything, it is going to keep us from blowing an awful lot of money.

I think it is worth investing 2 more years in an experiment that can solve a waste storage problem, a 100,000-year waste storage problem—in fact, someone made the comment earlier today that the only thing on the planet that is even remotely that old are the pyramids, and we could not even keep those from being robbed—especially since we are now at the point when carrying the experiment to its conclusion and terminating this project will cost the same amount.

Madam President, is it not worth going forward rather than hoping that future generations will not have to worry about buried plutonium and nuclear waste escaping from some underground storage site into the environment? That is what is at issue here. Do we not have a responsibility to develop promising technology that may deal with the disposal of our nuclear waste and plutonium? Do we not have an obligation to go forward and finish this experiment, as authorized under the act, until we are absolutely sure that this is a dead end and that this research does not have the promise that we today think it does?

Madam President, I think we do have an obligation to continue this project, to continue the ALMR/IFR research. I think that it holds great promise for the future.

I wish to submit also for the RECORD—we were talking about editorials. There are a number of editorials that I would like to submit for the RECORD as well since we are going to battle over newspaper opinions: The Chicago Tribune: "Fighting to Save Good Nuclear Science"; the Wall Street Journal: "Nuclear-Plant Design Nears Crucial Test;" the Christian Science Monitor: "Keep Funds for Nuclear Research"; the Chicago Tribune again: "Don't Foreclose This Nuclear Option;" the Chicago Tribune again: "Argonne Nuclear Research is Vital"; Crains Business: "Argonne Cuts Make No Sense."

There are others, Madam President. I will just submit them for the RECORD. I think there are 15 here, 15 different editorials. Science News, "Nuclear Leftovers: Waste Not, Want Not." Here is another one from Madison, GA. "Integral Fast Reactor Could Have Advantage."

I ask unanimous consent to have these editorials printed in the RECORD.

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

[From the Chicago Tribune, June 24, 1994]

FIGHTING TO SAVE GOOD NUCLEAR SCIENCE

Sen. Paul Simon doesn't often square off with the Clinton administration, but he's doing just that to try to prevent it from prematurely and myopically closing off a possible source of future energy.

As he did last year, the Illinois Democrat is preparing to lead a fight to restore funding for research on a new type of nuclear reactor, after the House recently voted to kill it. Unlike last year, however, Simon faces the opposition of the administration and Energy Secretary Hazel O'Leary, who decided this year to oppose work on the Integral Fast Reactor at Argonne National Laboratory in suburban Lemont.

While it is trying to discourage plutonium use around the world and limit illicit nuclear arms production, O'Leary argues, the United States shouldn't be doing anything to even "give the appearance of continuing the use of civilian plutonium production."

While nonproliferation is a worthy goal, the administration's rationale on the fast reactor is based, at best, more on anti-nuclear politics and fuzzy thinking than on good science. At worst, it's another sign of the administration's hostility toward nuclear energy.

Although nuclear reactors provide a fifth of America's electricity, growth has been stymied by concerns over safety and waste disposal. Each conventional reactor burns just 1 percent of its uranium fuel, leaving radioactive waste and about 500 pounds of plutonium a year. Combined with plutonium from dismantled nuclear weapons, the world's stockpile is growing, and only a small amount in the wrong hands could be used to build nuclear bombs.

In contrast, Argonne's fast reactor is designed to consume 99 percent of its fuel, leaving virtually no plutonium behind. Furthermore, it can burn waste from other nuclear plants or from nuclear warheads, thus extending the uranium supply for decades. And it can do so safely, without polluting the air or producing material easily converted into nuclear arms.

Since other nations, like nuclear-dependent Japan and France, aren't likely to shut down their reactors anytime soon, the Clinton position is politically unrealistic and Argonne's reactor may offer the best long-term solution to reducing nuclear proliferation. The full system is ready to be tested, and it will cost just as much to test and put on the shelf as to shut down.

So this isn't a budget problem. It's a chance to test technology that may solve nuclear proliferation and waste dilemmas. The Senate should follow Simon's leadership and restore funds for the fast reactor.

[From the Wall Street Journal, May 25, 1993]

NUCLEAR-PLANT DESIGN NEARS CRUCIAL TEST

(By Michael W. Miller)

ARGONNE, IL.—At their sprawling facility here southwest of Chicago, Argonne National Laboratory researchers cluster around a glass-walled "glove box."

A technician pushes his hands into heavy rubber gloves mounted in twin portholes and reaches through the walls of the 12-foot-high chamber. Much as a fast-food worker readies frozen french fries for a dip in the fryer, the technician begins placing chopped-up pieces of metal rod into a mesh basket.

Uncle Sam has spent $700 million and nearly a decade on this project, the integral fast reactor, and for many the design represents the future of nuclear energy. But the project's own future is now in doubt.

The integral fast reactor is designed to recycle its own nuclear fuel. That means it would produce drastically less nuclear waste than the current generation of commercial nukes churns out. In theory, it could even get rid of the most dangerous elements from the nuclear waste of conventional nuclear plants, helping ameliorate a growing waste-disposal problem.

It also appears to offer a potential means of disposing of plutonium from dismantled nuclear bombs and missiles. Its supports say tests have provided that the sodium-cooled reactor is immune to the types of mishaps that befell Chernobyl or Three Mile Island.

While all the parts have worked in engineering-scale demonstrations, only the prototype reactor being built by about 300 workers in Idaho can prove if the integral concept is practical.

Yet the technical hurdles may be far less difficult to clear than the political ones. President Clinton initially sought to halt all funding for the project. Only after generating some heat of their own did local politicians manage to win $22 million in fiscal 1994 funds for limited further research. Deleted, though, from next year's proposed budget are outlays to operate the prototype plant, and without its completion, researchers won't know if the reactor actually works.

A TRAGEDY

"For this nation's energy future, termination of this project just before it will be proved or disproved is a tragedy," contends Charles E. Till, associate director for engineering research at Argonne National Laboratory and head of the project.

Still, skeptics abound. It has been nearly two decades since ground was broken for a new U.S. nuclear plant. "Are they talking about turning seawater into gold, too?" says Robert Pollard, a nuclear safety engineer

who quit the Nuclear Regulatory Commission 17 years ago and is now with the Union of Concerned Scientists. With the integral fast reactor, "you've got a bunch of people who haven't produced anything useful in 30 years trying to save their jobs." he adds.

Despite the budget setback, jittery Argonne scientists and engineers continue preparing for what they have imagined would be the payoff for the years of design studies and lab work performed on small-scale demonstration devices. Even as the fine-tuning experiments continue, a test reactor is being transformed into the prototype reactor, mainly by converting a fuel-recycling facility.

The Idaho site should be operable as an integral fast reactor late this year. But because the Energy Department is moving to shut the test reactor, it appears there will be funds enough just to try the recycling process as an experimental method to eliminate the nuclear waste left in the plant, rather than as an integrated operation.

Meanwhile, at the lab here, researchers begin yet another experimental run-through of the electrorefining technique central to the integral fast reactor's recycling process.

The basket of metal rods, in its chamber filled with inert gases, holds morsels of uranium-zirconium allow, about to be immersed in a vessel of salts and heated to 930 degrees Fahrenheit. Suspended at the end of a positively charged anode and hit with a heavy surge of electricity, the 10 kilograms of metal chunks in the basket will dissolve. The metal ions will migrate through the molten salts, then collect in a foot-long cylinder of spidery strands at the base of a negatively charged electrical pole known as a cathode.

NUCLEAR "ASH"

If this were "hot" fuel taken from a working plant, the pieces of rod would also contain fission material. Such material is the nuclear "ash" of unwanted isotopes that build up in the fuel rods and impede the reaction, eventually requiring the fuel to be replaced. The electrorefining would leave that unwanted fission material either on the anode or in the salts.

However, in this experiment, the researchers are using nonradioactive depleted uranium to permit easier handling. "The chemistry is the same," says chemical engineer Eddie Gay, gazing through the glass like a proud father outside a hospital nursery. "This works." In the recycling system, the metallic mixture that emerges from the electrorefining procedure is further purified by high-tech crucibles known as cathode processors, leaving ingots of pure nuclear fuel that can be cast into new fuel rods.

Conventional nuclear power plants have to pull their fuel rods periodically because of the buildup of fission material. Even though 95% of the potential energy is left inside such rods, however, the absence of a reprocessing facility for existing fuel rods in the U.S., or even a place to bury them, means that the highly radioactive spent rods have been sitting for decades in holding pools near nuclear power plants around the country.

But the integral fast reactor has drawn fire because it is a "breeder" reactor, which creates more fuel than it burns. The fuel created is deadly plutonium, and the U.S. decided a decade ago not to pursue the design.

OTHER COUNTRIES

Other countries have fewer qualms about using breeder reactors or about reprocessing fuel. In France and the United Kingdom, for instance, chemical reprocessing of nuclear waste strips out the fission material, allowing the fuel to be reused. But the process isolates the plutonium that also forms during nuclear fission, creating a hazard that's very hard to dispose of and, because plutonium is easily convertible to weapons material, poses proliferation hazards.

In the integral fast reactor's recycling process, the plutonium and other long-lived "actinides" that form during the reaction aren't stripped out during reprocessing. Instead, those elements accompany the uranium through the various steps and back into the recycled fuel rods, to be burned up in the reactor.

Nevertheless, the reactor's foes see the project as just a repackaged version of the breeder technology, dubbed the Clinch River program, discarded a decade ago. "Given the absence of economic justification for the (reactor) as a generation technology, proponents of the project are now advancing a waste-management mission" for it, wrote 22 members of the House Science, Space and Technology Committee recently to Chairman George E. Brown. But that mission "poses the same economic, environmental and nuclear proliferation problems that killed the original breeder reactor program," the lawmakers contend.

Its designers, understandably, think differently. Dr. Robert Holtz, standing next to a full-scale processor whose design and construction he has overseen for several years, declares it "a terrible waste" if the project is allowed to die. "To throw this option away seems," he begins before pausing to search for a scientist's malediction, "not very intelligent."

[From the Christian Science Monitor, Apr. 1, 1993]

KEEP FUNDS FOR NUCLEAR RESEARCH

An audible gasp filled the chamber when President Clinton announced in his address to a joint session of Congress that "we're eliminating programs that are no longer needed, such as nuclear-power research and development."

His judgment may be premature. Today, Charles Till of Argonne National Laboratory testifies before a House Appropriations subcommittee. His team is developing the advanced Integral Fast Reactor (IFR), a design that proponents say will solve many of the problems associated with commercial nuclear reactors.

Japanese utilities have committed $46 million to the project through 1996. Southern California Edison will also put up $2 million next year, and other West Coast utilities are interested.

Advocates say the design is superior to current reactors in several respects. Among them:

Safety: The fuel is engineered so that if it overheats, its swelling alone stops the chain reaction. This "passively safe" approach was validated in a 1986 test that tried to force an IFR prototype to undergo a Three-Mile-Island-type accident.

Efficiency: The IFR's fuel can be reprocessed. Light-water reactors supplying half the world's energy needs would exhaust uranium reserves in just 30 years; IFRs would extend them to 2,000 years.

Security: The fuel reprocessing system is simple, compact, and can be used on site; it cannot isolate bomb-grade materials.

Environmental impact: By reprocessing fuel, the IFR eliminates the most dangerous, long-lived part of nuclear waste. Its only discards would be nuclear "ash," which after 300 years would be no more radioactive than the original ore.

The Energy Department has invested $700 million in the IFR since 1984. All facets of the technology have been demonstrated individually. Till's team needs $120 million a year for a three-year, full-scale demonstration. Having come this far, it is a waste not to move to full-scale testing. If the technology fails to prove itself, eliminate the program. If it succeeds, however, the potential payoff is too great to ignore.

[From the Chicago Tribune, Feb. 27, 1993]

DON'T FORECLOSE THIS NUCLEAR OPTION

President Clinton's economic program, as he conceded this week, can be improved significantly by including more cuts in government spending. To do that, every federal program and expenditure must be put on the budget-cutters' block, including those for basic scientific research.

Before any of those hit the floor, however, the White House and Congress, with the help of scientific leaders, need to agree on rational, national priorities. Money ought to go to projects that serve the national interest and have been judged through peer review to be the most worthy.

The goal must be to invest in research that will expand the frontiers of knowledge and keep the nation on the edge of technological innovation, while shunning pork-barrel projects aimed at creating jobs in favored congressional districts of subsidizing clout-heavy industries.

But it is not evident that Clinton has followed these principles in proposing to phase out funding for research on advanced nuclear reactors.

The proposed cancellation would wipe out 500 high-wage jobs—about a third of the total—at Argonne National Laboratory near Lemont and another 1,000 in Idaho. More troubling than that, however, is that it would kill a project that is developing revolutionary technology that could produce safe, environmentally sound nuclear power for the 21st Century and beyond.

America needs to pursue greater energy efficiency and the potential of renewable fuels, but it is folly to believe that giant windmill farms or fields of solar panels will power the U.S. economy in the foreseeable future.

Nuclear energy now generates about a fifth of the nation's electrical power, and most analysts believe it can play a significant role in the energy mix for decades to come, if some problems are solved.

Commercial reactor companies have designed advanced light-water reactors, which will be safer than today's models and could be available before the end of the decade. But they still will burn a small percentage of uranium as fuel and leave the bulk as highly radioactive waste that must be safely stored.

After $700 million and seven years of work, Argonne researchers are close to demonstrating a safe reactor that burns nearly all of its fuel. Furthermore, it can recycle and burn most of the nuclear wastes, or those from existing commercial plants or weapons facilities. And it does this without polluting the air.

A National Academy of Sciences study last year said it should be the nation's top long-term nuclear research priority. The Japanese, apparently in agreement, have pledged $46 million over seven years to the project.

With the end of the Cold War, there are major savings to be made in the government's nuclear programs, especially for weapons and uranium enrichment. But it would be shortsighted and foolish to abandon a promising investment in a viable future energy technology.

[From the Chicago Tribune, Sept. 19, 1993]

ARGONNE NUCLEAR RESEARCH IS VITAL

With an eye more on deficit reduction and antinuclear sentiment than on the future, the U.S. House voted overwhelmingly last June to kill funding for research on a new type of nuclear reactor.

The decision to end work on the Integral Fast Reactor at Argonne National Laboratory was more than penny wise and pound foolish; it was totally irresponsible. Scientists have spent $700 million since 1984 developing the revolutionary technology, and they had hoped to show next month that it works.

The Senate soon will have a chance to intervene. Rather than toss out a promising technology just before it can be tested, it should restore funding. The cost to taxpayers would be small compared with the potential benefits they and their children can reap later from a secure abundant energy source.

Today's commercial reactors are cooled by water and use uranium as their primary fuel. By contrast, Argonne's sodium-cooled reactor burns either spent fuel from existing nuclear plants or plutonium to produce electricity. It can be set up to burn more radioactive material than it produces or to produce waste that can be reprocessed and recycled as fuel.

Despite its potential to dispose of spent nuclear fuel, burn plutonium from dismantled warheads and provide an inexhaustible energy source, House opponents argue that the new reactor would be too expensive.

Utilities, they say, are more interested in a new generation of light-water reactors being developed for use by the end of the decade, In addition, they warn, the greater use of plutonium would increase the risk of nuclear arms proliferation.

True, utilities want a near-term nuclear option of new, smaller light-water reactors. But in the next 15-50 years, perhaps sooner, the nation might want to have another nuclear choice—one that can produce electricity safely for centuries with less and more manageable waste than current technology.

To shut down the Argonne program now without completing tests, as the House has voted, would take five years and cost $406 million. To demonstrate that it works and have it available for possible future use would take five years and cost $445 million a $39 million difference.

Actually, the Integral Fast Reactor could come in handy fairly quickly. It could be used to reduce spent fuel that is accumulating at nuclear plants. It could provide a market for plutonium being released from weapons in Russia and the United States. As for a proliferation threat, the reactor's fuel reprocessing doesn't produce weapons-grad plutonium.

Some lawmakers may not believe that nuclear power will play a role in America's energy future, but few scientists agree. For $39 million, a new technology can be demonstrated and preserved as a long term option. It's a small price to pay: the Senate should ante up.

[From Crain's Chicago Business, Mar. 8, 1993]

ARGONNE CUTS MAKE NO SENSE

In the spirit of shared sacrifice, we're not of a mind to get parochial by nit-picking every Clinton budget cut that might hurt Illinois. But the administration's proposal to end funding for a critical nuclear research project at Argonne National Laboratory makes no sense for the nation, much less Illinois.

Argonne's integral fast reactor program (IFR) holds the promise of providing centuries of safe, reliable nuclear power. The program is developing a meltdown-proof reactor that burns its own waste, and experiments are under way to see if it can burn wastes from existing commercial reactors and weapons programs. What's more, since IFR burns all the energy in natural uranium, it can provide electricity for centuries; existing reactors use less than 1% of uranium's energy.

While commercial application is still about 20 years away, a full demonstration of IFR's technology will take place this year. But the Clinton administration wants to cut $200 million out of IFR's fiscal 1994 funding and wants to zero out the program by 1998. That would save $1.2 billion, but what's really at work here is this administration's disturbingly simplistic anti-nuclear power mentality. Does the Clinton-Gore crowd really believe the nation's future power needs can be met—and concerns over global warming dealt with—only through conservation and solar windmills?

We're concerned about the 500 local Argonne jobs that would be cut here. But the shame would be to kill this promising technology.

[From the Chicago Sun-Times, Feb. 24, 1993]

SAVE ARGONNE NUKE RESEARCH

No sooner do we say that innovation has a partner in Washington than the Clinton administration goes and cancels research at Argonne National Laboratory that could lead to the next generation of safe nuclear reactors.

Yes, we'll be accused of favoring government spending cuts, as long as they don't affect the Chicago area. And we'll plead guilty to not wanting to see 500 Chicago area Argonne workers laid off.

But our concern isn't pork barrel politics. Argonne researchers are on the trail of a technology that addresses the major knock put on nuclear power—safety. After an investment of seven years and $700 million, the results are encouraging.

Abandoning the effort would delight those who, as an article of faith, dislike nuclear power. But slamming the door on discovery, especially at a place like Argonne, where commercialization of new technologies is a way of life, is unreasonable.

[From the Chicago Tribune, May 31, 1993]

FACTS, NOT POLEMICS, IN NUCLEAR DEBATE

BARRINGTON.—Once again, the high-pitched whining of a special interest group with an ax to grind is heard. This time it was Dr. Michael McCally (Voice, May 11), of Physicians for Social Responsibility, knocking a nuclear power generating technology that holds great promise for reducing stockpiles of weapons-grade plutonium.

I'm talking about the Integral Fast Reactor (IFR) that is being developed by Argonne National Laboratory. At best, his rebuttal to a prior letter by George Martin on the subject is, as Dr. McCally put it, "misleading." At worst, his remarks are a gross misinterpretation of the facts as they relate to IFR technology.

He says this type of reactor will produce "vast" quantities of waste. According to Argonne National Laboratory, this reactor reduces the amount of waste drastically. The waste from a 1,000-MW IFR plant operated for an entire year would not quite fill a common file cabinet.

Moreover, the waste that is produced has radioactive components that have half-lives of hundreds of years, instead of tens of thousands of years. It also will burn the spent fuel from our current generation of nuclear plants. Is that so undesirable? Furthermore, plutonium and uranium from dismantled nuclear weapons can fuel this reactor, perhaps its greatest benefit.

While it is true that the IFR has the ability to make more fuel than it consumes, and hence the "breeder" reactor label, it will not produce more pollution or more plutonium for weapons. First of all, the IFR will incorporate a fuel recycling/processing technique called pyroprocessing, which is much different than the process Dr. McCally so caustically refers to in his letter. The new process is much more economical, energy-efficient and environmentally friendly.

The plutonium the process produces is also not the pure stock required for weapons production. Yes, it is possible to make something that explodes from fuel-grade plutonium, but it has been proven to be more theoretical than practical. If a country wanted to start a clandestine nuclear weapons program, the risk of its plans being exposed by stealing or diverting fuel-grade plutonium would preclude any attempt.

Anti-plutonium polemics begin to sound like gibberish when a few facts like these come to light. It takes a wealthy, technically adept country to produce any kind of mass-destruction weapon. It is beyond reason to think even the most evil, demented government would apply the vast resources it would require to an unproven theoretical bomb-making process. One needs only to look at Iraq's recently destroyed weapons program to see the validity of that statement.

It is unfortunate that Dr. McCally has so little grasp of the facts or an understanding of the technology. The bankrupt logic of the anti-nuclear crowd's rhetoric is getting very tiresome. It would be refreshing to see such groups expending some energy developing solutions to the world's problems rather than tearing down the efforts of those who are really trying. The IFR has the potential to actually do something constructive with the most destructive devices ever built. It can reduce the amount of nuclear waste already here while producing energy to power industry, provide light where there is darkness, and promote peaceful economic development throughout the country and the world. Physicians for Social Responsibility, heal thyselves first.

[From Business Week, Mar. 22, 1993]

A BIG-SCIENCE CUT THAT COULD DROWN US IN NUCLEAR WASTE

While the science community is feeling rather good, overall, about President Clinton's technology agenda, there's one curious slight: Funding for the Integral Fast Reactor (IFR) has been dropped. Many scientists think the decision is shortsighted. In fact, a recent study by the National Academy of Sciences tagged the IFR as the No. 1 priority in nuclear-reactor science.

The IFR program was originally launched by Argonne National Laboratory to develop a safer nuclear-power plant. But it evolved into something far more important: The reactor could burn the spent nuclear fuel from traditional nuclear plants—waste that will otherwise pose a radioactive threat for thousands of years. Moreover, the IFR should be able to burn the radioactive plutonium recovered from dismantled nuclear weapons. Tons of this nasty stuff have already piled up

at a remote site near Amarillo, Tex.—with lots more to come. Without the IFR, this weapons-grade plutonium may have to be guarded night and day for centuries.

NUCLEAR LEFTOVERS: WASTE NOT, WANT NOT

Legal and safety disputes have logjammed federal programs to create repositories for the permanent internment of long-lived radioactive wastes. What's a nuclear power plant owner or bomb maker to do while debate over the placement of these "hot" discards drags on?

Consider squashing or "burning" wastes, suggest researchers at two Department of Energy (DOE) facilities.

On Feb. 22, technicians began flattening wastes at DOE's Rocky Flats plant, a former nuclear-weapons facility outside Golden, Colo. Conceptually similar to a kitchen compactor, Rocky Flats' 44-ton trash smasher drives a piston with 2,200 tons of compaction force down upon 35-gallon drums containing plastic, glass, and metal wastes. Resulting "pucks" may take up as little as one-fifth of the waste's initial volume. That's a dramatic reduction for a plant like Rocky Flats, which has enough plutonium-laced wastes to fill 3,000 55-gallon drums.

"[This] supercompactor could save the taxpayers millions of dollars in future disposal costs by reducing the total volume of waste," notes Bob Nelson, who manages DOE's Rocky Flats Office.

Argonne (Ill.) National Laboratory is exploring a higher tech solution: recycling long-lived wastes as fuel for a new breed of "inherently safe" reactors (SN: 1/26/85, p.60). In a reactor, some neutrons liberated by fissioning uranium are absorbed by other uranium atoms, transmuting them into heavier elements known as actinides. Because today's commercial reactors cannot "burn" actinides efficiently, these heavy elements accumulate as long-lived wastes—isotopes with half-lives measured in thousands to millions of years. But in Argonne's experimental Integral Fast Reactor (IFR), "we can effectively destroy them," notes IFR project manager Yoon I. Chang.

Having demonstrated a technology for extracting actinides from IFR wastes, Chang says, his team must not prove that recycled actinides will fission efficiently. Late last month, they launched a two-year experiment to test just that by placing a small quantity of the actinides americium and neptunium into a fuel bundle that they inserted in an IFR-type reactor core.

If successful, says Charles E. Till, also at Argonne, this experiment "will be the equivalent of burning nuclear garbage." Though his team has thus far demonstrated the ability to recycle actinides from IFR fuels only, Chang says a spin-off program is under way to adapt this technology to the efficient extraction of actinides from commercial reactor wastes.

[From Burrelle's, Apr. 8, 1993]

INTEGRAL FAST REACTOR COULD HAVE ADVANTAGE

When he made his address to Congress President Clinton caused considerable consternation when he announced that he planned to eliminate programs that are no longer needed, "such as nuclear-power research and development."

In testimony before a House Appropriations Committee, Charles Till of Argonne National Laboratory said that his team is developing the advanced integral Fast Reactor, a design that proponents say will solve many of the problems associated with commercial nuclear reactors.

Japanese utilities have committed $446 million to the project through 1996. Southern California Edison will also put up $2 million next year, and other West Coast utilities are interested.

The president's judgment, then, sounds premature.

Advocates say the design is superior to current reactors in several respects. Among them:

Safety: The fuel is engineered so that if it overheats, its swelling alone stops the chain reaction. This "passively safe" approach was validated in a 1986 test that tried to force an IFR prototype to undergo a Three-Mile Island type accident.

Efficiency: The IFR's fuel can be reprocessed. Light-water reactors supplying half the world's energy needs would exhaust uranium reserves in just 90 years; IFR's would extend them to 2,000 years.

Security: The fuel reprocessing system is simple, compact, and can be used on site, it cannot isolate bomb-grade materials.

Environmental impact: By reprocessing fuel, the IFR eliminates the most dangerous, long lived part of nuclear waste. Its only discards would be nuclear "ash", which after 300 years would be no more radioactive than the original ore.

The Energy Department has invested $700 million in the IFR since 1984. All facets of the technology have been demonstrated individually. Till's team needs $120 million a year for a three-year, full-scale demonstration. Having come this far, it is a waste not to move to full-scale testing. If the technology fails to prove itself, eliminate the program. If it succeeds, however, the potential payoff is too great to ignore.

[From the Naperville Sun, Apr. 30, 1993]

A DIFFERENT NUCLEAR THREAT

The Department of Energy (DOE) is apparently expending very little energy thinking about the nation's future in terms of energy, environment or national security.

It is DOE's serious proposal to slash the advanced nuclear reactor research at Argonne National Laboratory; eliminating 160 jobs at the Lemont lab and another 750 at Argonne's Idaho facility.

If this were only about jobs, we would have a complaint because the economic impact could reach some 1,200 jobs in this area. And this after the feds saw fit to curtail the future of Batavia's Fermi Lab in a highly political decision several years ago to build the Superconducting Super Collider in Texas.

But this is not about jobs, this is about the future. Advanced nuclear research at Argonne is developing an Integral Fast Reactor (IFR) program as a highest priority.

In simplest terms, the IFR burns its own nuclear waste to the nth degree. This produces cheaper power and eliminates most of the waste that poses a major disposal problem. Further, the waste that is left needs far less storage time to become as safe as the original fuel.

It has been tested and found far more efficient than today's reactors, far safer, and no hazard in terms of air pollution. Argonne is, in fact, now working to develop a reactor at its Idaho facility that would burn waste from both the present commercial reactors and from weapons programs. The reactor is scheduled to be ready for commercial development in five years.

About 20 percent of the nation's power is currently generated by nuclear plants. There is currently no other long-term option to supply energy the nation needs to grow.

The Argonne IFR program promises an approach to that growth in a way that is safe, sane and eliminates our addiction to foreign oil—which has proved an obstacle to a safe and sane foreign policy.

And make no mistake, the proposed DOE cutback is not a budget-cutting priority. Overall the department is planning to spend more on civilian programs by 16 percent than it has appropriated this year. Argonne is seeking $128 million of that $8.04 billion budget, only $2 million more than it takes to carry on the helium reserves storage in Texas, a program that outlived its mission years ago.

Argonne's program has been endorsed by the National Academy of Science, supported with funding by a California utility through the Electric Power Research Institute, and by the Japanese utility companies to a promised $46 million.

It has not been endorsed by the U.S. Department of Energy for reasons that appear in a class with helium reserves—lighter than air, but smack of an anti-nuclear policy by the current administration.

[From the Regional News, Apr. 8, 1993]

CUT CONSEQUENCES

The proposed funding elimination for research on the Integral Fast Reactor (IFR) at Argonne National Laboratory is a step in the wrong direction. The loss of 500 direct and 1,250 other jobs related to Argonne National Laboratory's largest research project would have a negative impact on the communities surrounding the laboratory. In addition, the $700 million already spent on research for this project during the past 10 years would be lost. But this proposed cut is puzzling for other reasons as well.

The IFR addresses each of what has been described as the three "Es" of funding criteria for federal research: energy, environment and economic development. These issues are important to our nation's future and have been touted by the Clinton administration as being high on the list of our national agenda. A closer examination of these issues illustrates why the "ripple effects" of discontinued IFR research would be felt beyond Cook, DuPage and Will counties in the immediate future—it would be felt by our entire nation for possibly generations to come.

Energy: Nuclear reactors generate 80 percent of northern Illinois' electricity. Nuclear power reduces our dependence on foreign oil and mitigates costly pollution controls for power generated by fossil fuels. One IFR would supply electricity to 750,000 people while greatly reducing the volume of raw materials. The IFR system would use virtually all of the uranium's energy, as opposed to less than 1 percent used with current technology. The greater efficiency alone is worth investing in IFR research. The IFR would be ready for commercial operations by the year 2010.

Environment: The IFR has been successfully tested against conditions simulating the Chernobyl and Three Mile situations. The IFR would reduce the life of hazardous nuclear waste from hundreds of thousands of years to 200 to 300 years. The volume and hazardous waste would also be reduced to about the size of a filing cabinet per year. Its ability to dispose of existing nuclear waste and the plutonium from dismantled nuclear weapons is being tested. Our nation's concern for the environment suggests that the ability to safely recycle hazardous nuclear waste should be among our highest research priorities.

Economic development: Futurists are unanimous on the subject of technology—the nations with it will be the haves, while those

without it will be the have-nots. Our ability to compete globally will depend on commercial applications of technology such as the IFR. Japan has invested heavily in IFR technology and will be positioned to take over should the United States abandon this effort.

Failing to invest in IFR technology would relegate the United States to "second fiddle" status in yet another international market sector. Purchasing IFR technology that was once within our grasp from other countries would be a bitter pill to swallow indeed.

Heading into the 21st century, the United States can be either a leader or laggard in the ownership and application of IFR technology and the resultant energy, environmental and economic development benefits it would provide. Let us hope the current administration chooses to keep us technologically competitive by continuing to fund IFR research.

[From the Palos Citizen, Apr. 29, 1993]

IMPORTANCE OF RESEARCH FUNDS FOR ARGONNE LAB

"This country, as well as the world-at-large, is in danger of losing an extremely important project if funding is not restored to Argonne National Labs for its Integral Fast Reactor (IFR) program," said Congressman William O. Lipinski.

The IFR program uses revolutionary technology which offers safe, economically promising and environmentally sound solutions to many of the concerns raised about nuclear power.

The IFR's advantages include:

Passive, Walk-Away Safety. The IFR technology is much safer than current reactor designs. Its inherent passive safety characteristics were demonstrated in 1986 in a landmark series of tests at Argonne's IFR prototype reactor in Idaho, where simulations of the Three Mile Island and Chernobyltype accidents resulted in immediate and harmless system shutdown without any damage to the reactor or the environment and with no risk of radioactive release.

Dramatically Reduced Waste-Disposal Problems. The IFR technology permits radioactive recycling, which reduces the lifetime of high-level nuclear waste from millions of years to a few hundred years. The IFR can recycle its own radioactive by-products as well as waste generated by current reactors or even excess plutonium available due to nuclear disarmament, providing solutions for the long-term high-level nuclear waste disposal program.

Nearly Inexhaustible Fuel Supply. The IFR has the capability to generate more fuel than it consumes, thereby providing a nearly inexhaustible fuel supply and allowing nuclear power to supply America's energy needs for centuries.

Argonne National Labs is the only place in the world where this type of research is being performed. This is significant. Even if the U.S. were to decide not to increase its source of energy from nuclear power, other countries do rely substantially on it. Thus, creating a good deal of waste. France derives 80 percent of its electricity from nuclear power, Japan 45 percent, European countries 40–50 percent and increasing. They need our technology. Better that we sell it to them than find ourselves buying the technology from them in the future.

"The citizens of Illinois, America, and the world need to rally around this project to ensure a safer future in nuclear power," declared Lipinski.

[From Burrelle's, Apr. 29, 1993]

ARGONNE PRODUCES FUEL RODS USING NUCLEAR WASTE

An experiment now underway at Argonne National Laboratory's Idaho site is likely to show that the volume of waste from commercial nuclear power plants can be reduced three-fold, and the length of time the waste must be stored can be reduced from 10,000 years to no more than 200 or 300 years.

Argonne scientists have produced fuel rods for the Integral Fast Reactor using long-lived radioactive elements found in nuclear waste, said Yoon Chang, manager for Argonne's Integral Fast Reactor project, speaking to a meeting of the American Chemical Society in Denver.

"The experiment is the equivalent of burning nuclear garbage," Chang said. "In the Integral Fast Reactor, we can turn that garbage into energy."

The conversion of waste to fuel is part of Argonne's Integral Fast Reactor project. The Integral Fast Reactor can be designed not only to consume its own fuel but also to be inherently safe—it can shut itself off if it malfunctions. In a report last year, the National Academy of Sciences said the Integral Fast Reactor should have the nation's highest priority for technology development.

The new fuel rods are made of uranium, zirconium and plutonium and contain americium and neptunium, two of the radioactive elements left after nuclear fuel is burned.

The elements used in the experiments are some of the longer-lived elements in nuclear waste—they retain high levels of radioactivity for thousands of years. Separating these elements from the shorter-lived fission products may simplify the waste disposal process.

The elements, called actinides, are separated from the fuel rods in a recycling process developed at Argonne. First, bundles of fuel rods are chopped into small pieces. These pieces go into an electrorefiner, where most of the uranium, plutonium and other long-lived transuranic materials are separated from the short-lived fission products, which cannot be reused as fuel. Next, a cathode processor further separates the metal. A casting furnace then forms the recycled materials into new fuel rods.

Argonne is located in Illinois 25 miles southwest of Chicago. Argonne-West, the laboratory's satellite research facility, is located 35 miles west of Idaho Falls, Idaho. Argonne is operated by the University of Chicago for the U.S. Department of Energy.

THE DANGER IS NOT GOING NUCLEAR

If President Clinton intends to lift this nation out of economic depression and guarantee a better standard of living for future generations, then he has to go nuclear. This is not a question of "opinion"; it is a matter of scientific fact. It is a fact that economic prosperity is inextricably linked to the use of the most advanced, most energydense technologies, for only such technologies can increase overall economic productivity and thus foster the process of economic growth.

Specifically, this means that U.S. economic growth requires the development of the next generation of nuclear reactors: (1) standardized, "inherently safe" designs for light water reactors that are preapproved and can be built and operating within 5 or 6 years; (2) modular reactor designs that can be mass produced, such as the HTGR (high-temperature gas-cooled reactor), which is ideal for export and which has the advantage of higher heat available for industrial processing; (3) reactors like the Integral Fast Reactor (IFR) at Argonne National Laboratory, which will burn spent fuel, including actinides, thus reducing the amount of high level nuclear waste; and (4) a well-funded program to achieve controlled thermonuclear fusion, which includes funding all alternative concept fusion methods (plasma focus, light ion beams, and so on) plus research in the new field of solid-state fusion.

The President's "Vision of Change for America," released Feb. 17, 1993, ignores this basic reality of physical economy and instead proposes the elimination of "research and development funding support and related facility funding for nuclear reactors that have no commercial or other identified application." His State of the Union address was even more blunt; there the President said that his budget would eliminate "programs that are no longer needed, such as nuclear power research and development."

Whatever is the President's intention, the proposed cuts in the budget include the HTGR and the IFR, both of which have commercial and other applications in a sane world. The problem is indeed one of vision: Does the administration foresee a nation taking the technological lead and developing a second Atoms for Peace program, by pioneering the next-generation nuclear technology for worldwide export? Or is its vision one of a postindustrial society?

INHERENTLY MALTHUSIAN RENEWABLES

Windmills, solar panels, geothermal sources, and biomass are energy sources alluring only to those who never had to struggle (or even think about struggling) through life 100 or more years ago—or life today in a Third World country. Would any woman who has to spend several hours a day collecting twigs to light a fire to cook diner—or who has to watch a child die because there is no refrigeration to preserve medicines and vaccines—reject the advantages of modern electricity?

The energy deficit worldwide staggers the imagination. In the United States, the lack of investment in nuclear and coal power plant construction for baseload electricity supply has left the Eastern third of the nation on the edge of power shortages. By the turn of the century, the nation will be about 100 GW (gigawatts, or 100 billion watts) short of electric-generating capacity, the equivalent of 100 conventional nuclear power plants.

The situation is worse in the rest of the world, where lack of investment has led to electricity availability only during a few short hours per day in countries like Argentina and Colombia. In Eastern Europe, about 100 GW of electric-generating capacity is needed to rescue a situation where economic catastrophe threatens war and chaos. For the poorest nations of Africa and Asia, there is not even enough energy for the barest necessities, never mind development.

The universal form of energy that can be used for heating, cooling, cooking, lighting, industry, agriculture, and transportation is electricity. The most efficient, clean way to produce electric power today is with nuclear technology. The amount of energy produced per unit land area and per man-hour of labor by nuclear power cannot be matched by any other technology, including coal, which requires enormous resources for mining and transportation. To bring the poor nations up to a standard of living and life expectancy equivalent to that of Western Europe requires the availability of minimally 1 GW of electricial-generating capacity per million population.

The so-called renewables are inherently diffuse energy sources with limited uses.

Even with enormous improvements in efficienty, they will always, by nature, be too inefficient to power an industrial society and support a growing world population at a standard of living appropriate for human beings in the 21st century. The leaders of the environmentalist lobby who attack nuclear power and propagandize for "renewables" know this limitation and are pleased with it. They want a return to a smaller, postindustrial world, even if that means reducing the world population by starvation and disease.

The danger of not going nuclear is that the proliferation of inherently Malthusian energy sources will bring certain death to millions of people.

And so, Madam President, I just submit that premature termination of this experiment is wrong-headed. The administration is just wrong on this one. And I believe that we have made an investment. It does not make sense for us to be penny-wise and pound-foolish, although I daresay I do not think we are being penny-wise here. This is promising technology. We will lose money by terminating it prematurely. Let us see it to its conclusion, its natural conclusion, and then decide where this technology takes us as we go into the next century.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I would like to thank the chairman for his leadership on this issue and for his understanding of this issue. I would also like to acknowledge and thank our partners, the Senators from Illinois, Senator SIMON and Senator MOSELEY-BRAUN, along with my colleague from Idaho. We formed a good, bipartisan team on this whole issue.

I have a great deal of respect for the Senator from Massachusetts, but I have to say that I take strong exception, and I am very disappointed with his characterization of this as being an irresponsible effort.

There is a problem here that has to be solved, and to label those who are trying to find a solution as irresponsible I think is irresponsible.

It has been referenced the number of States that have spent nuclear fuel that is stored in those States, 39 States, whether it is commercial or naval fuel or fuel from university projects.

Madam President, I do not have to remind you about this problem.

You have over 2,300 metric tons of spent nuclear fuel that is parked in your State. You have 11 metric tons in addition to that that is weapons-grade plutonium; Connecticut, over 2,000 metric tons parked in their State; New Hampshire. It is all over the country. Perhaps if some of your weapons-grade plutonium were parked in Massachusetts, then there would be a different attitude and approach on this issue.

But I say to the Senator from Massachusetts it is his problem, too. It is every Senator's problem to deal with this. It has been referenced that it is ironic and it is unbelievable that in the midst of this North Korean crisis we would even consider dealing with this thing called the integral fast reactor. Where are they getting their plutonium, Madam President? You probably received the same briefing I have: The assertion being that country which wants to become a nuclear threat to the Free World is getting it from the spent fuel of the graphite reactor, and they are using the PUREX process. It is already in place. That is where the plutonium would come from.

So why in the world do they continue this argument that the IFR is simply designed to create more plutonium? Ladies and gentleman, we have more plutonium than we know what to do with. We have a surplus of weapons-grade plutonium throughout the world. While it is surplus, do not ever forget that it is lethal.

Last month I had the opportunity, as a member of the Armed Services Committee, to go with Senator SAM NUNN and other Members to Russia to meet with our counterparts as they begin to put together democracy in that nation that we hope will succeed. In those meetings we talked about things such as the START treaties, and the fact that as a result of the START treaties each country will have over 50 metric tons of weapons-grade plutonium that will come about as we dismantle our nuclear warheads.

Is that not a positive step forward, the dismantling of nuclear warheads? Of course it is. But what are you going to do with the weapons-grade plutonium? Because in these meetings we also talked about the organized crime that is now running rampant in Russia. We talked about the fact that our Federal Bureau of Investigation wants to set up an office now in Russia because of this security problem. You know the terrorists would love to have this weapons-grade plutonium.

Senator EXON—who was a part of this delegation—and I met with the minister of atomic energy for Russia, Viktor Mikhailov. We had a wonderful discussion with this man who is in charge of the spent fuel in Russia. He said they are pursuing solutions to this. But he said, "It is a real problem. It is a real problem with the weapons-grade plutonium because we do not know what to do with it. Sure, we are going to try to store it. But it is a security problem." As he said, in a matter of weeks you can retrieve that from storage and you can reassemble a bomb, a nuclear bomb. Remember, both countries will now have a surplus of 100 metric tons. It only takes 15 pounds to make an atomic bomb; 15 pounds, and we have 100 metric tons between the United States and Russia.

So I asked Viktor Mikhailov, "Are you pursuing the fast reactor technology?" He said, "Of course we are because that is part of the solution." He said, "But it is very sad that the United States is turning its back on this technology." He said, "We are working with Japan and France because this is part of the solution." I said, "May I quote you on the floor of the U.S. Senate that you would encourage this Government, this administration, this Congress to continue our efforts on the fast reactor, and then to share that technology, so that we can make it a safer world?" And with great enthusiasm he said, "Yes, definitely." So we are irresponsible for pursuing this type of technology?

If I were a citizen listening to this debate today, watching it on C–SPAN, I would think that we were talking about two different things. Because those that are trying to support this amendment are saying one thing, and they are quoting the National Academy of Sciences. And those that are against this amendment are saying another thing, and they are quoting the National Academy of Sciences. It is as though we are not engaging in a real dialog in talking about this issue; the National Academy of Sciences.

I spoke to Dr. Panofsky, the author of the National Academy of Sciences study, yesterday on the telephone. I was not speaking to an antagonist. He is not against the IFR. Yet that is how it would be characterized.

I also spoke to Dr. Michael May, who is a member of the National Academy of Sciences, the team that dealt with this whole question that is being pointed to as saying IFR is bad. That is not what he said. Here is a letter that he sent to me.

I ask unanimous consent that this letter be printed in the RECORD.

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

CENTER FOR INTERNATIONAL SECURITY AND ARMS CONTROL, STANFORD UNIVERSITY,
Stanford, CA, May 16, 1994.

Senator DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: Thank you for your phone call and your interest in the report of the Committee on International Security and Arms Control of the National Academy of Sciences on the management and disposition of excess weapons plutonium. This letter is to clarify the position taken by the report with regards to the integral Fast Reactor (IFR) project.

The Committee did not recommend termination of the IFR project. In fact, the report did not mention the project by name. It did refer to the integral reprocessing approach, noting in part that, in that approach, "plutonium is never fully separated in a form that could be used directly in nuclear weapons, thereby reducing safeguards concerns." (p. 185). The Committee did not recommend this approach or any other approach involving new or advanced reactors for long-term disposition of excess weapons plutonium, because putting the plutonium into a form as resistant to theft or diversion as plutonium

in spent fuel can be done more cheaply and expeditiously by other methods, while eliminating the excess weapons plutonium entirely makes little sense unless all the plutonium in the world is also eliminated, an extremely costly and time-consuming endeavor, and one not compatible with the continuation of nuclear power.

With regards to total plutonium inventories, while the Committee was not charged with and did not conduct a comprehensive examination of the proliferation risks of civilian nuclear fuel cycles, it recommended that "further steps . . . be taken to reduce the proliferation risks posed by all of the world's plutonium stocks, military and civilian, separated and unseparated. . . . Studies [of the future of nuclear electricity generation] should have as one important focus minimizing the risk of nuclear proliferation, and should consider nuclear systems as a whole, from the mining of uranium through to the disposal of waste . . ." (p. 228-9) The IFR approach, while not mentioned specifically fits within such systems.

While I am not personally an expert on nuclear reactor systems, I have been favorably impressed by the IFR approach and, based on what I know, believe the program should be continued.

I hope this letter answers your question and would be glad to be further help in the matter as needed.

Sincerely yours,

MICHAEL M. MAY,
Co-Director.

Mr. KEMPTHORNE. He said:

The committee did not recommend termination of the IFR project. In fact, the report did not mention the project by name. It did refer to the integral reprocessing approach, noting in part that, in that approach, "plutonium is never fully separated in a form that could be used directory in nuclear weapons, thereby reducing safeguards concerns."

Then this member of the National Academy of Sciences team went on to say:

I have been favorably impressed by the IFR approach and, based on what I know, believe the program should be continued.

So I am not characterizing what the National Academy of Sciences report is all about. I am simply reading a letter from a member that helped write that report who says he is favorably impressed with the IFR and he thinks it should continue.

This idea that because the IFR, which is a plutonium burner, can be converted to a breeder, therefore we should not pursue this, you have heard different analogies. But Madam President, that is like saying that we should not build airplanes because they can be used for war, they can be equipped with an arsenal ignoring the fact of what commercial aviation means to the world, ignoring the fact that those airplanes transport patients that need medical help.

So let us not just focus on the fact that, yes, if you want to spend the money, if you want to spend all of that time, you could probably convert this to become breeders. But you do not need to, Madam President. We have more plutonium than we know what to do with.

Then it was stated by the Senator from Massachusetts "we don't need it." I just talked about the START treaties. The State of Texas is concerned about this. Pantex has entered into an agreement with the Department of Energy that says that they will only receive the weapons-grade plutonium from the dismantling of these nuclear warheads for 3 more years. That is it, 3 more years. Yet, we are going to have a supply as a result of the START treaties through the end of the century. Where are you going to put it?

At a recent Armed Services Committee hearing, Madam President, I spoke with the Secretary of Energy. I said, "We talk about spent fuel at Savannah River, spent fuel at Hanford, spent fuel at Idaho, surplus plutonium at Pantex, the fact that we have 50 metric tons of weapons-grade plutonium that will be surplus as a result of the START treaties. Where are we going to put all of this?" The Secretary of Energy said, and I quote: "Well, sir. I am not certain where I am going to put it yet."

I saw a report that was just released last week on all of the DOE spent fuel and suggested options of what they might do with it. You probably cannot see that Madam President, but that shows different States. One of the solutions is just to dump it in these different States. It is not a solution.

Madam President, the idea that we are just going to dump it in these States is not a solution.

I do not believe that the solution is just to stick it in the sand. I do not believe the solution is to bury it under the feet of our children and our grandchildren, because that is not the American way. We meet our challenges head on. That solution is sticking our head in the sand. Is it the responsible thing to do to simply say that because we cannot come up with a solution, we are going to leave it for future generations, for the young people of this Nation to deal with it and, hopefully, they will have a little more courage? I do not think so.

The American way is to use our technology and our means to find a solution. That is what the integral fast reactor is. Why should we turn our back when we are 2 years from the answer as to whether or not this is a viable option that allows us to, finally, for the first time as a nation, begin having a solution to the nuclear waste problem.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Madam President, this is an issue I became involved in when I first came to the Senate, and that has now been almost 20 years ago.

In 1978, I began my efforts to kill the Clinch River breeder reactor down in Tennessee. I started off with a few votes, and each year I got a few more votes. As I began to get closer to winning, and as the costs had gone from $300 million to $8 billion, the Department of Energy began to frantically dig a big hole in the ground. That is what they always do. They get bulldozers out and start digging big holes in the ground. When they think they are about to lose, then they say: "Oh, we have gone too far now; you cannot stop this project now. We have already invested too much money in it."

I remarked to some of my friends in the Cloakroom a while ago that the American people have a 14 percent confidence level in the U.S. Congress. That is tragic. It is tragic for us as individuals, and it is tragic for the political process and the country. Much of what they are upset about is not legitimate, and some of the things they ought to be upset about, they are not.

One of the things they ought to be upset about is the advanced liquid metal reactor. Congress reminds me of Charlie Brown. Every fall when the football season starts, Lucy says, "Charlie, I am going to hold the ball for you, and I want you to kick it." Charlie says, "No, I am not going to do it, because you will do just like you did last year; you will pull the ball out just as I get there, and I will take a terrible spill." And Lucy reassures Charlie that, no, this year she is not going to do that. This year she is really going to hold the ball so he can kick it. And every year, old Charlie falls for it, and every year he takes a spill, as she pulls the ball away from him just as he gets there.

The administrations of Ronald Reagan and George Bush continued to pull the ball away from Congress on the super collider, and the space station, the B-1 bomber, the B-2 bomber, and Congress just kept falling for it. Every year there was a new rationale for each and every boondoggle. We have a $4 trillion debt to prove it. I could not believe the House voted yesterday to continue the space station program. The President, to his credit, has done a very effective job in lobbying Congress on the space station. President Clinton was committed to the super collider, but he could not save it last year. And this year, I have a whole host of things which I will be offering in the appropriations process to try to cut spending.

Congress simply cannot bring itself to deal with these issues, except on a parochial basis—the promise of jobs in States where jobs would be lost. So the Clinch River breeder, even with Howard Baker as the majority leader, from Tennessee, where it was going to be built, went down to defeat, but not before spending over $1 billion.

Now we are back at the same old stand with a slightly different kind of reactor called a liquid metal reactor. I wish I were as well versed technically on this issue as the proponent of the liquid metal reactor, Senator JOHNSTON

of Louisiana. I never even had high school chemistry. But not having high school chemistry does not keep me from understanding Economics 103A. And Economics 103A says we are headed for an expenditure, which over the next 35 years, if you compound the interest on the cost, is going to run close to $6.5 billion.

What is another one of those "Lucy" promises this year? Well, now you are told the international community is going to contribute; the private sector is going to contribute; and if we do not go forward with this, our word is no good. How will we ever convince our partners in other countries—the Japanese, notably—and the domestic power industry, that our word is good if we stop now? Well, we would be doing them a big favor if we stop now, because, despite what you hear to the contrary, there are no foreign or private contributions. Nobody is committed. You could not pick a better time to keep your word.

I have heard figures all over the place this morning about what it is going to cost to terminate this project, and what it would cost to go ahead with it. These figures are not something I conjured up in the middle of the night. I do not know where you get better figures than the Department of Energy. Neither they nor the President want the project. But here is what it is going to cost in constant dollars—$3.4 billion—if we go ahead with the liquid metal reactor program. Here is what it would cost to terminate, if the Senate does its duty today. Three hundred million dollars; less than 10 percent of what the total cost of it will be if we complete this project.

Mr. SIMON. Will my colleague yield?

Mr. BUMPERS. Yes.

Mr. SIMON. If I can just quote from Secretary O'Leary's testimony in the House Energy and Power Subcommittee. Representative CRAPO says:

I have been advised that the amount of money that it will take to terminate this research exceeds, or at least equals, the amount of money it will take to complete the research. Do you have an understanding in that regard?

Secretary O'Leary: "That is correct."

I just point out to my friend from Arkansas that I think the more recent letter just does not make sense, because it counts commercialization.

Mr. BUMPERS. Madam President, I will read a letter that Senator KERRY and I received from Hazel O'Leary about 30 minutes ago.

It reads as follows:

DEAR SENATOR KERRY: In response to your request, the Department of Energy has not signed any new agreement with the government of Japan or the Power Reactor and Nuclear Fuel Development Corporation of Japan that provides for financial contributions to the Integral Fast Reactor program. Therefore, based on Department of Energy budgetary evidence from fiscal year 1995 to 1998, the cost to terminate the Integral Fast Reactor program will be $27 million less than continuing the program.

This letter is 30 minutes old.

Madam President, we are not just talking about what it is going to take to continue this program. Admittedly, the difference in cost of termination and continuing over the next 4 years is small. We are talking about what it is going to cost over the 35-year life of the project, and that difference is: $300 million versus $6½ billion, counting the interest on the money we will borrow.

There is another thing that I might point out, and that is we have not built a nuclear power plant in this country since 1976, 18 long years. And do you know why we have not? Because the American people do not want them. We have 109 nuclear power plants in this country right now, which, incidentally, could burn up this 100 tons of plutonium we are trying to deal with. I am going to come back to that in just a moment. But the people in this country, particularly after Chernobyl, but even before that, said no more nuclear power until you can convince us that our children are safe.

We have not been able to come up with a light water reactor or any other kind of reactor design that would assure the people of this country that they are not in danger. So we have not built them.

Back to the double whammy which I started out to talk about a while ago. You get a chance to once again say to the American people we are serious about cutting the deficit; we are not going to go forward with a highly questionable project and take $6½ billion of your money to do it. How could you benefit more politically, because that is the name of the game around here, than to go home and say not only are we going to not breed more plutonium and make the world less safe, we are not going to breed plutonium and we are going to save you $6½ billion at the same time.

Third, why is it we want to go against the Department of Energy and the President's foreign policy. It is all wrong.

(Mr. PRYOR assumed the chair.)

Mr. BUMPERS. Mr. President, I am one of the 42 percent of the people of this country who do not disapprove of the President's foreign policy. Oh, I know it is very difficult for people in this country to approve a foreign policy of the President unless he is willing to send troops everywhere there happens to be a dispute to show that we are the big man on the block.

I was as concerned and I remain as concerned about Korea as any spot on the face of the Earth. But I will say this: Things are looking a lot better in Korea. And do you know why? Not because we bombed their nuclear facilities but because we talked to them, and now they say, "We are going to let you inspect our facilities." And there is something else that nobody ever dreamed would happen, a summit between the North and South Korean leaders scheduled for July 27.

So once again a little patience and a little talking, at least for the time being, appears to have been a good approach on the part of the President.

Why does not someone write that story, that it is turning out as a very successful policy of this President?

We debated Haiti all day yesterday. I voted against the amendment of the Senator from New Hampshire because I do not think the Congress generally has any business telling the President what he can do and cannot do in implementing foreign policy. But some people will never be happy until we send troops to Haiti. The same people who are clamoring to send troops to Haiti, will, when it bogs down and American bodies start coming back in body bags, say he messed it up; he is not doing what I intended. He did it all wrong.

I have been here 20 years and I have seen that happen time and time again.

You have another crowd around here that wants to go into Bosnia, whether the United Nations and our partners in the United Nations like it or not. Do you know where Bosnia is? It is in Europe. It is not on our border north or south.

We have an interest. We have an interest in solving the problems there and stopping that war. But I can tell you even though I voted against going to Iraq, at that particular time, I consistently applauded George Bush for getting the United Nations to approve it and only going when we had the United Nations on board, and they all went and they all fought. That is the way it ought to be done.

When Bill Clinton was trying to get all of our United Nations neighbors to start bombing the Serb positions around Sarajevo, every one of them said no thank you.

It is in their backyards, not ours.

But now the guns are fairly silent in what used to be Yugoslavia. It just may be that a little patience has paid off.

With regard to Korea, I would have been prepared at some point because that is a renegade society, to consider military action. And even though things are looking good there, Kim Il-song is the same old Kim Il-song that we have been dealing with now for over 40 years. I just hold my breath and hope things turn out right.

All I am saying is that in Bosnia and in Korea, so far, patience and talking has paid off.

If you start down the road building this liquid metal reactor and processing and reprocessing plutonium, of which we have 100 tons, instead of disposing of it right now, either by vitrification or burning it up in light water

reactors, which can be done, what do you say to the Koreans? What do you say to the rest of the world? We have the moral high ground. When you vote against the Kerry-Gregg-Bumpers amendment, you are saying: We do not like the high ground. We like plutonium, lots of it. Why? Why would you want to give up a very strong moral position that we now occupy by saying we are going to flood this world with more plutonium and just hope to God someone does not steal it and make a bomb out of it?

Mr. President, I was able to kill the Clinch River breeder reactor in 1983 but since 1986, we have already spent $1.4 billion and are headed for $6.5 billion over 35 years on an LMR.

Last year, the House, to its eternal credit, voted overwhelmingly to kill this project, 272 to 146. The Senate voted the other way—53 to 45 against the Kerry-BUMPERS-GREGG amendment last year. So what happened when we went to conference with the House? Well, the House committee receded to the Senate and $100 million more went down the tube.

Mr. President, I do not deny that we may be able to build this reactor. I do not know that we can, but I think it may be possible to build the integral fast reactor. But I do not think it is going to be feasible economically to use these reactors, because they are not going to be competitive, for 40 to 60 years given expected uranium prices.

The National Academy of Sciences, on whom we depend for our most really reliable scientific information, says that the liquid metal reactor cannot possibly be economical until 2025, at the earliest. That is 31 years from now.

When it comes to breeding, I have heard so many claims this morning, let me quote some other scientists.

The Senator from Louisiana says this is going to eat up plutonium; we are going to get rid of the plutonium by using it to fuel an integral fast reactor. And, again, I am not going to deny that that might be possible, Mr. President. But I do know one thing. If you wrap a uranium blanket around an IFR reactor, you can breed up to 20 to 30 percent more plutonium than you will consume.

Now, my friend from Idaho and other supporters of this will say, "Yeah, that's fine, but to turn an IFR into a breeder is very difficult and time-consuming."

Well, even your own Dr. Charles Till, of Argonne Laboratories, said before the Energy and Natural Resources Committee, "It is not a tremendous change to make it a breeder and it would probably only take a few weeks to do it."

We always change the missions of government programs to keep them going. Do you remember when we were going to build the B–2—and they were going to cost $500 million each—because it was stealthy and it could evade Russian radar and drop its bombs in a nuclear war? And now the Russians are becoming a part of NATO, they are becoming a part of the space station, they have dropped communism. They represent no threat to this Nation right now. The B–2 was intended to drop bombs on the Russians and we are going to have a debate later today or tomorrow about building an additional 20 B–2 bombers to drop bombs, not nuclear bombs, just drop bombs anywhere, not just on Russia. It is now touted as a conventional bomber.

We can think up more reasons to continue wasteful programs than anybody in the world. Every time one falls flat, somebody comes up with another rationale to spend the taxpayers' money. And the liquid metal reactor is no different.

Everybody here knows that the reason we started building the liquid metal reactor to begin with was for military purposes, to make plutonium so we could build more bombs. But now, now that we are dismantling thousands of nuclear warheads, we say, "Well, we are going to use it to generate electricity."

We have not even found a way to permanently store spent fuel rods from light water reactors but we want to make more plutonium. In a General Electric advertisement—and they are hot for this thing—they promote the fact in their advertising that the LMR is a potential breeder of plutonium. And, according to the Office of Technology Assessment—which, along with the National Academy of Sciences, are the two scientific groups we depend on most in the U.S. Senate—"It would be difficult or impossible to design a reactor core that could be guaranteed to not work as a plutonium breeder."

Let me say that in ordinary English. The Office of Technology Assessment says it would be impossible, virtually impossible, to design a reactor core that did not breed plutonium. What more does anybody want?

IFR fuel is less pure than the fuel that would have been generated by the Clinch River breeder. But the plutonium from an integral fast reactor is much closer to weapons grade material than spent fuel from light water reactors by a margin of 20 to 1.

One of the first international trips I took after I came to the U.S. Senate was to visit the International Atomic Energy Agency in Vienna. I spent 2 days with them briefing me about how they monitor nuclear plants and determine whether there has been any theft or diversion of material.

They have cameras in these plants, and they have an accounting procedure: How much did you have? How much do you have now? And what is the difference and what happened to it? It is not all that complicated.

But there was some fuel missing in Korea and that is what we were concerned about. Many scientists believe there is enough material in Korea's nuclear complex that has probably been diverted to make one or two bombs. That is the IAEA's sole purpose for existing, to track fissionable material.

We have 100 tons of plutonium from dismantled nuclear weapons. 100 tons is a lot. One way of getting rid of it is to vitrify it, that is make a glass rod of it. And, you can use it in a light water reactor.

Second, if we decide to use it in the existing 109 nuclear powerplants of this country, it would take 25 years to dispose of the entire amount. But if you stored it until you can build an LMR, 30 to 40 years hence, you would have 30 to 40 years in which the possibility, indeed the threat, of diversion and theft grows. And, in addition to that, how do we say to France and Japan that we wish you would quit processing plutonium, when we are doing it?

The Office of Technology Assessment, again, says that advanced liquid metal reactor technology is less appropriate than near-term technology.

Let me say one more time, the Department of Energy says, if you want to get rid of this plutonium, you can mix it with uranium and dispose of it within 25 years in light water reactors. Why would we not do that?

Now if I may, in closing, address a question to my good friend and distinguished colleague, the chairman of my committee, the Senator from Louisiana.

Mr. JOHNSTON. Yes, Mr. President.

(Mr. ROBB assumed the chair.)

Mr. BUMPERS. Mr. President, on a separate matter, I discovered this morning that this bill takes $65 million from funds we had appropriated last year for closing down the superconducting super collider in Texas and put it into what was described in the bill as a one-time contribution to some remnant of the SSC.

Mr. JOHNSTON. Mr. President, the Department of Energy has had ongoing negotiations with the State of Texas about the termination costs of the SSC. The State of Texas has huge claims, as you can imagine, because they have floated some one-half billion dollar's worth of bonds and there are claims under a memorandum of understanding which are quite ambiguous, but also the claims resulting from that are quite huge with respect to what they are claiming for termination costs.

Along the line, there had been extensive negotiations with the Department of Energy as to how they might settle that. And, really, the State of Texas—the principal thing they would like is to be able to make something useful out of the site down there. So as part of a settlement, and as to minimize the loss and to maximize the use of the facilities down there, they have proposed

that you take what we call the LINAC, the linear accelerator, which is the first step of speeding up protons that were going to be injected into that big ring—the LINAC is mostly complete—they want to convert that LINAC into a medical facility which will have the ability to treat cancer. What the protons can actually do, the ions, is go through the skin into the body where you do not have to cut open the body but you can actually go in and excise a tumor without ever opening the skin. We have one of these facilities in Loma Linda, CA. It is, they tell me, the preferred way to treat prostrate cancer. I suggest, if any of my colleagues gets this, they should explore particularly the one at Loma Linda.

In any event, they want to do that using money already appropriated that is a carryover from prior years. It is a one-time expense recommended by the Department of Energy and as part of a settlement with the State of Texas. I think it is prudent to do so. It maximizes the utility of the LINAC, which is already in place. Texas will share the cost of building the facility and will bear the full cost of operation of the facility. I think it is a prudent thing to do. It involves no additional spending authority. If we did not do this, we might have to settle this thing in court, which would take some years and could be much more expensive.

Mr. BUMPERS. Let me say to my colleague, on April 12 of this year, the Department of Energy said that the remaining termination costs on the superconducting super collider were $568 million. Are we proposing to take $65 million of that?

Mr. JOHNSTON. No, no. The $65 million previously appropriated to SSC remains with SSC. It is being transferred over to convert the LINAC, the linear accelerator. It has nothing to do with IFR. The linear accelerator, which is the first step of starting the protons, you know—we were going to put them around the ring in the SSC. The first step is the linear accelerator, and we are going to convert that for medical purposes. It has nothing whatsoever to do with IFR.

Mr. BUMPERS. Let me ask this simple question, if the Senator can give me a bottom-line figure. If the Kerry amendment fails, how much money is in the bill to continue the liquid metal reactor research?

Mr. JOHNSTON. I have a chart on that. It is $98 million.

Mr. BUMPERS. As I understand it, funds provided for SSC termination and LINAC have nothing to do with funds provided for the LMR.

Mr. JOHNSTON. No. The IFR and the LINAC, in Texas, are totally separate. They have absolutely nothing to do with one another.

Here is what the Department of Energy wants to do. They want the original request of $83.8 million.

Mr. BUMPERS. Will my colleague turn that chart around just a little?

Mr. JOHNSTON. Yes. The Department of Energy's original request is $83.8 million. They have an additional request of $33.2 million, which is for—I would call it sort of pork, to help the people in the area and keep them employed. So they have asked for $117 million.

Our phased termination option, which is 4 years, is $113.8 million. If the Japanese cost share—and that is not for sure. I have a lot of correspondence here from the Japanese where they would indicate—they were ready to close the deal earlier. Now they said they would reconsider. But they would contribute $15 million. The net cost this year would be $98.8. That is for fiscal year 1995.

So this is the comparison in cost of what the DOE was requesting and what we want to do with the Japanese contribution. In other words, it costs $18.2 million less to do what we wanted to do than what the Department of Energy wanted to do. Or, over a 4-year period it will cost $344.3 million under the Kerry amendment, and with our phased termination cost it will cost $327.8 million. That includes the Japanese contribution.

Again, that may not come in, but we think it will. This is really not a question of cost between the Kerry amendment and our amendment. It is a question of whether you complete the research.

If I may, it sounds counter-intuitive that you can do the two for virtually the same amount of money. The reason is that EBR–II, which is the experimental breeder reactor II, which is being operated at the present time, has liquid sodium in it, and under the immediate termination, as under the Kerry amendment, you must continue to operate that. You cannot shut it down or turn it off as you can with a regular light water reactor; otherwise the liquid sodium would freeze up. So you have to continue to operate it under the Kerry termination. The real difference is under both of these, you continue to operate EBR–II. Under ours you continue to do the experiments during the 4-year termination phase. Under the Kerry amendment you do not do the experiments.

All we are asking is that we complete the scientific program while you continue to operate for the 4 years of the phased-down termination under our option. It is not a question of cost. We show that we save $16.5 million over the life of this thing if we get the Japanese contribution. If you say the Japanese do not contribute, it may cost—I think the figure is $25 million. In either event, it is not a question of cost. We are not asking you do this to save the $16 million, and I do not believe Senator KERRY is saying to stop it because it costs $25 million because the Japanese may not contribute. That is not the question.

The question is whether you want the research. I believe, if I interpret Senator KERRY correctly, he is saying you would be tempted to build the reactor if you finish the research.

Not so. What we are saying is let us find the research, let us complete the research to explore the option because we have not yet picked another option. And if I may ask on the question of options, my friend from Arkansas did, in fact, talk about one of the options, which is to take plutonium from weapons and burn it in civilian reactors. Is my friend from Arkansas saying he would prefer that option? Understanding you are taking weapons grade plutonium and putting it in civilian reactors, which do not have the safeguards and do not have all the guards around it that you do at EBR–II or that you would at the single integral fast reactor, has the Senator from Arkansas settled on that option?

Mr. BUMPERS. I did not say that. I am just quoting from the Department of Energy and the Office of Technology Assessment.

Mr. KERRY. Will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. KERRY. I believe what the Senator was referring to—and it is the same option we discussed earlier—it is the MOX option. It is the combination of mixing the plutonium and uranium, and that gives you the potential, at that point, to burn. It is different from using pure plutonium in some form. There has never been a discussion of that.

Mr. JOHNSTON. If the Senator will yield, it depends on what kind of mix oxide. If you are poisoning it, in effect, with spent fuel or with waste from Hanford, that is one kind of fuel that you could conceivably use. That makes it awfully difficult to transport and handle. The other kind is a mix oxide where you have uranium and plutonium which can be easily handled and is not proliferation proof, and that is the problem.

Mr. KERRY. It is not really the problem, if I could just say, because in point of fact the Senate has now been presented with a sort of cloudy image of these different fuels and what the choices really are and whether or not we have made an option.

The fact is the National Academy of Sciences, as the Senator from Louisiana well knows, has given a very clear direction and is absolutely firm about these options. And in fact, Dr. Panofsky, who was quoted earlier by the Senator as somehow leaving the door open for this technology, does not leave the door open for this, only in terms of operational choices.

I think the Senator has a chart there, and in the chart, he has a quote about the research that was advocated from

the National Academy of Sciences. Maybe he could go back to that chart, because I thought there was a very important distinction that that draws which the Senator did not draw, and of which the Senate ought to be aware.

Mr. BUMPERS. While the Senator is looking for that chart, if I can get back into this debate to answer the question that was just asked—"Am I suggesting that we use this plutonium in light water reactors?"—I did not suggest any specific remedy. But the National Academy of Sciences listed this as an option for the disposition of weapons-grade plutonium.

Mr. JOHNSTON. It can be done.

Mr. BUMPERS. Let me continue:

According to a recent report prepared by the National Academy of Sciences, the two most promising alternatives for plutonium disposition are, No. 1, fabrication and use as fuel in existing light water reactors and, No. 2, vitrification.

The Department of Energy follows that by saying that you can take the 100 metric tons of warhead plutonium and mix it with uranium and burn the full amount—that is, the 100 tons—in existing light water reactors in 25 years.

Mr. JOHNSTON. If the Senator will yield, there are two problems with that. First, you can surely burn it in existing reactors. They have to be reconfigured. Earlier I pointed out where these reactors might be. The problem is a MOX fuel mixing plutonium and uranium is not proliferationproof. It is when it comes out the other end but not when it goes in.

Mr. BUMPERS. Mr. President, storing 100 tons for more than 30 years is even more dangerous. You can start to burn this plutonium now. You cannot start burning this plutonium under the Senator's plan until this design and capability is proven, and that could be 30 to 35 years from now, if ever.

Mr. JOHNSTON. The Senator points out properly that this is not a quick solution and, indeed, none—see, the Department of Energy has not settled on a solution either. This business of using——

Mr. KERRY. If the Senator will yield.

Mr. JOHNSTON. Vitrification—if I can finish—we do not have a vitrification facility in this country, nor do we know the limits of critical mass using the vitrification with plutonium—a real problem on disposal of fuels. If I may just point out on this quotation—you can prove most anything with quotations—if you look at that quotation, the sentence before and the sentence after puts it in quite a different context. The sentence before says, as part of that future referring to IFR:

They may offer the possibility of pursuing the elimination approach in the long-term, not only for weapons plutonium but also for the much larger quantities of civilian sector plutonium.

They go on to say—and they quote this—then they say:

In saying this, the committee does not intend to recommend either for or against the development and deployment of advanced reactors for commercial electricity production which is beyond the scope of its charge.

And the other National Academy of Sciences study, by a different panel which includes the present head of the Nuclear Energy Office in the Department of Energy, the present one says:

The committee believes that the LMR should have the highest priority for long-term nuclear technology development.

Should have the highest priority.

Again I quote:

The problems of proliferation and physical security posed by the various technologies——

Mr. BUMPERS. Let me interrupt. Is the Senator on page 2?

Mr. JOHNSTON. I am on page 197.

Mr. BUMPERS. I am sorry, we are reading from different reports.

Mr. JOHNSTON. This is the Nuclear Power Technical and Institutional Options for the Future by the Research Council of the National Academy of Sciences:

The problems of proliferation and physical security posed by the various technologies are different and require continued attention. Special attention will need to be paid to the LMR.

None of these talks about being an early option. I am not saying when you finish this 4-year study that you will be able to deal with the problem of plutonium proliferation. Unquestionably, that is not true. Nor is it true that you would be able to pursue any of these other options.

But we have not decided on any of these other options, and I would like to know what anybody proposes as an option, because each one of these options, using the CANDU reactors in Canada, using Palo Verde in Arizona, using the WPPSS reactor in Washington, all have proliferation problems that the IFR does not have, and they have practical problems, like how do you keep this plutonium safeguarded as it is going in its MOX state?

Mr. KERRY. I would——

Mr. BUMPERS. Mr. President, may I say to Senator KERRY, I want to yield the floor, and I want to terminate my part of this debate, if you will allow me to make some final observations.

First, I want to make the observation that the Senator from Louisiana is reading from a report that is older than the most current.

Mr. JOHNSTON. 1992. I read from both, one is 1994, the Panofsky report, where we had the hearing—I think the Senator was there for at least part of the time.

Mr. BUMPERS. If I may just read from the 1994 report which is about as hot off the press as anything you will get from the National Academy of Sciences on this subject, here is what they say:

Safeguarded storage. First, we recommend the United States and Russia pursue a reciprocal regime of secured, internationally monitored, storage of fissile material with the aim of insuring that the inventory in storage can be withdrawn only for non-weapons purposes.

No. 3, and I am reading from page 2 of the executive summary:

Long-term plutonium disposition.

That is what brought us to this colloquy and this debate right now.

We recommend that the United States and Russia pursue long-term plutonium disposition options that, one, minimize the time during which the plutonium is stored in forms readily usable for nuclear weapons; two, preserve material safeguards and security during the disposition process, seeking to maintain the same high standards of security and accounting applied to stored nuclear weapons.

The report proceeds to discuss other matters. But No. 1 on their list is to minimize the time during which this 100 tons of plutonium in the world today is stored in forms readily usable for nuclear weapons.

Now, just to pursue that a moment, they go on to say that the two most promising things that we ought to be doing to dispose of plutonium is either to vitrify it and store it or burn it in light water reactors. The NAS does not recommend the use of liquid metal reactors for the disposition of weapons-grade plutonium.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Just briefly to respond to that, that is clearly what they said at the National Academy of Sciences. Speaking of the short-term problem, what they are saying is that you need on a short-term basis to get this plutonium out of the form that can be put in someone's pocket and spirited out of the factory or out of the safeguard place. Clearly that is so.

What the National Academy of Sciences said in the same report speaking of the long-term steps is that:

Long-term steps will be needed to reduce the proliferation risks posed by the entire global stock of plutonium, particularly as the radioactivity of spent fuel decays.

To further refine these concepts, research on fission options for the near-total elimination of plutonium should continue at the conceptual level.

Now, this is what the IFR is continuing—total elimination. The IFR, or the LMR—they call it by either thing—is the only one that totally eliminates plutonium. It is true that MOX fuel mixing uranium and plutonium will irradiate the fuel and it makes it difficult to handle then and on the short-term basis is relatively proliferation proof.

However, using the PUREX process, which is a chemical process, using hydrochloric acid—you can separate it. North Korea has the PUREX process. You can take it out of these fuel rods. You can take it out of the vitrified or glassified rods and get your plutonium again. You cannot do that with spent fuel from uranium mines. That is a much more complicated process.

That is why the National Academy of Sciences, while saying exactly what the Senator said, also said that you need to refine these concepts. "Research on fission options for the near-total elimination of plutonium should continue at the conceptual level," which is precisely what we are saying—continue the research for the 4 years.

You see, our program is a termination program for EBR–II, which is the reactor. We say terminate it in 4 years. The Senator says terminate it in 4 years. The difference is he says do not do the research which gives you conceptual research on options for the near-total elimination. He says do not do that, no cost. Now, that escapes me—why you would not want to do the research to find the answer to this in the same length of time. You end up with EBR–II, the reactor, terminated in 4 years and it does not cost any money and why would you not want to find the answer to that question? The National Academy of Sciences says you ought to do it.

Mr. KERRY. If the Senator will yield.

Mr. JOHNSTON. I will yield for a question.

Mr. KERRY. I am sure he would agree with me, because he said it previously, that it is only at no cost if the Japanese agree.

Mr. JOHNSTON. If the Japanese agree, I think we make—we save $15 million. If the Japanese do not agree, I think it costs $26 million over 4 years.

Mr. KERRY. Let us come back and phrase the question the way I did. It is only at no cost on two counts: First, if your expected expenditures pan out, which I will show momentarily has never happened and even now is not, and, second, if the Japanese contribute. If the Japanese do not contribute, the taxpayers are out the money. Is that not accurate?

Mr. JOHNSTON. The Japanese what?

Mr. KERRY. If the Japanese do not contribute, the American taxpayer is going to have to ante up.

Mr. JOHNSTON. I believe that is correct. And I think the figure is——

Mr. KERRY. Here is a letter hot off the press as of 30 minutes ago, as the Senator from Arkansas said, saying that we have not signed any new agreement with the Government of Japan.

Therefore, based on Department of Energy budgetary estimates from fiscal year 1995 to 1999, the cost to terminate the integral fast reactor will be $20 million less than continuing the program.

So for hours now all of you folks have been saying here it is less expensive to continue, and here straight off the press from the Department of Energy is, No. 1, a statement the Japanese are not contributing and, No. 2, a very clear statement that it is more expensive to continue the program.

Mr. JOHNSTON. Not for fiscal year 1995. For fiscal year 1995, without the Japanese cost sharing, you save $3.2 million.

Mr. KERRY. That is not for termination, that 33.

Mr. JOHNSTON. Yes. Both of these are terminations. Our program is a termination of what we call EBR——

Mr. KERRY. The $33 million is for other projects that Argonne is going to pursue. The $33 million is for other projects Argonne will pursue.

Mr. JOHNSTON. Twelve of the 33 I am advised are for additional projects.

Mr. KERRY. No, the whole $33 million is for other projects that Argonne will pursue. But you see, all of this is skirting around what is really at issue here. It really does not come to grips with the choice. And I wish to go back, if I may, if I could ask the Senator respectfully to go back to the quote he had a moment ago about conceptual. He was quoting from the report. Let me just take—this is the 1994 report. The 1994 report says point blank:

Advanced reactors should not be specifically developed or deployed for transforming weapons plutonium into spent fuel because that aim can be achieved more rapidly, less expensively, and more surely using existing revolutionary reactor types.

So here is the Academy saying point blank——

Mr. SIMON. Will my colleague yield?

Mr. KERRY. Let me just finish. Point blank, do not do this for the very reason that all of you have asserted is a good rationale for doing this.

Now, you go further than that and the next page——

Mr. JOHNSTON. Wait.

Mr. KERRY. Let me just finish. On page 161 of the report—I mean we have had very little time to rebut about four or five speakers. I just want to put a little bit of this information into perspective.

Mr. JOHNSTON. Wait a minute. The Senator was asking me a question, did they say the quoted language, and the answer to that, if that is a question, is yes. But I say to the Senator, respectfully, if you put it in context, it comes to a different conclusion because the sentence before says, "As part of that future"——

Mr. KERRY. I am willing to read the whole paragraph in because it goes to this question of conceptual. They are, indeed, advocating conceptual research. But what you have and what is being funded goes way beyond conceptual research. It is operational funding.

Mr. JOHNSTON. No, no, it is not.

Mr. KERRY. It absolutely is. It is moving toward the construction of a prototype.

Mr. JOHNSTON. It absolutely is not.

Mr. KERRY. This is where——

Mr. JOHNSTON. Mr. President, let me make this clear because about this there is no doubt and no question. It is our bill. I would not mislead the Senate or I would not mislead my friend from Massachusetts.

Mr. CRAIG. Will the Senator from Louisiana yield?

Mr. JOHNSTON. What we propose is the completion of a 4-year research program at the end of which you will have terminated EBR–II, which is the experimental breeder reactor up in Idaho. We are testing the fuel and we are doing the design work. There is no new start. There is no construction. There is no leading to—it is in effect conceptual work.

Mr. KERRY. I agree with the Senator there is no new start construction, but there is a huge gap here and I am going to wait. I know the Senator from Idaho has not spoken yet. I wish to come back. But I intend to show how in fact this argument about civilian plutonium, military plutonium disposition, et cetera, simply does not stand up. And I am happy to wait to do that.

Mr. JOHNSTON. All right. I wish to yield to my friend from Idaho, but I wish to say, first of all, with respect to the National Academy of Sciences, what they are saying is you should not specifically develop or deploy. That means the building of a reactor specifically for the purpose of elimination of weapons plutonium. They go on to say that it has attractive options for the elimination of plutonium but that should be pursued only as part of a program that might generate electricity as well and that it is too soon to tell whether that is the proper option.

Mr. KERRY. If I could say to my friend—and this is a good dialog and it is important— if we turn to the next page, page 161, of the very same report, it says the following:

Commercial reactors of the types currently operating in the United States, known as light water reactors, offer the technical possibility of transforming excess weapons plutonium into spent fuel within a few decades. Such a plutonium disposition campaign could probably begin within roughly a decade paced by the need to provide a plutonium fuel fabrication capability and a variety of institutional issues, including licensing and public acceptance. Once started, the campaign could be completed within 20 to 40 years paced by the number of reactors participating * * *.

And so forth.

As the Senator well knows, we are on a light water reactor development program—advanced reactor. That is the *current technology* in the United States. There is no reason given that *capacity within light water technology* to do any of this in the liquid metal technology except for the rationale that has been proposed by Senators, which is to use up weapons-grade plutonium. Having shown that you do not

need to do that, let me just point out one very quickly——

Mr. JOHNSTON. If the Senator will——

Mr. KERRY. Let me finish this one point.

Dr. Panofsky, who has been quoted here, said very clearly at the press conference releasing the report, he described the results of the study saying that the panel had started with a horse race of more than a dozen horses, and it shot all but three of them: vitrifaction, MOX, and deep bore holes. In other words, Dr. Panofsky himself said at the press conference announcing this report that as far as an option for plutonium disposition, ALMR was not even in the horse race.

Mr. MITCHELL. Mr. President, will the Senator yield for an inquiry?

ORDER OF PROCEDURE

Mr. JOHNSTON. Yes. Mr. President, the Senator is inquiring about a time agreement. I was just getting ready to see if we could get a time agreement with maybe an hour equally divided.

Mr. MITCHELL. Mr. President, this amendment has already been debated for more than 3 hours. We are entering the fourth hour of debate on this amendment.

Mr. JOHNSTON. I will agree to whatever time agreement the Senator from Massachusetts will. I think the Senator from Idaho has not spoken yet. What would the Senator from Massachusetts suggest?

Mr. KERRY. Mr. President, I have a couple of other Senators who have asked for time, I am told. So I think we would need to reserve 45 minutes on this side.

Mr. JOHNSTON. Could we not do it in an hour?

Mr. KERRY. If I may say, there are a lot of debates that take place on the floor. We spent hours on Haiti yesterday. I am happy to accommodate. But if I have a couple of Senators who tell me they need 10 or 15 minutes, I think asking for 45 minutes, given the money at stake and the nature of the issue measured against a lot of other hours in the Senate, is not that tough.

Mr. MITCHELL. Mr. President, one thing I have learned in the Senate is every Senator believes that his issue is the most important and his words are the most important. I know other Senators feel that way on other issues. It is something we have to contend with.

I feel we are now entering the fourth hour of debate trying very hard to complete action on this bill. Would the Senator from Louisiana be agreeable to having an hour with 40 minutes for Senator KERRY?

Mr. JOHNSTON. We have other speakers as well. I would be willing to cut our side short as well.

Mr. KERRY. Mr. President, let me say to the distinguished majority leader, I know he wants to move on. We all want to move on. I do not think I have ever delayed the Senate. I would like to try to come to an agreement. I do not have a problem. I am just trying to protect a couple of Senators who are not here. I can do it in less time. I am certainly not asserting that my words are going to make that kind of difference here. But I want to protect those who are not here.

Mr. JOHNSTON. Mr. President, I would agree to whatever equal division the Senator from Massachusetts agrees to, if an hour and a half is the best he can do.

Mr. KERRY. I would be happy to try to yield it back if we can get some word they are not coming to the floor. All I want to is do is make sure they have that ability. I will yield it back. I will make that statement.

Mr. JOHNSTON. Let us make an attempt to yield back. If the distinguished majority leader will accept it, we will go with 1½ hours. I think we can yield back.

Mr. MITCHELL. Could we have the amendment offered? I think that would be a useful step. Then if the best we can do is an hour, let us take 1½ hours. But every Senator here knows that come about 6 or 7 o'clock this evening, I am going to be besieged by requests from Senators about when we can leave, and when are we going to be through with the evening, when are we going to be through with the week? We have to make some progress here and get this bill passed.

Mr. JOHNSTON. I say to the distinguished majority leader I have been asking for a time agreement since shortly after 9 o'clock this morning.

Mr. MITCHELL. An hour and half, after offering the amendment?

Mr. KERRY. I am happy to do that.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that when the Kerry amendment is offered, there be 1½ hours of debate after which there would be a vote on or in relation to the Kerry amendment, and further request there be no second-degree amendments in order.

The PRESIDING OFFICER Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that the pending committee amendments be set aside for the purpose of offering an amendment.

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

AMENDMENT NO. 2127

(Purpose: To provide for the termination of the Advanced Liquid Metal Reactor/Integral Fast Reactor [ALMR/IFR] Program)

Mr. KERRY. Mr. President, the amendment is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachussetts [Mr. KERRY], for himself, Mr. GREGG, Mr. BUMPERS, and Mr. LAUTENBERG, proposes an amendment numbered 2127.

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

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

The amendment is as follows:

On page 40, between lines 21 and 22, insert the following:

SEC. 502. TERMINATION OF ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) TERMINATION.—Except as provided in subsection (b), funds appropriated under this Act may not be obligated or expended for purposes of the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALM/IFR) program.

(b) TERMINATION COSTS.—Funds appropriated under this Act for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) program may be obligated and expended for that program only for payment of the costs associated with the immediate termination of the program, beginning in FY 1995.

Mr. KERRY. Mr. President, I believe the Senator from Idaho seeks recognition.

The PRESIDING OFFICER (Mr. KERREY). Who yields time on the amendment? Does the Senator from Louisiana yield time?

Mr. JOHNSTON. Yes. I yield 15 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, thank you.

Let me also thank the Senator from Massachusetts for propounding his amendment. We have an amendment on the floor to debate.

Let me say to both the Senator from Massachusetts and the Senator from Arkansas, who have debated their position most clearly this morning, that frankly not much has changed, not much has changed from a year ago when this Senate engaged in a very similar debate on this issue.

The Senator from Massachusetts will cite new scientific evidence that would cause this issue to be debated differently. But I would suggest that there is every bit the countering evidence scientifically as presented by the Senator from Louisiana that, in my opinion, holds sway, and, if not that, at least balance in this argument.

But let me tell you that while the arguments of the Senator from Louisiana or this Senator from Idaho or the Senator from Massachusetts have probably not changed from a year ago, Mr. President, something has changed, that is, the position of the Department of Energy and this administration on the issue of funding for the completion of the scientific project known as IFR.

That is why we are here today in large part, because a year ago when the Department of Energy was asked the profound questions which the Senator from Massachusetts put before us this morning—they being, risk of major proliferation, technology has no use,

and that this was a major deficit increase—here is what the Secretary of Energy said a year ago.

She says: "It has strong economic potential" and "could save billions of dollars over 60 years by recycling actinides, which are isotopes of uranium."

The Secretary of Energy said: "Offers major environmental health and waste management benefits." And there she was talking about the question of the ongoing storage of spent nuclear fuels of this country and no method by which to effectively reduce their radioactivity long term.

She also said at that time: "Would use a process that is proliferation resistant."

Might I suggest, Mr. President, that the old statement "what a difference a year makes," in this debate has made the difference, with the Secretary of Energy. How can this be a non proliferator last year, and yet the Senator from Massachusetts stands on the floor today and says that it is a proliferator this year? I do not blame Senators for being frustrated or confused because of the bantering back and forth as to which is good science or which is bad science, which report says this and which report says that. Those arguments have not changed, but Secretary O'Leary has changed her position. Why?

Well, the Senator from Massachusetts said that it is a deficit issue. Doggone it, it is not a deficit issue anymore, and the Senator from Massachusetts knows that. We are terminating the EBR terminator reactor in Idaho right now. That is going to cost hundreds of millions of dollars to terminate. But in the process of doing that, we are completing a research program as to how to establish an integral fast reactor that burns plutonium.

That is what we are talking about today. Will the Japanese participate? Has the Senator from Massachusetts found a slight window in which he can argue some kind of deficit reduction? And is that based on whether the Japanese will or will not participate in this project? Because I will tell you, the Secretary of Energy has worked overtime trying to get them out of the project. *Yet, they still hang on. I want* to quote from a letter and then add it by unanimous consent to the RECORD, Mr. President. It is dated June 17, 1994. This is from the president of the Power Reactor and Nuclear Fuel Development Corporation of Japan. This is what he writes to our chairman of the Energy and Natural Resources Committee, BENNETT JOHNSTON:

> We remain interested in working with DOE in this field, although its recent actions don't provide a stable, credible base on which to proceed at this point.

And that is what we are about today. If Congress were to restore the program for the next fiscal year, we would consider our options about participating in the joint program.

I ask unanimous consent that that be printed in the RECORD.

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

POWER REACTOR AND NUCLEAR FUEL DEVELOPMENT CORPORATION,
Tokyo, Japan, June 17, 1994.

Hon. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington DC.

DEAR SENATOR JOHNSTON: In response to your inquiry, I would be pleased to provide you with information on the status of PNC's views about actinide recycling R&D activities. We have three cooperative agreements with the Department of Energy (DOE) in the areas of fast breeder reactors, waste management activities, and safeguards. In general, we would like to enhance our cooperative R&D activities with the DOE since we believe that, through joint efforts in areas of mutual interest, each country can further its own research agenda and conserve limited budget resources as well.

In this regard, we did make a specific offer earlier this year to contribute to a multi-year, R&D program on actinide recycling and the IFR directed by the Argonne National Laboratory (ANL). If realized, this would have marked the first commitment by a corporation affiliated with the Japanese Government such as ours (although several Japanese private entities have supported certain projects in this area). We came very close to reaching a final agreement with the DOE.

Our tentative assumption for this cooperative project was approximately $60 million over five years, subject of course to the approval of the budgetary authorities in Japan. However, the project was abruptly terminated by the DOE in January of this year when funding wasn't identified in the Administration's request for FY 1995 budget. We were therefore forced to cease cooperative discussions with the DOE and no longer secure financial resources for this cooperative project in coming years.

Meanwhile, we are starting on our own to carry out R&D in the field of actinide recycling. A new long-term plan for nuclear energy, under the auspices of the Atomic Energy Commission of Japan, will include specific reference to the importance of carrying out R&D on advanced reactors, including those for recycling actinides. It requires technologies which are still in the initial stage of research, but we are committed to proceed with R&D in the long term in order to make tangible progress.

We remain interested in working with the DOE in this field, although its recent actions don't provide a stable, credible basis on which to proceed at this point. If congress were to restore the program for the next fiscal year, we would reconsider our options about participating in a joint program.

We appreciate your interest and leadership on these issues and hope our two Governments can continue to cooperate on nuclear energy and other advanced technologies in the future.

Sincerely,

TAKAO ISHIWATARI,
President.

Mr. CRAIG. Why would Japan be interested? Why do they want to continue to work with all of us in the development of this program? Well, Mr. President, it is obvious why they want to do it. They, like a lot of other countries around the world, are frustrated. They are frustrated over their light-water reactor program because it produces plutonium. And they must recycle that through the processes of PUREX, as has been described today. And they, like France and like England and like the United States and like Russia, would like to operate a reactor that does not produce plutonium. The IFR is that reactor design. You cannot deny it. That is what our scientists tell us. That is reality. That is what we are here debating today.

So you see, I am about as frustrated as these Japanese are that we have a Secretary that one year says that this is a good idea and this is an economically right idea and an environmentally sound idea and this is a nonproliferating idea, and all of a sudden, she finally fills her offices with assistant secretaries that are profoundly antinuclear, and her mind changes. Doggone it, that is what has happened. The economics have not changed, the science has not changed, but the politics have changed.

The 900 employees in Idaho and 500 employees in Illinois who have done their level best to make this one of the finest science programs we have, that have always stayed in budget, that are on time and on line, cannot understand why, if the science was good a year ago, why it is not good today. But the politics have changed. The politics have changed.

Business Week magazine is not a very political publication. While they are willing to credit this President with some of his technology agendas, they are saying: Mr. President, on this one you are making a mistake, and your Secretary is profoundly wrong. They are suggesting—and the Senator from Illinois has put this quote in the RECORD, so I will not ask that it be printed—that we do not now have a long-term proposal for the shortening of the radioactive life of our nuclear waste materials in this country.

The Senator from Massachusetts today talks about time and money, and that is what we should be talking about. Today, thanks to this Senate, we are working to establish a long-term solution to spent commercial nuclear fuel. We have said to the State of Nevada that we do not care what your politics are, we are going to store it there if we can. That is a Government position, a Government policy. And we have chosen Yucca Mountain, and we are going to spend well over $6 billion to get a piece of paper that says that this area is geologically sound enough to store nuclear waste or it is not. That is only a piece of paper, Mr. President. And then once we have the paper, and if it says yes, we will build a facility that may cost $4 or $5 billion, and we can fill that facility overnight.

Here is why we can fill the facility. It is because the Senator from Massachusetts, in his State today, has 2,021 casks of spent nuclear waste fuel. He has 431 metric tons. Fifteen percent of the power that lights the lights of Massachusetts is generated by nuclear power. Every day when you throw a light switch, you generate a little waste. That is in Massachusetts.

In Arkansas, 33 percent of their power is generated through nuclear, and they have 1,188 casks. It goes on and on. When a Senator stands on this floor, as did my colleague from Arkansas, and talks about morality, long term and short term, the moral thing to do is to fund the IFR, because that is the long-term solution. The Senator from Massachusetts is absolutely right—this will not be built tomorrow if the science and research proves out. It cannot be built tomorrow, and we are not prepared to do that.

For this Secretary to suggest that this is a $2.7 billion project, just is flat wrong, and she knows it. She is playing politics.

This Senate and this Congress have never said they are going to fund the development of this reactor design. No. The Senator, who is the chairman of the Energy Committee and the chairman of the appropriations portion, is right when he says that this will be terminated in about 2½ years and he states the costs—and they are accurate.

Nobody has said anything, nobody has told the 900 people in Idaho they are going to stay on to the year 2000 and build a new reactor if it were to be built there. They know once their work is done, EBR–II comes down, based on the policy established by this Congress a year ago.

That is the reality of this debate. You should be debating it on politics. There is nothing wrong with that debate. But do not debate it on economics. Do not debate it on science, and do not debate it on the deficit.

The Senator from Illinois and I stood on this floor many times debating balanced budgets, and I think the Senator from Massachusetts made reference to the balanced budget and line-item veto today. That did not pass me by. I knew what he was saying.

When we debate balanced budgets, we talk about reducing the deficit. We talk about saving money. But one thing that we do when we save money is we also learn not to waste money.

We have spent $800 million on this project. We are a few million away from the design completion that sets this on the shelf and gives these young people an option for their future to know that we can produce electricity, that we can burn spent nuclear fuels, and that we will not proliferate.

The Ambassador from Russia wants this program and hopes we will continue it. The Japanese want it. The French want it. The British want it.

Why do we not want it? Why should we not be the world leader in this technology? We always have been.

I know this President is struggling with his foreign policy. This is good foreign policy. This is the best there is. When the world turns to the United States and looks at our science and says, "That is the right science and you are leading us into the future, and that is what we want," that is good foreign policy.

Hazel O'Leary should not be practicing foreign policy down at DOE. A lot of the nations of our world want this now, because they do not want to proliferate. They do not want to have to go through the PUREX process of the light water reactor. They want something that will burn it. Why do we not work with them and finish this project and give it to them?

That is good politics. It is good economics. It is sound. That has been the argument in the past. That is the argument today.

That is why I think clearly the committee of authorization did the appropriate thing when they recommended funding of this project.

We have heard a debate about how do you get rid of the spent materials now? How do you get rid of weapons-grade plutonium now? Mix it with uranium? Make a MOX-fuel burn in light water reactors, and you have solved the problem.

How can you solve a problem when the light water reactor of average size produces 500 pounds of plutonium every year and creates a very large waste stream?

I suggest to the Senator from Massachusetts that that is only the short-term problem about getting the weapons-grade plutonium off the street and getting it mixed so that it cannot be reconfigured, but it does not solve that problem.

Short term and long term—this Nation has been known for its farsightedness. I would not like to think that we are shortsighted on our future.

We must handle our nuclear waste or the lights will go out in Massachusetts because the American people will simply say, "Congress of the United States, you have not been responsible in handling nuclear waste. We do not want any more reactors. We ask you to shut down the ones you have."

That would be a tragic day because we know that nuclear energy is clean. We know that it does not pollute the air. We know that it does not damage the ozone. We know that it is a tremendous producer of energy in a clean sense, and our only problem is that we cannot come to political terms on how to handle the waste stream. So we in a very unpolitical way are letting it build up around the Nation because what we are talking about in Massachusetts is dry storage and it is sitting on top of the ground out there.

Idaho does not generate, but we are willing to help you solve the problem because we have the experts who know how to do it, and we want to help the rest of these States, this Nation, and the world bring about the science that will produce the reactor ultimately that will get to where we want to get.

That is why this quote from Business Week is accurate. That is why the Secretary of Energy is just simply wrong.

While I do not agree with her on a lot of things, I disagree with her politics on this. She can play politics, and that is what is going on because economics and science do not fit at this moment. I think those arguments have been well placed on the floor today and very clearly understood.

So let us not waste money. Let us analyze this in a deficit neutral way. Let us get to the Japanese and encourage them to come back on board as they are standing waiting to go at this moment and not discourage them but give them the green light that we will go through to the completion of this research project.

That is what this debate is all about today. It is not about really anything else. It cannot be about proliferation. It is a nonstarter false argument, and we all know that today. That is the basis of the new concept, which is to get away from proliferation, to get to a safer reactor, a walk away, a hands-free reactor, that is cool in its operation and safe to the society around it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSTON. Mr. President, I, at the conclusion of this vote—the Senator from Arkansas [Mr. PRYOR], has been asking for 8 minutes to make a statement.

I ask unanimous consent that he be recognized after this vote to make a statement on an unrelated matter for 8 minutes.

Mr. PRYOR. Mr. President, I thank the distinguished Senator.

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

Mr. JOHNSTON. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank Senator JOHNSTON.

Mr. President, first, a clarification. We have been hearing about the National Academy of Sciences on both sides of this. The National Academy of Sciences says if you want to do this solely to get rid of plutonium, this does not make sense. No one wants to do this solely to get rid of plutonium. It is an energy creator.

Second, we have problems in almost every State. Someone just handed me an Associated Press story from Newport News, VA. Let me just read a few sentences.

The Navy and the Department of Energy have decided that the Newport News Shipbuilding and Drydock Company will not keep a nuclear waste from warships after June 1995. However, it is still not clear where the spent radioactive fuel will go after then, Navy and DOE officials said. A recently released 4,200-page Department of Energy report listed 10 places, including the Government-owned Norfolk Naval Shipyards in Portsmouth where nuclear waste from warships weapons factories and research reactors may be stored between 1995 and 2035. The Navy wants all its nuclear wastes to go to the Idaho National Engineering Laboratory.

That is just brand new.

In your State, Mr. President, in Nebraska, 34 percent of the energy in Nebraska comes from nuclear energy. You have right now in Nebraska 351 tons of spent fuel in storage. If we do not find an answer, it is going to just build up and build up and build up, totally aside from the arms problem that is involved here.

We have letters from academics all over the country saying it is really important to move ahead on this. I would like to put in the RECORD a letter from the head of the nuclear engineering department of MIT, the Massachusetts Institute of Technology, and 11 professors there, and I ask unanimous consent to print that in the RECORD.

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

MARCH 17, 1993.

Subject: Advanced Nuclear Power Technologies in the Clinton/Gore Era.

LETTERS TO THE EDITOR,
The Washington Post,
Washington, DC.

GENTLEMEN: The proposed federal budget would eliminate the program to develop the two most innovative of the advanced nuclear energy technologies, for a potential savings of $200 million in the next budget, and $1 billion over five years. These programs, for the liquid metal-cooled and gas-cooled reactor concepts, were started during the 1980s in an effort to improve nuclear power plant safety.

We write, concerned that this decision may prove very harmful to the country. We urge that a decision as important as this one should be taken only after deliberate debate of its full implications. This has not occurred. Instead, the decision announced ignores the technological benefit of these programs, such as were pointed out in the 1992 National Academy of Sciences/National Research Council report concerning our national advanced reactor development strategy. That report has not been rebutted in formulation of the announced policy. Instead, it has so far been ignored.

Much time is needed for developing new technological options. The progress made to-date in the advanced nuclear energy will be difficult to replicate if it is discarded. Such a decision should only be made following an open exhaustive discussion.

The technologies of the current DOE Program include Light Water Reactors (LWRs), Modular Gas-Cooled Reactors (MGR) and Liquid Metal-cooled Reactors (LMR). Each has a different role and rationale in the overall national energy strategy adopted by the Congress last fall. The LWR program is concerned with making significant safety and economic improvements upon the power plants in current use, both through evolutionary improvements and improved safety concepts. The MGR has been cited by its proponents as the concept offering possibly the greatest potential for improved safety, and has provided the inspiration for efforts to develop a new generation of advanced reactors. The LMR is most important for its capability to convert the very large non-fuel portion of natural uranium into plutonium, which can be used as reactor fuel. If nuclear energy is to play any important role in mitigating global warming (should that phenomenon turn out to be a serious problem), this capability will be essential as terrestrial uranium resources appear to be small enough that they would otherwise limit the contributions of nuclear energy technologies. Conceivably the LMR can also be useful for consuming long-lived nuclear wastes. All three reactor types can also be used to consume plutonium from surplus nuclear weapons.

The rationale offered by the White House for the announced policy is that the LWR program should continue, as it offers near-term payoffs; the MGR program should be ended because it is not needed and will not provide benefits during this decade, and the LMR program should be terminated because it is of no interest to electric utilities and its promise for alleviating nuclear waste disposal problems are too uncertain and far into the future.

We have each worked on different aspects of advanced nuclear power concepts throughout our careers. We believe that the threatened reactor development programs have good chances for success, and can provide valuable technological options for the nation. Should these programs be ended, it would be so expensive to revive them later that we might never receive their benefits.

Beyond the implications for technological advancement, the announced decision is important for the existing nuclear power plants, which produce about 20% of the nation's electricity. Experience has shown that nuclear technology can be very valuable when used properly, but very unforgiving when used carelessly. This effort demands the involvement of our most capable people. The ability to attract individuals of the highest quality into this field will be greatly impaired if it comes to be viewed as having stagnated. The announced decision implicitly makes that statement.

Thus, we argue that the advanced reactor development programs should be improved, not shutdown. We suggest that arguments to the contrary be examined carefully, and rejected when they are found to reduce the nation's range of promising energy options. This is the case with the proposed halt in developing a new generation of advanced reactor technology, and it should be reconsidered.

Sincerely,

Ronald G. Ballinger, Professor of Nuclear Engineering; Elias P. Gyftopoaios, Professor of Nuclear Engineering; John A. Bernard, Jr., Director, Reactor Operations Nuclear Reactor Laboratory; Michael W. Golay, Professor of Nuclear Engineering; Allan F. Henry, Professor of Nuclear Engineering; Michael J.Driscoll, Professor Emeritus of Nuclear Engineering; Otto K. Hariing, Director, Nuclear Reactor Lab., Professor of Nuclear Engineering; Mujid S. Kazimi, Professor and Head, Nuclear Engineering Department; John E. Meyer, Professor Nuclear Engineering.

Mr. SIMON. Mr. President, there is a point where it simply is not prudent to stop a project.

When I was a Member of the House, I say with some reluctance to my friends who have offices in the Hart Building, I voted against the Hart Building. But once you had the building under construction, I then voted to complete the building so we would not just waste the money.

We are in that situation here. We are in a situation where we can either complete the project and learn something, or devastate the project at the same cost. That just does not make sense.

I hear a great deal from citizens in Illinois when I go out that we ought to be less partisan in this body. I agree on that completely. Here is a case where the two Senators from Idaho, who are Republicans, are working with the two Senators from Illinois, who are Democrats. Congressman HASTERT and Congressman FAWELL, Republican Members of the House are strongly in support of this.

I have heard from Gov. Cecil Andrus and Attorney General Larry Echohawk, Democrats from Idaho who are on this.

I have a hard time believing that anyone who is reasonably objective can look at this and not say the prudent thing for us to do, whether from a fiscal viewpoint or from an arms proliferation viewpoint, is not to go ahead.

Among others are the National Association of Regulated Utility Commissioners, the AFL–CIO, the American Society of Mechanical Engineers, and most of the major utilities of our country.

On the question of Japan, in the first 5 months of fiscal year 1994, Japan gave us $9 million. They were ready to give us another payment for $10 million when, in the words of the Japanese leader, he says, it was "abruptly"—that was his word, "abruptly"—"canceled by the Department of Energy." The total commitment of Japan was for $60 million. Japan does not do these things lightly. And the indication from them is if we stop, they are going to try and go ahead in this field. If they go ahead, guess who profits all around the world from the technology we are looking for?

Mr. President, I think it would be a great mistake for the future of this country to adopt the amendment of the Senator from Massachusetts.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I yield myself such time as I might use.

Mr. President, there have been some extraordinary, broad, grabbing comments about why this is necessary. And, frankly, they are just plain incorrect; incorrect on the science as well as on the facts. Let me discuss that.

The Senator from Idaho and the Senator from Illinois a moment ago were

saying, we are just going to have this waste build up and build up and build up. And we just heard how plutonium is coming out of the plant in Massachusetts and Arkansas and elsewhere, and we have to deal with it.

The fact is that usable plutonium does not come out of the plan in Massachusetts or in Arkansas. There are two kinds of waste that come out of our current technology of nuclear plant. They are called actinides, with a nuclear number of 89 or higher, which includes plutonium, and then fission waste, fission waste which cannot be split into further use of energy. That is what you get, plutonium mixed with other components. And it is precisely because you have to reprocess it that this cannot be used as a bomb material.

So the plutonium, that the Senator from Idaho tries to scare everybody about the buildup of, is already mixed in fuel and it is an extraordinarily expensive and complicated process to get that plutonium out in order to use it.

But the reactor that they are talking about building will build quite near weapons-grade plutonium, so you have a whole tracking process, not exactly weapons-grade plutonium, but much closer to weapons-grade plutonium than what you have in the present system. And that is a matter of fact.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. KERRY. I will yield on your time.

Mr. JOHNSTON. On my time.

I would like to deny categorically and completely the Senator's last statement. Our reactor does not use weapons-grade plutonium.

Mr. KERRY. I said near.

The Senator from Louisiana knows that the plutonium that is created through the process and extracted because it has to be reused is nearer to weapons-grade fuel than the fuel of any mixed plutonium in a light water reactor. Now you cannot deny that as a matter of scientific evidence.

So you are creating a closer to weapons grade form of fuel and you have a whole problem of trying to keep track of it.

But here is the reason. The Senator says, "Why has the Secretary of Energy changed her mind?"

Well, first of all, the Secretary of Energy came to me and said she wishes she had paid more attention to this and been able to make this decision last year, so they would not use her quotes this year. But she did not have that time and now she has and she has reviewed it. And the Secretary of Energy has written a letter which says point blank, "Here is the reason, my colleagues, that we do not need this."

Quoting the Secretary of Energy:

> No further testing of the Integral Fast Reactor concept is required to prove the technical feasibility of actinide recycle and burning.

There you go. We do not need to do it because it is not necessary in terms of the science. She goes on further and says:

> The basic physics and chemistry of this technology are established.

Now, what is really going on here is an effort to try to—I mean, if this is going to have all the great business technology aspects that have been talked about and the future that the people are talking about, that means you are going to use it. And the fact is that the President of the United States has said we do not want to use it because it has an affect on proliferation in the world and a host of other entities have agreed with that.

Now we have had heard about the jobs issue. My good friend from Illinois mentioned it earlier, something about little games with careers. This is not a little game with anybody's career. There is no game being played with people as far as the choice we face.

In fact, in the letter from the President of the United States, he says:

> In an effort to redirect the ALMR's dedicated and talented workforce at the Argonne National Laboratory in Illinois and Idaho, the Department of Energy, under Secretary O'Leary's direction, recently completed a proposal to restructure its nuclear research program and focus on areas that support the administration's nuclear policy goals.

So there is a specific effort to keep people working.

Mr. President, I do not want these people put out of work. There is plenty of research for them to do. But they do not need to do research which the Secretary of Energy herself has said is already complete. We do not need this in order to understand the basic physics and where we are going.

Now, we have heard again and again, as a fundamental rationale for trying to go down this road, that the ALMR will solve our plutonium disposition problem and even deal with the question of waste.

Mr. President, that is not true. As a matter of scientific fact, it is known that this reactor creates new kinds of waste. You cannot just dispose of an *element. You can change an element.* Basic physics taught us that.

And what happens when you burn the plutonium is you wind up with other kinds of waste, some of which has a half-life much longer than the plutonium itself. In fact, if you look at the cost of pursuing the plutonium proposal put on the table versus the repository alone, which is the current alternative, you are talking about the difference of $33 billion and $117 billion. You are talking about $4 billion per ALMR reactor if you go down that road, not to mention the licensing problems, the citing problems, and all of the public problems you are going to have in trying to do that. You have not only done that, but you have created a whole new form of waste.

As I mentioned earlier, you have two kinds of waste coming out of a nuclear plant today. Supporters of this program have come to the floor today and they are suggesting that you are going to solve the waste problem by turning actinides into fuel.

But, Mr. President, I remind my colleagues that does absolutely nothing to reduce disposal costs or risk. You still will have to have the repository. In fact, DOE's own waste managers are not purchasing the ALMR technology because they believe it is too costly and unnecessary.

The Senator from Illinois, a whiie ago, talked about all the people in the Energy Department that support this. The people in the Energy Department do not support this technology and they are not even pursuing it is because it is too costly and unnecessary.

Moreover, it does not reduce the volume of fissioned products. And, as I just mentioned, the ALMR process itself, when you take the plutonium and burn it, creates a whole new set of waste and that continues as a result of the additives that are needed. And, according to Argonne National Lab technical documents themselves, they acknowledge it will create this new waste.

Now the reprocessing step alone, Mr. President, would increase the amount of high-level waste by 30 percent. When you burn the plutonium, you turn it into high- and low-level waste and you will create a 30-percent increase in waste that then still needs to go to a repository.

Moreover, those fission products that are left behind are both intensely radioactive and water soluble, which means that they can be much more dangerous to the environment. They will require a long-term deposit in a repository and they will dominate the long-term risks of that depository.

Let me give you a specific example. Iodine 129 has a half-life of 17 million years. Cesium 135, a 3-million-year half-life. Technetium, a 212,000 year life.

By comparison the half-life of plutonium 239 is 24,000 years.

So I respectfully suggest if you really examine what is at stake here, on the issue of whether it is more expensive or less, we have disposed of that. It is more expensive to continue. I ask any one of my colleagues just to go back and remind themselves about this program through the years. Go back to when Senator BUMPERS said he started trying to get rid of it in 1978. After hundreds of millions of dollars, $8 billion, and you have nothing to show for it, and now a tough President and others saying do not do it.

My colleagues have said not much has changed in the last year. That is not true. Since last year you have a President who is specifically saying I do not want this because it is a threat

to proliferation issues in the world. You have a National Academy of Science report that says, "The advanced reactors are not competitive for this mission because of cost and delay of their development, licensing, and construction." You have an OTA report. Let me read from the OTA report. Incidentally, all of these are neutral. We have heard from the Chicago Tribune. We have heard from the attorney general and the Governor of Idaho. But here are neutral students of this very issue. The report of the OTA says:

A number of studies have examined the use of nuclear reactors including the ALMR/IFR to dispose of plutonium from dismantled U.S. and former Soviet nuclear weapons. These studies were carried out by the Office of Technology Assessment, the National Research Council Committee on International Security and Control, the General Accounting Office, the Rand Corporation and the Department of Energy. Although each study approached the issue from a unique perspective, they reached many similar conclusions.

Then I skip down:

Although all options involve some unresolved options and risks of uncertain magnitude, these studies concluded that the development of advanced reactors for plutonium disposition would involve the highest costs and the greatest uncertainties.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, sometimes I wonder how our colleagues can possibly make sense of this debate. Both sides are quoting the National Academy of Sciences. Both sides are talking about editorials, one side saying it will and the other saying it will not. I really think a couple of things are fairly clear. One is that this is not about money. The Secretary of Energy testified before our committee. In answer to a direct question, "Is this about money?" she said, "No."

The reason is we save money if the Japanese contribute, and we have letters indicating, I think, a good possibility that will happen. I ask unanimous consent that these letters, a whole series of letters here, be printed in the RECORD at this time.

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

POWER REACTOR AND NUCLEAR FUEL DEVELOPMENT CORP.,
June 17, 1994.

Hon. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: In response to your inquiry, I would be pleased to provide you with information on the status of PNC's views about actinide recycling R&D activities. We have three cooperative agreements with the Department of Energy (DOE) in the areas of fast breeder reactors, waste management activities, and safeguards. In general, we would like to enhance our cooperative R&D activities with the DOE since we believe that, through joint efforts in areas of mutual interest, each country can further its own research agenda and conserve limited budget resources as well.

In this regard, we did make a specific offer earlier this year to contribute to a multi-year, R&D program on actinide recycling and the IFR directed by the Argonne National Laboratory (ANL). If realized, this would have marked the first commitment by a corporation affiliated with the Japanese Government such as ours (although several Japanese private entities have supported certain projects in this area). We came very close to reaching a final agreement with the DOE.

Our tentative assumption for this cooperative project was approximately $60 million over five years, subject of course to the approval of the budgetary authorities in Japan. However, the project was abruptly terminated by the DOE in January of this year when funding wasn't identified in the Administration's request for FY 1995 budget. We were therefore forced to cease cooperative discussions with the DOE and no longer secure financial resources for this cooperative project in coming years.

Meanwhile, we are starting on our own to carry out R&D in the field of actinide recycling. A new long-term plan for nuclear energy, under the auspices of the Atomic Energy Commission of Japan, will include specific reference to the importance of carrying out R&D on advanced reactors, including those for recycling actinides. It requires technologies which are still in the initial stage of research, but we are committed to proceed with R&D in the long-term in order to make tangible progress.

We remain interested in working with the DOE in this field, although its recent actions don't provide a stable, credible basis on which to proceed at this point. If Congress were to restore the program for the next fiscal year, we would reconsider our options about participating in a joint program.

We appreciate your interest and leadership on these issues and hope our two Governments can continue to cooperate on nuclear energy and other advanced technologies in the future.

Sincerely,

TAKAO ISHIWATARI,
President.

FEDERATION OF ELECTRIC POWER COMPANIES,
Tokyo, Japan, May 10, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: On behalf of the Federation of Electric Power Companies (FEPC) comprising of all nine utilities in Japan, I wish to express our concerns over the Department of Energy's decision to propose in its FY 1995 Congressional Budget Request the termination of the Integral Fast Reactor (IFR) Program conducted at Argonne National Laboratory:

In Japan, nuclear power is contributing over 25 percent of electricity generation today and will have to expand its role to meet the increasing electricity demand in the future, yet protect our environment. A goal of a future nuclear development in Japan is to establish a fast reactor technology, combined with a fuel recycle technology, while taking into consideration non-proliferation. More than 95 percent of the spent nuclear fuels are Uranium and Plutonium. By reprocessing the spent nuclear fuels and recycling Uranium and Plutonium to the nuclear power plants, we can extract residual energy from the spent fuel to generate renewable electric energy. Also it can reduce the volume of the high-level radioactive waste and the radioactive toxic lifetime, as compared with a case of the direct disposal of the spent fuel.

Japanese utilities have two concerns regarding the future development of fast reactors: economics and nonproliferation. The IFR technology being developed in the U.S. has potential in addressing both of these concerns. This is why FEPC decided to participate in the U.S. IFR fuel cycle demonstration program as a cost-sharing partner. The conventional PUREX reprocessing in use in Europe and planned in Japan is a mature technology. However, the IFR pyroprocessing is a totally new technology that requires a pilot-scale demonstration before we can make an independent assessment for its feasibility and practicality.

Terminating this demonstration at this juncture, especially when it is on the brink of a pilotscale operation in EBR-II and Fuel Cycle Facility (FCF), is simply unconscionable for the future of nuclear development. IFR pyroprocessing is the only technology that has potential of solving the proliferation concerns associated with fast reactors in the long term. The U.S. has historically played a preeminent role in developing the civilian nuclear power, and the IFR demonstration will be a significant step in advancing a safe, proliferation-resistant nuclear technology for future generations.

For these reasons and to promote further U.S.-Japan cooperation in the field of nuclear power development, we strongly recommend that the funding for the IFR Program be continued to the point that a meaningful assessment of this new technology can be made with respect to its economics potential and its role in achieving nonproliferation.

Sincerely,

RYO IKEGAME,
Chairman.

CENTRAL RESEARCH INSTITUTE OF ELECTRIC POWER INDUSTRY,
Tokyo 100, Japan, May 12, 1994.

Hon. BENNETT JOHNSTON,
Chairman, Senate Appropriation Subcommittee on Energy and Water Development, Washington, DC.

DEAR HON. JOHNSTON: There is an urgent worldwide need to control the release of carbon dioxide so as to avoid the possibility of a global warming disaster. Given the need to take action promptly, and the growing energy demand due to the population and economic growth of the developing nations, use of nuclear energy, which emits no carbon dioxide or other greenhouse gases, assumes critical importance.

The Integral Fast Reactor (IFR) under development in the U.S. is an extremely promising technology for the future nuclear energy. It simplifies the fuel cycle. It solves the waste problem through actinide recycling. Moreover, it contributes positively toward achieving the non-proliferation goal. Hence, Central Research Institute of Electric Power Industry (CRIEPI) of Japan has been participating in the program since 1989 both in funding and in joint research undertakings. Japan has strong interest in the pyroprocessing technology because of its highly proliferation-resistant characteristics. This is one of the most important factors in the long-term nuclear energy utilization planning process, which is currently under consideration in Japan.

Termination of the IFR Program in the U.S. will prevent a major breakthrough in nuclear power. This, in turn will impede the resolution of the environmental problem on a global scale through effective utilization of uranium. It may seem that we have considerable time to prepare for the commercialization of fast reactor in succession to today's commercial reactors. However, if we are to follow a course in which we do our best to solve the environmental problem (CO_2 counter measure), in fact we have no time to spare at all. Moreover, commercialization of an innovative technology generally requires a long time. It, therefore is of extreme importance for the future of mankind that the U.S. continues positive efforts to complete the IFR technology development and demonstration.

In view of the above-mentioned circumstances, and to promote further U.S.-Japan cooperation in the nuclear energy field, I should be grateful if you would kindly take appropriate measures which will allow the continuation of the IFR Program along with the operation of EBR–II and the related facilities at Argonne National Laboratory, so that the IFR fuel cycle demonstration could proceed to completion as planned.

Very truly yours,

SUSUMU YODA,
President.

NUCLEAR SYSTEMS ASSOCIATION,
Tokyo, Japan, June 15, 1994.

The Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: This is to remind you of our deep concern about the possible discontinuation of the development of innovative nuclear energy technology, Integral Fast Reactor (IFR) program in particular, expressed in our letter to President Clinton dated June 1, 1993, which was sent to you by carbon copy. We believe that you are a prominent politician having a profound knowledge on energy problems. Hence we are writing this letter to you.

As you know, various studies by experts have predicted that the continued emission of carbon dioxide at present level will cause *unprecedented rate and level of global warming* of which ultimate potential impacts could be catastrophic. We believe that the increased use of nuclear energy that involves essentially no release of carbon dioxide and other greenhouse effect gases is one of the most practical steps we developed countries should especially pursue, considering steady increase in energy demand in the world and in the developing countries in particular.

We believe that further sophistication of nuclear fuel cycle technology in parallel with commercialization of fast reactor is necessary and effective for wider use of nuclear energy in future. The closure of nuclear fuel cycle through reprocessing of spent fuel and fast reactors extremely enhances the supply potential of nuclear energy and provide us with a technological scheme fundamentally different from the current once-through use of nuclear fuel since most of the nuclear material is to be disposed of as waste in the latter system.

We recognize that the pyroprocess technology the US has successfully studied for more than ten years at Argonne National Laboratory (ANL) is quite promising for the above mentioned scheme. It makes it possible not only to close the fuel cycle but to do so in simpler and far more proliferation resistant way, producing lessor amount of waste. We therefore have a great interest in demonstrating the feasibility of the technology at ANL. This is the reason why Japanese electric utilities entered the cooperative agreement with ANL in 1989 and provided fair amount of resources for the Fuel Cycle Demonstration Test Program. Indeed it was our pleasure that the Integral Fast Reactor (IFR) program was endorsed by the Energy Policy Act '92 approved by an overwhelming majority "Yes" in both Houses.

Japanese Atomic Energy Commission will continue to support the development of fast reactor in the revised version of its long term plan, recognizing that it is necessary and feasible to commercialize the technology within fifty years through continued research and development of enabling and innovative technologies relevant to fast reactor. It is needless to say that the pyroprocessing technology will be included in this category of technology.

We are afraid that the discontinuation of the development of this forward looking technology in the US would suggest the loss of interest in the waste reduction and recycling which nuclear business should take through the implementation of this new thinking. Furthermore, subsequent delay in the commercialization of such proliferation resistant technology for recycled use of nuclear fuel would narrow the technology option for future humankind to cope with the increased energy demand in future. Theoretically speaking, the US can restart the program when the real necessity will come into sight. However, it would be very difficult in practice to do so if the relevant resources and expertise have been depleted. We believe that it is beneficial to the world as well as to the US to finish the demonstration of the feasibility of this innovative pyroprocessing technology, at least. We would do our best asking the Japanese concerned authorities and industries to contribute to this activity if continued as planned.

Very truly yours,

TAKASHI MUKAIBO,
Chairman of Japan Atomic Industrial Forum.

JUNE 8, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: I, as one of staffs in Japanese universities, is deeply concerned about the proposed phase-out of advanced nuclear reactor research and development programs on the U.S., in particular the Integral Fast Reactor (IFR) Program including the shutdown of EBR–II from a long-term viewpoint, namely, how we can keep a potential for sustainable developments in the world.

I believe the IFR Program (metallic fuel and pyroprocessing) for which R&D efforts are currently in progress in the U.S. is a very valuable research program for mankind not only as a technological project but as a landmark to keep the potential solving our future issues.

Technologically it has a potential of simplifying nuclear waste disposal, it viewpoint of resource utilization, and it strives to realize a technology which contributes significantly to the nonproliferation goal. We, therefore, recognize the IFR metallic fuel cycle as an option in the future generation of nuclear power, and have a strong interest in the feasibility demonstration of the IFR technology.

Furthermore, we are firmly convinced that to successfully accomplish the program, we need databases concerning pyroprocessing of the spent fuel, and safety verification. From *this viewpoint, we believe the continued* operation of EBR–II and the related facilities is a decisive factor which determines the feasibility demonstration.

In view of the above-mentioned circumstances, and to further promote U.S.-Japan cooperation in the nuclear power field, we would like to ask you to take appropriate measures to enable continuation of the IFR Program to a successful demonstration in EBR–II. We have a profound respect for the preeminent role that the U.S. played in advancing the nuclear technology, and we believe the IFR technology will benefit mankind for generations to come. Hence we are sure that if the U.S. continues to positively promote the demonstration of the IFR Program, a greater cooperation from Japan will be extended to the Program, not only as a partner of a project but as one of colleagues to solve current problems in our modern society.

Very truly yours,

S. IWATA,
Professor.

NUCLEAR ENGINEERING RESEARCH
LABORATORY FACULTY OF ENGINEERING,
Tokyo, Japan, June 5, 1994.

Hon. J. BENNETT JOHNSON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: We, as nuclear engineering specialists in Japanese universities, are deeply concerned about the proposed phase-out of advanced nuclear reactor research and development programs in the U.S., in particular the Integral Fast Reactor (IFR) Program including the shutdown of EBR–II.

We believe that the IFR Program (metallic fuel and pyroprocessing) for which R&D efforts are currently in progress in the U.S. is a very valuable research program for the mankind. This is because it has a potential to simplify nuclear waste disposal, it includes actinide recycling technology to contribute to the nonproliferation goal. We, *therefore, recognize the IFR metallic fuel* cycle as an option in the future generation of nuclear power, and have a strong interest in the feasibility demonstration of the IFR technology. That is why the Japanese electric utilities, with the support given by various research organizations promoting LMR development have been contributing funds to participate in the IFR fuel cycle demonstration, as part of U.S.-Japan cooperation in the LMR development.

Furthermore, we are firmly convinced that to successfully accomplish the program, we need databases concerning pyroprocessing of the spent fuel, and safety verification. From this viewpoint, we believe the continued operation of EBR–II and the related facilities is a decisive factor which determines the feasibility demonstration.

In view of the above-mentioned circumstances, and to further promote U.S.-Japan cooperation in the nuclear power field, we would like to ask you to take appropriate measures to enable continuation of the IFR Program to a successful demonstration in EBR–II. We have a profound respect for the preeminent role that the U.S. has played in advancing the nuclear technology, and we believe the IFR technology will benefit the mankind for the generations to come. Hence we are sure that if the U.S. continues to

positively promote the demonstration of the IFR Program, a greater cooperation from Japan will be extended to the Program.

Very truly yours,

M. JAMAWAKI,
Professor.

NUCLEAR ENGINEERING RESEARCH LABORATORY,
FACULTY OF ENGINEERING,
Tokyo, Japan, June 9, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: I am a Professor of The University of Tokyo and currently serving as the head of Nuclear Engineering Research Laboratory, The University of Tokyo operating a fast research reactor and two accelerators.

I am deeply concerned about the proposed phase-out of advanced nuclear reactor research and development programs in the U.S., in particular the Integral Fast Reactor (IFR) Program including the shutdown of EBR–II.

We believe the IFR Program (metallic fuel and pyroprocessing) for which R&D efforts are currently in progress in the U.S. is a very valuable research program for mankind because it has potential of simplifying nuclear fuel reprocessing and improving the economy of electricity generation in the future. We, recognize the IFR metallic fuel cycle as an option in the future generation of nuclear power, and have a strong interest in the feasibility demonstration of the IFR technology. That is why the Japanese electric utilities, with the support given by various research organizations promoting LMR development have been contributing funds to participate in the IFR fuel cycle demonstration, as a part of U.S.-Japan cooperation in the LMR development.

Furthermore, we are firmly convinced that to successfully accomplish the program, we need databases concerning pyroprocessing of the spent fuel, and safety verification. From this viewpoint, we believe the continued operation of EBR–II and the related facilities is a decisive factor which determines the feasibility demonstration.

In view of the above-mentioned circumstances, and to further promote U.S.-Japan cooperation in the nuclear power field, we would like to ask you to take appropriate measures to enable continuation of the IFR Program to a successful demonstration in EBR–II. We have a profound respect for the pre-eminent role that the U.S. played in advancing the nuclear technology.

Very truly yours,

YOSHIAKI OKA,
Professor.

DEPARTMENT OF QUANTUM ENGINEERING AND SYSTEMS SCIENCE,
Tokyo, Japan, June 3, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S, Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: I am a Japanese scientist in nuclear engineering. I am heartly concerned on the proposition of phase-out of Advanced Nuclear Reactor Research and Development Program in the United States, hearing from both of my colleagues and the news papers.

I am working also as the Japanese contact person of the US-Japan student exchange program for these six years. Many young post-graduates researchers in the nuclear engineering have visited mutually. Many of Japanese visitors have obtained so many important experiences in your dreamful Integral Fast Reactor (IFR) program and through experiments and analysis of EBR–IL. In this period, about sixteen US students have stayed in Japanese universities from Illinois, MIT, Stanford, Missouri, Purdue, Iowa Sate, Michigan, North Carolina State, Santa Barbara, Virginia, Pennsylvania, Maryland and Wisconsin. We have discussed them on the future cooperative plan in the global nuclear engineering.

Therefore, I am sure that the U.S. continues to make successive important efforts for the US and global generations to come. I sincerely expect a greater cooperation in nuclear engineering among your students and us.

Very truly yours.

M. NAKAZAWA,
Professor.

FACULTY OF ENGINEERING,
Sapparo 060, Japan, June 2, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: We, Japanese Universities, are deeply concerned about the proposed phase-out of advanced nuclear reactor research and development programs in the U.S., in particular the Integral Fast Reactor (IFR) Program including the shutdown of EBR–II.

We believe the IFR Program (metallic fuel and pyro-processing) for which R&D efforts are currently in progress in the U.S. is very valuable research program for mankind because it has a potential of simplifying nuclear waste disposal, it includes actinide recycling technology which is important from the viewpoint of resource utilization. We, therefore recognize the IFR metallic fuel cycle as an option in the future generation of nuclear power, and have a strong interest in the feasibility demonstration of IFR technology.

We have deep respect for the preeminent role that U.S. played in advancing the nuclear technology, and we believe the IFR technology will benefit mankind for generations to come. Hence we are certain that if U.S. continues to positively promote the demonstration of the IFR Program, a greater cooperation from Japan will be extended to the Program.

Sincerely yours,

MEISAKI KATAYAMA.

Mr. JOHNSTON. Mr. President, I believe, in fact, they will contribute. If so, we actually save money by our 4-year termination. If not, I believe the figure is $26 million over 4 years. Considering that which has already been invested, that is not the issue here.

The issue is whether you terminate what we call EBR–II, which is the experimental breeder reactor which is being used to do this research. Under our proposal we would terminate EBR–II in 4 years, doing the research along the way essentially without cost to the taxpayer. Or, under the KERRY proposal, you terminate EBR–II in 4 years, not doing the research.

There are a lot of antinukes who say, "Do not possibly find out the answer to these questions." I think the preferred scientific reaction is just as the National Academy of Sciences says. They said, "Do not develop and deploy this reactor at this time. But research on fission options for the near total elimination of plutonium should continue at the conceptual level."

That is what we proposed. We are not proposing the development or deployment of a reactor at this time. Once we have settled among these various options, then we can decide which option to do. Should we send it to Canada and burn it in the CANDU reactors? Our weapons grade plutonium going to Canada? Maybe so. If so, we ought to start talking to the Canadians.

Should we use it in the WPPSS reactor, which is in Washington, which is one of the proposals? Maybe so. If so, they better not lose that option which they are going to lose soon.

Should we use it in the Palo Verde reactor in Arizona? Perhaps so. But that is a civilian reactor and that has not been looked into.

One thing that is very clear is that we are not going to go to just any reactor in the United States, even though technically, and I guess theoretically, you could use any reactor to burn plutonium. You would not do that because they are really not designed for it. That is why you want to finish building the WPPSS reactors, which could be designed for it, the Palo Verde reactor which could be redesigned for it, the CANDU reactors in Canada, which could be used for it, or as Dr. Panofsky said, build a new one at Savannah River. That technology is now owned by ABB. But until we decide which of these options we want to use, we ought to pursue this, as the National Academy of Sciences says.

I also ask unanimous consent to have printed in the RECORD at this point a letter signed by the heads of the nuclear engineering departments of the most distinguished universities of the country, saying we ought to pursue this, including the University of Michigan, Pennsylvania State, MIT, University of Arizona, Florida, UC Berkeley, UC Santa Barbara, University of Illinois, Cornell, University of Missouri, Georgia Institute of Technology, North Carolina, Iowa—the list goes on for another couple of pages, of the most distinguished heads of university nuclear programs in the country.

I ask unanimous consent that list be printed in the RECORD.

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

NUCLEAR ENGINEERING DEPARTMENT HEADS ORGANIZATION,
May 11, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Senate Appropriations Subcommittee on Energy and Water Development, Washington, DC.

DEAR SENATOR JOHNSTON: We are academic department and program heads in the field of nuclear engineering. The faculty in our institutions and the graduate students who have worked on research in our departments have

many years of experience studying today's generation of nuclear power plants, and many of us are involved in analyses of next generation light water reactors and advanced nuclear reactors that include the liquid metal-cooled reactors and the gas-cooled reactors. In this letter we wish to express our thoughts and concerns with respect to the FY 1995 budget as it relates to nuclear power research.

We were pleased to see that the importance of the advanced light water reactor program was recognized and funded. Without such funding we would limit the opportunity to retain the nuclear power option, an option we believe will become increasingly important early in the next century. Lack of funding would also inhibit our ability to compete in the international arena in countries where nuclear power is expanding in use.

However, we believe it is a serious error in policy to eliminate the longer term advanced reactor programs, specifically the liquid metal reactor (LMR) program and the gas cooled reactor (GCR) program. We do not believe that adequate consideration has been given to the benefits and importance of these programs. These include:

Both reactor concepts offer unique safety features that are not available in the present generation of light water reactors.

The LMR is capable of destroying the longest lived elements in radioactive waste, thus offering the potential to reduce the burden of disposal of high level waste.

Both concepts represent potential methods for utilizing bomb-grade plutonium as a safe fuel for electricity generation.

The LMR has the capability, through actinide recycling, to extend the nuclear fuel supply for centuries beyond that available with the conventional light water reactor fuel cycle utilizing uranium 235 as the fuel.

The LMR program is pioneering the Intergral Fast Reactor (IFR) concept which involves the reprocessing and recycling of fuel and long-lived radioactive waste in a closed-cycle, proliferation-resistant system. Crucial tests of this important technology will begin this year if funding continues.

The IFR concept supports the Administration's non-proliferation goals by providing a non-proliferation alternative technology to the current commercial PUREX reprocessing and by eliminating plutonium stockpiling.

The EBR–II liquid metal reactor in Idaho is the only test reactor of its kind in the United States. It is being used to develop and test metallic fuel which increases the safety and reduces the cost of such reactors. It is playing an important international role for the Japanese, who are providing financial support for the program, and is being used to test new diagnostic and control technologies that are important to the light water program.

We note that the Energy Policy Act of 1992 authorizes the continuation of research and development of advanced reactor technologies, including GCR and LMR designs, in order to encourage the commercialization and deployment of advanced reactor technologies by the year 2010. In addition, the Act includes as a goal the evaluation of actinide burner technologies to reduce the volume of high level nuclear waste. It is clear that the elimination of the LMR, GCR, and testing programs is counter to the provisions of the Energy Policy Act of 1992.

The sudden cutoff of these advanced reactor programs represents a serious loss of technology development that has occurred over several decades. We are pleased that your long term development policy includes research and development in controlled fusion. But while fusion is a high risk technology requiring the solution to many scientific, technology and economic problems, the advanced reactor programs are much nearer to demonstrated success.

Eliminating these programs will jeopardize the goal of maintaining nuclear power as a viable energy option for this nation into the next century, a consequence which could be especially damaging to our country if acceptable (environmentally and economically) alternative sources of electricity cannot be developed to replace nuclear power for electricity generation. In addition, this decision will deter many of our brightest students in science and engineering from entering this field, which will be perceived as at best a stagnated field. Such students are needed for the safe operation of this generation of plants, and to maintain and develop the technical expertise for future uses of nuclear energy. This will further exacerbate a manpower shortage for the nuclear industry that is projected for this decade and well into the next century.[1] When and if this country decides that nuclear power is needed, there will no longer be the expertise or technology to provide it, except for foreign corporations, which stand to benefit substantially as the U.S. abandons its once-leading role in nuclear reactor technology.[2] The irony here is that U.S. light water technology, licensed to foreign countries, may be successfully marketed by these very countries as our nation abdicates its leadership role in developing and utilizing nuclear energy. Indeed, we may become purchasers of our own—new and imrpoved—technology (once again!).

Moreover, if the U.S. wishes to play a major role in deterring proliferation and enforcing IAEA safeguards with respect to diversion of nuclear fuel for weapons use, this nation must maintain a strong role in the development and use of nuclear power, in particular to continue to make advances in the development and use of nuclear power, in particular to continue to make advances in the development of advanced reactors (improved safety, economic fuel cycles, proliferation-resistance, waste disposal, etc.). Otherwise we run the clear risk of becoming a third-world country with respect to nuclear power and have minimal impact on world policy in this area.

Finally, not only do we feel strongly that the decision to stop advanced reactor research and development is not in the best interests of our country, we are concerned with the process by which this decision was made. This decision, a major energy policy decision which affects current and future generations of Americans, has been made without the benefit of informed public debate. The decision has been made behind closed doors, without consideration of opposing viewpoints, and is being presented to the nation as a fait accompli, buried in the complex budget package for FY 1995. The manner in which this decision was made is inappropriate for an issue of such overriding national importance as the long-term energy and environmental policy for our nation.

There is ample evidence to suggest that a broad segment of the engineering and scientific community is not in agreement with this decision. For example, two recent National Academy of Science (NAS) reports have examined the issue of nuclear power in different contexts. The first NAS report[3] was based on the premise that nuclear power would be maintained as an important energy option as part of a balanced energy policy. Given this premise, the report recommends actions necessary to retain nuclear power as a viable energy option in the next century, including strong support for investments in advanced reactor research and development.

The second NAS report [4] contains several recommendations which address the need to maintain the nuclear option as a substitute for fossil fuels to mitigate greenhouse warming. However, it is recognized that current concerns (safety, economics, waste disposal) need to be addressed and alternative reactor concepts need to be examined. In particular, investments in advanced reactor research and development are strongly recommended.

These recommendations from prestigious national scientific panels substantiate our remarks regarding the importance of nuclear power for meeting the future energy needs of this country, in an environmentally acceptable way. Moreover, they give credence to our conclusion that the decision process did not represent a balanced consideration of the scientific merits of research and development for advanced reactor concepts.

We, therefore, strongly recommend that the advanced nuclear reactor research and development be continued in accordance with the provisions of the Energy Policy Act of 1992. This would be a prudent investment in the future energy security, environmental health, and innovative technology competitiveness of the nation. We urge you to restore the funding for the advanced reactor R&D as you consider the FY 1995 Energy and Water Appropriations Bill.

Respectfully yours,

William R. Martin, Department of Nuclear Engineering, University of Michigan; Edward H. Klevans, Nuclear Engineering Department, Pennsylvania State University; Edward N. Lambremont, Nuclear Science Center, Louisiana State University; Gary A. Pertmer, Materials and Nuclear Engineering, University of Maryland; John W. Poston, Department of Nuclear Engineering, Texas A&M University; Victor H. Ransom, School of Nuclear Engineering, Purdue University; Gilbert A. Emmert, Nuclear Engineering and Eng. Physics, University of Wisconsin, Madison; Bernard W. Wehring, Nuclear Engineering Program, University of Texas at Austin; N. Dean Eckhoff, Department of Nuclear Engineering, Kansas State University; Michael Z. Podowski, Nuclear Engineering and Eng. Physics, Rensselaer Polytechnic Institute; Gary M. Sandquist, Nuclear Engineering Program, University of Utah; Varada Charyulu, Nuclear Science and Engineering, Idaho State University; Kirk A. Matthews, Nuclear Engineering Curriculum, Air Force Institute of Technology; Ronald D. Flack, Mech., Aerospace, and Nuclear Engineering, University of Virginia. Mujid S. Kazimi, Department of Nuclear Engineering, Massachusetts Institute of Technology; James S. Tulenko, Dept. of Nuclear Engineering Sciences, University of Florida; Glenn E. Lucas, Chemical and Nuclear Engineering, University of California, Santa Barbara; Barclay G. Jones, Department of Nuclear Engineering, University of Illinois; William H. Miller, Nuclear Engineering Program, University of Missouri, Columbia; Donald J. Dudziak, Department of Nuclear Engineering, North Carolina State University; Morris Farr, Nuclear and Energy Engineering, University of Arizona; T. Kenneth

Footnotes at end of article.

Fowler, Department of Nuclear Engineering, University of California, Berkeley; Don W. Miller, Nuclear Engineering Program, Ohio State University; David D. Clark, Nuclear Science and Engineering Program, Cornell University; Ward O. Winer, Nuclear Engineering and Health Physics, Georgia Institute of Technology; Daniel B. Bullen, Nuclear Engineering Program, Iowa State University; Thomas W. Kerlin; Nuclear Engineering Department, University of Tennessee; David Woodall, Program in Nuclear Engineering, University of Idaho; Gilbert J. Brown, Chemical and Nuclear Engineering, University of Massachusetts, Lowell; Roy Eckart, Mech., Industrial, and Nuclear Eng., University of Cincinnati; Alan H. Robinson, Department of Nuclear Engineering, Oregon State University; Arvind Kumar, Department of Nuclear Engineering, University of Missouri, Rolla.

FOOTNOTES

[1]U.S. Nuclear Engineering Education: Status and Prospects, National Research Council, National Academy Press (1990).

[2]C.W. Forsberg, et al., The Changing Structure of the International Commercial Nuclear Power Reactor Industry, ORNL/TM-12284, Oak Ridge National Laboratory (1992).

[3]Nuclear Power: Technical and Institutional Options for the Future, National Research Council, National Academy Press (1992).

[4]Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base, National Research Council, National Academy Press (1992).

Mr. CRAIG. Will the chairman yield?

Mr. JOHNSTON. Yes, I will yield for a brief time.

Mr. CRAIG. Mr. President, the Senator from Massachusetts a moment ago basically said the waste stream flowing from a light water reactor——

Mr. JOHNSTON. If the Senator will withhold that and let me make this point, I will then yield to him.

Mr. CRAIG. Go right ahead.

Mr. JOHNSTON. The most telling recommendation of all comes from another section of the Department of Energy. It is in a report dated June 1994—I remind my colleagues that this is June 1994. "Department of Energy, Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratories Environmental Restoration and Waste Management Program, Draft Environment Impact Statement." This is over at Tom Grumbly's shop, who is in the Department of Energy. They list the alternatives for disposition of the spent fuel at Idaho National Lab, which is where this is located.

In each of their alternatives, the 10-year plan, the minimum treatment storage and disposal plan, and maximum treatment storage and disposal—each one of those alternatives includes demonstrating of the actinide recycle. That is what we are talking about, the demonstration of the actinide recycle.

So while one part of the Department of Energy has said, "shut her down, boys, do not possibly find out the information," the other part that is charged with the cleanup, that has the dirty, hands-on job of cleaning up Idaho National Lab, says, "demonstrate the program."

I guess the internal signals in behalf of the Department of Energy—they have not gotten the political signals yet that tell them what to do—but I am telling you, Mr. President, those who are charged with the cleanup say we have to demonstrate this actinide recycle under any of the alternatives.

All we want to do is to demonstrate at essentially no cost to the taxpayer.

Mr. President, let me yield 2 minutes to my distinguished friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the environmental impact statement he just referred to is the result of a lawsuit in Idaho that basically said, if you are going to send us your Navy nuclear waste, give us a solution to your problem or do not send us your waste. And we are offering that solution today.

But there was a statement by the Senator from Massachusetts that cannot be allowed to stand on the RECORD, and that is that the waste stream coming from the light water reactor or an IFR configuration were similar, very similar, I believe was his exact statements, hardly any difference.

This is radioactivity life——

Mr. KERRY. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. KERRY. Similar to what?

Mr. CRAIG. The Senator was talking about the radioactivity and the plutonium, the actinides involved in these waste streams, as I read the Senator.

Mr. KERRY. No.

Mr. CRAIG. Mr. President, what did he say?

Mr. KERRY. I said fuel——

Mr. CRAIG. In one-half minute or less.

Mr. KERRY. Fuel in a once-fuel cycle within a light water reactor comes out in spent fuel form which has both fissionable and the actinide. The actinide is what contains the plutonium. You have to separate the plutonium if you are going to use it in weapons-grade fuel. That is what I said. You do not have, as the Senator seems to imply, this pot of plutonium that is a threat.

Mr. CRAIG. I do not mean to give that impression. What is implied in the Senator's statement is that they are very similar. They are not at all similar. We are worried about life, radioactivity exposure to our public, the availability to handle this waste stream. IFR waste streams lose their radioactivity to background level in about 800 years; light water reactor in nearly 10,000. And, of course, we are also talking about volume. The Senator mentioned volumes. Substantially less volume comes from an IFR versus a light water. His statements cannot be allowed to stand on the RECORD. That is the science we are dealing with, and we know that to be accurate science.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I wonder if the Senator would like to have a further agreement to maybe sum up.

Mr. KERRY. I would be delighted to do that. There is another Senator who is tied up and is not able to get here. I will yield back time. I will keep that promise.

How much time remains, Mr. President?

The PRESIDING OFFICER. Thirty-three minutes left. The Senator from Louisiana has 12 minutes.

Mr. KERRY. Will the Senator from Louisiana agree to sum up and then I will sum up? Whatever is agreeable to the Senator.

Mr. JOHNSTON. Whatever time the Senator agrees to, I will agree to. Two minutes? Five minutes?

Mr. KERRY. Why do we not take 5 minutes each, and I will yield back the difference of time on my 5 minutes.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the time be shortened to 10 minutes equally divided between myself and the Senator from Massachusetts.

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

Mr. JOHNSTON. Mr. President, I may not take the full 5 minutes because the issue has been stated and is simple. This is not about money; it is not about the termination of the EBR-II or the reactor program. The path of the Senator from Massachusetts and our path terminates the EBR-II program. It is about doing the research along the way which completes a 4-year program of research which is substantially without cost to the taxpayer.

If the Japanese contribute, as the correspondence I have put in the RECORD indicates, we save money; if not, we spend about $26 million out of—I guess $800 million has already been spent on this program. So $26 million, if it would come to that over a period of 4 years, is virtually without cost and the Secretary of Energy has so stated.

Mr. President, it is about options. Until the United States decides on a short-term option, which I think will undoubtedly mean some kind of treatment of the plutonium so as to make it proliferation proof, that is the short-term option, and I think that will probably be pursued. The National Academy of Sciences says we ought to have a long-term option as well, and that is ridding ourselves of the plutonium, which the IFR gives you the capacity to do. It is the only option that rids you of the plutonium other than to shoot it into space.

Other options, such as dilution in the ocean or sinking it in the ocean floor, I believe, are not options.

I think the scientists in the country, as indicated by that letter I just put in,

support this option. The National Academy of Sciences, as I pointed out, also support it. I have read previously, but let me reread, the one sentence from the National Academy of Sciences' 1992 report where they say:

The committee believes that the LMR should have the highest priority for long-term nuclear technology development.

And then again they say: "Special attention needs to be paid to the LMR". In the 1994 report, they say that you should pursue not the development, not the deployment, but the conceptual design, which is what we propose, of the IFR.

So we can do it virtually without cost. It ought to be done. There is no reason not to do it. It is an option the United States needs.

I reserve the remainder of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself 4 minutes.

Let me correct something quickly for the Senator from Idaho, if I can. Lawrence Livermore Labs has estimated that reprocessing high-level wastes could generate up to a 30-percent greater volume of low-level waste than direct disposal of comparable light water reactor waste.

So Lawrence Livermore and other independent labs have determined, indeed, this process will create more waste. But that is arguing at the margins of this.

We keep hearing this notion that it is really not going to cost more, but, in point of fact, we all understand from experience around here that this is not just about sort of a phaseout or a termination. This is about the years and years and years this program has been going on and those who get it going now have one intention, which is to get it up to a demonstrated capacity and then to implement it.

The fact is that you have a choice today. You can pay operating costs for 4 more years and termination costs, too, or you can save the operating costs and pay only the termination cost. That is a difference of some money and that has been established to be several millions of dollars.

But more important is the question of whether or not we are going to go against the expressed desire of the President of the United States not to have this program, to go against his statement that he believes this jeopardizes our status vis-a-vis other countries in arguing proliferation and, most important, that contrary to the expressed statement of this year—not last year which is what the proponents keep going to—but this year the Secretary of Energy has said:

No further testing is required to prove the technical feasibility. The basic physics and chemistry of this technology are established.

Mr. President, the National Taxpayers Union lists this as one of the 10 great boondoggle programs of the country. They say point blank: Myth, the ALMR is a budget-neutral program.

The National Taxpayers Union points out, as Secretary O'Leary has pointed out, that it is really going to cost you $4.2 billion, including $1 billion of industry cost-sharing to complete the development. That is what we keep hearing about here, the development of the integral fast reactor.

In addition, we have heard it asserted that this really is not a budget issue, it is a termination issue. Again, the National Taxpayers Union, Secretary O'Leary and others disagree with that. And in her June 27 letter, she says point blank:

The principal concerns that led me to withdraw my support for this program are the high costs of further development. Continuation of the program will be extremely costly and termination of the program would require approximately $.3 billion instead of the $3.1 billion.

So you have a $2.9 billion difference.

Finally, Mr. President, I really believe that—and I just quote the National Taxpayers Union—this is the old issue we face around here.

To continue to throw money at a project that has been rejected by experts from Lawrence Livermore National Laboratory, Oak Ridge National Laboratory, Rand Corp., Office of Technology Assessment, General Accounting Office, and the National Academy of Sciences is perpetuating a myth that taxpayers will no longer tolerate and that the Senate should not either.

The PRESIDING OFFICER. The Senator has spoken 4 minutes.

Mr. FEINGOLD. Mr. President, I rise in support of the amendment to terminate funding for the advanced liquid metal reactor [ALMR].

Mr. President, last year I stood on the Senate floor to oppose continued funding of the ALMR. Since that time the arguments against continued funding of this project have only grown stronger. This project raises serious safety and environmental concerns, economic questions, and the threat of nuclear materials proliferation.

I was very encouraged when President Clinton's budget request proposed terminating the ALMR based on concerns about proliferation risks, and I certainly agree with Department of Energy's, Hazel O'Leary's assessment that:

We cannot credibly urge that others not use technologies for separating and using plutonium if we are pursuing those same technologies ourselves. Such actions could provide an excuse for rogue nations to oppose international efforts to end their separation efforts.

Mr. President, at a time when events in Korea are highlighting worldwide concerns about availability of weapons-grade plutonium, the United States should be striving to lead by example, not pursing technologies that leave our own policies open to question.

Last year on the Senate floor, many of my colleagues raised concerns that the ALMR could easily be converted into a breeder. My friend and colleague from Massachusetts has done an excellent job explaining that new evidence only reinforces those fears.

The Office of Technology Assessment's report which states that operating the ALMR to breed plutonium "would probably not be difficult," and which further states, "it would, however, be difficult to design an ALMR reactor core that could not be converted to breeder operation * * *" should alone give us pause.

The dangers this technology would present in the wrong hands are alarming. That it should be developed by the U.S. Government at the same time we wish to halt the pursuit of similar technologies in other countries is incongruous and sets precisely the wrong example.

Nor do I believe switching from a uranium-based nuclear power system to one based on plutonium makes economic sense when we have a readily available and inexpensive supply of uranium that does not raise the same proliferation concerns.

These concerns, in my mind, are alone sufficient to warrant termination of the ALMR project. However, these reasons are reinforced by budget concerns.

Mr. President, at a time when every item in the Federal budget is being subjected to close scrutiny, this project does not even warrant a second glance.

I understand that the committee has made the argument that completion costs for the ALMR are actually somewhat less than early termination costs.

Mr. President, even if one accepts the assumptions of the committee in making that determination through fiscal year 1988, and I believe there is room for discussion there, we as a body must consider the life costs of the project. The Department of Energy's cost estimates for construction of the power reactor and facility to recycle its fuel exceeds $3 billion. Early termination costs would be about a tenth of that amount.

Also with early termination, the ALMR facility will not have been contaminated with radioactive material eliminating cleanup and decommissioning concerns proponents may not have considered.

Proponents of the ALMR argue that it can be used to recycle other nuclear waste. Given the long-term problems associated with nuclear waste disposal this is certainly an enticing argument. However, the recent GAO report, "nuclear science: developing technology to reduce radioactive waste may take decades and be costly" found that the Department of Energy's own waste managers believe other technologies are more feasible.

Second, GAO also reported that it would take 20 ALMR systems 100 years

or more to handle 90 percent of the light water reactor waste inventory expected in the year 2010, raising even further budget implications of construction, operation, and decommissioning of 20 ALMR systems for radioactive waste disposal.

The National Academy of Sciences and independent scientists at Lawrence Livermore National Laboratory have questioned the economic viability of using ALMR technology for waste disposal estimating that it could quadruple the cost of high-level waste disposal. Further, the technology would not be commercially viable for 30 years.

And another more recent National Academy of Sciences report which specifically explores the issues of disposition of excess weapons plutonium states, "advanced reactors should not be specifically developed or built for transforming weapons plutonium into spent fuel, because that aim can be achieved more rapidly, less expensively, and more surely by using existing or evolutionary reactor types."

Mr. President, last year the Senate voted unsuccessfully to terminate funding for the ALMR. Given all of the new information which only reinforces the arguments against continuing this technology, I hope some of my colleagues will reconsider last year's vote.

We have a soaring Federal debt that has now well exceeded $4 trillion. In the past year and a half we have put up a good-sized down payment on that following the President's deficit reduction plan. Canceling funding for ALMR, an unnecessary and potentially dangerous project will be another small monthly payment on that enormous debt.

Mr. President, as elected officials we are often called upon to make tough funding choices. To me, this vote is not a tough choice at all, and I hope my colleagues will join me in voting to terminate the ALMR project.

Mr. JOHNSTON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. KERRY. I yield the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment (No. 2127) of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—52

Bennett	Durenberger	Mikulski
Bond	Faircloth	Moseley-Braun
Boren	Ford	Murkowski
Breaux	Gorton	Nickles
Brown	Gramm	Nunn
Burns	Grassley	Packwood
Byrd	Hatch	Pressler
Chafee	Heflin	Sasser
Coats	Helms	Shelby
Cochran	Hollings	Simon
Coverdell	Hutchison	Simpson
Craig	Inouye	Smith
D'Amato	Johnston	Stevens
Danforth	Kempthorne	Thurmond
Daschle	Lott	Wallop
Dodd	Lugar	Warner
Dole	Mack	
Domenici	McConnell	

NAYS—46

Akaka	Graham	Metzenbaum
Baucus	Gregg	Mitchell
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Jeffords	Pell
Bradley	Kassebaum	Pryor
Bumpers	Kennedy	Reid
Campbell	Kerrey	Robb
Cohen	Kerry	Rockefeller
Conrad	Kohl	Roth
DeConcini	Lautenberg	Sarbanes
Dorgan	Leahy	Specter
Exon	Levin	Wellstone
Feingold	Lieberman	Wofford
Feinstein	Mathews	
Glenn	McCain	

NOT VOTING—2

Bryan	Riegle

So the motion to table the amendment (No. 2127) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

(Later, the following occurred:)

The PRESIDING OFFICER. The Senator from Florida.

CHANGE OF VOTE

Mr. GRAHAM. Mr. President, on roll call 175 I voted "aye." It was my intention to vote "nay."

Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, until the Chamber clears, 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. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STATEMENT ON THE FISCAL YEAR 1995 ENERGY AND WATER APPROPRIATIONS BILL

Mr. SASSER. Mr. President, The Senate Budget Committee has examined H.R. 4506, the Energy and Water appropriations bill and has found that the bill is under its 602(B) budget authority allocation by $107,000 and under its 602(B) outlay allocation by $59 million.

I compliment the distinguished manager of the bill Senator JOHNSTON, and the distinguished ranking member of the Energy and Water Subcommittee, Senator HATFIELD, on all their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Energy and Water appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4506—FISCAL YEAR 1995 ENERGY AND WATER APPROPRIATIONS—SENATE-REPORTED BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	$20,513	$12,083
Outlays from prior year appropriations	.....	8,916
Permanent/advance appropriations	0	0
Supplementals	0	−115
Subtotal, discretionary spending	20,513	20,884
Mandatory totals	0	0
Bill total	20,513	20,884
Senate 602(b) allocation	20,513	20,943
Difference	0	−59
Discretionary totals above (+) or below (−):		
President's request	0	−56
House-passed bill	157	31
Senate-reported bill	.....	.....
Senate-passed bill	.....	.....
Defense	10,348	10,472
International affairs	0	0
Domestic discretionary	10,165	10,412

BILL HISTORY—H.R. 4506—FISCAL YEAR 1995 ENERGY AND WATER APPROPRIATIONS

[In thousands of dollars]

Bill summary	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Discretionary totals:										
New spending in bill	20,512,750	12,139,076	20,355,622	12,052,033	20,512,893	12,082,930				
Permanents/advances	0	0	0	0	0	0				
Outlays from prior years		8,916,272		8,916,272		8,916,272				
Supplemental	0	−115,305	0	−115,305	0	−115,305				
Subtotal, discretionary	20,512,750	20,940,043	20,355,622	20,853,000	20,512,893	20,883,897				
Mandatory totals:										
Mandatory spending in bill	0	0	0	0	0	0				
Budget resolution adjustment	0	0	0	0	0	0	0	0	0	0
Subtotal, mandatory	0	0	0	0	0	0				
Bill totals	20,512,750	20,940,043	20,355,622	20,853,000	20,512,893	20,883,897	0	0	0	0
602(b) allocation	20,513,000	20,943,000	20,513,000	20,943,000	20,513,000	20,943,000				
Difference	−250	−2,957	−157,378	−90,000	−107	−59,103	0	0	0	0
Defense	10,541,065	10,584,521	10,319,147	10,442,422	10,348,232	10,471,685	0	0	0	0
International Affairs	0	0	0	0	0	0	0	0	0	0
Domestic Discretionary	9,971,685	10,355,522	10,036,475	10,410,578	10,164,661	10,412,212	0	0	0	0

Mr. JOHNSTON. Mr. President, I wonder if, while we are waiting for the distinguished Senator from Arkansas to begin his 8-minute statement, we might find out from Senators who has amendments, if there is anyone new, or anybody who indicated he has an amendment and is not going to bring up an amendment. I am told Senator WELLSTONE has two relevant amendments. Senator LAUTENBERG has two, which I believe have been cleared, or one that has been cleared. I understand that Senator HARKIN has two amendments. I understand that Senator STEVENS may have an amendment. Other than that, I know of no other amendments. We have a small package of agreed-to amendments.

I ask Senators, if they have amendments, to please let us know about it. Otherwise, we will proceed as soon as these others are done to final passage.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

FINAL REPORT ON THE DEATH OF VINCENT FOSTER, JR.

Mr. PRYOR. Mr. President, I thank the Chair. This morning, Robert B. Fiske, Jr., the independent counsel for the Whitewater matter has issued a final report as it relates to the death of White House Deputy Counsel, Vince Foster, Jr.

As we all know, there has been much speculation as to the cause of Mr. Foster's unfortunate death, and Mr. Fiske's report this morning, I think, should end, now and forevermore, all speculation, rumor, and innuendo as to the actual cause of this fine man's death.

Mr. President, a statement was issued this morning indicating that the Washington, DC office of the independent counsel has completed two separate investigations. I will quote a few paragraphs from this particular investigation as handed down by Mr. Fiske this morning.

1. An investigation to determine whether the cause of the death of Vincent Foster, Jr. was a suicide or a homicide, and if it was a suicide, whether any matter related to the Clintons' involvement in the Whitewater Development Company (Whitewater), Madison Guaranty Savings and Loan (Madison Guaranty), or Capital Management Service (CMS), played any role in his death.

Mr. President, I will skip the next two paragraphs and quote again.

We announce today the results of the 2 completed investigations. We are satisfied that all of the issues involved in these investigations have been fully and thoroughly investigated.

In total, attorneys from this office and agents of the Federal Bureau of Investigation questioned 188 persons and reviewed and analyzed thousands of documents. Other investigative steps were also undertaken.

I am extremely grateful for the commitment and effort of the lawyers on my staff in Washington; Roderick C. Lankler, Mark J. Stein, and Carl J. Stich, Jr., and the FBI agents who have worked with us.

Mr. President, let me conclude with this paragraph, once again quoting from the official investigation.

At this time we are issuing a complete report on the death of Vincent Foster.

Mr. President, this is that complete report. It is voluminous. It is filled with the statements of the individuals interviewed in the Vincent Foster case. I will not put this entire matter into the RECORD, Mr. President, but I will momentarily ask unanimous consent to place a summary in the RECORD at the ending of my statement. Quoting again:

This report concludes that on July 20, 1993, Mr. Foster committed suicide in Fort Marcy Park, Fairfax County, Virginia. The report lists a number of factors that may have contributed to his suicide. It finds no evidence that matters relating to Whitewater, Madison Guaranty or CMS played any role in his death.

The investigation into Mr. Foster's death was not a grand jury investigation. It consisted of interviews by attorneys and FBI agents, working with this office, and of extensive forensic and pathological laboratory analysis.

Accordingly, there are no grand jury secrecy restrictions on the public issuance of a full report and we are making public such a report at this time. We will submit a copy of this report to the division of the Court of Appeals for the District of Columbia referred to in title 28, United States Code, section 49, as part of the report required by title 28, Code of Federal Regulations, section 600–2(b)1.

Mr. President, I would like to say on a personal matter that I truly believe that Mr. Fiske's report today concludes that the evidence overwhelmingly supports the conclusion that Mr. Foster committed suicide at Fort Marcy Park.

Mr. Fiske concludes in his report and I do quote, "There is no evidence to the contrary."

The conclusion, Mr. President, was endorsed by all participants in this investigation in this blue book which is the report of independent counsel, in re Vincent W. Foster, Jr., dated June 30, 1994.

Mr. President, the special counsel found no evidence that issues involving Whitewater, Madison, Capital Management Services, or other personal legal matters of the President or Mrs. Clinton were a factor in Mr. Foster's suicide.

Mr. Fiske also concluded that while in the weeks prior to his death certain matters were troubling him, "We have learned of no instances"—and I am quoting, Mr. President—"in which Whitewater, Madison Guaranty, CMS, or other possible legal matters of the Clintons were mentioned."

In conclusion, Mr. President, let me state that I think that the Vincent Foster matter should serve as a constant reminder of the excesses of the rumor mill and innuendo and those who wish to spread half truths and untruths. It is not just the duty and the obligation of public officials to the truth, it is the obligation, Mr. President, of every citizen to respect and to help retain the character and not to taint the character of those individuals by spreading falsehoods and perpetrate innuendos and rumors.

We have reached a point in our society where there is almost no restraint in this regard, to pass on these falsehoods and to attempt in every way that we can to perpetuate these falsehoods until they become a matter of fact.

Mr. President, all I can say is thank God, thank God that there was an official investigation to clear up this matter of the late Vincent Foster, Jr. I wonder what it would be like, Mr. President, had we kept on believing what some of the people on radio and television and in the news have stated. One claimed, and I quote, "That Vincent Foster was murdered in an apartment owned by Hillary Clinton." That was noted in Newsweek, March 21, 1994, quoting an individual on the radio. There was a newsletter that said that Mr. Foster died in a "safe house in Virginia rather than in Fort Marcy Park." There was an evangelist on television who devoted a segment of his show to the Foster death. He asked, "was there a murder of a White House counsel," to which he responded, and I quote, "It looks more and more like that." This remark was quoted in the New York Times as recently as June 26, 1994.

Once again, Mr. President, this case should serve as an example of what we should and should not do.

Finally, let us pray that the family of Vincent Foster can now grieve in peace, and let us hope that Vincent Foster will now be left to rest in peace.

I thank the Chair.

I yield back the remainder of my time.

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

STATEMENT ON WASHINGTON, DC, INVESTIGATIONS, JUNE 30, 1994

The Washington, DC Office of the Independent Counsel has completed two separate investigations:

(1) An investigation to determine whether the cause of the death of Vincent W. Foster, Jr. was a suicide or a homicide, and if it was a suicide, whether any matter related to the Clintons' involvement in the Whitewater Development Company ("Whitewater"), Madison Guaranty Savings and Loan ("Madison Guaranty") or Capital Management Services ("CMS") played any role in his death; and

(2) An investigation to determine whether a criminal prosecution should be brought against anyone for obstruction of justice or a violation of any other federal statute for conduct arising out of a series of meetings and other contacts between White House and Treasury Department officials from September 1993 through March 1994.

A third investigation, to determine whether a criminal prosecution should be brought against anyone for obstruction of justice or a violation of any other federal statute for conduct involving the handling of Mr. Foster's documents in the White House immediately following his death, is in its final stages and should be completed shortly.

We announce today the results of the 2 completed investigations. We are satisfied that all of the issues involved in these investigations have been fully and thoroughly investigated. In total, attorneys from this Office and agents of the Federal Bureau of Investigation ("FBI") questioned 188 persons and reviewed and analyzed thousands of documents. Other investigative steps were also undertaken.

I am extremely grateful for the commitment and effort of the lawyers on my staff in Washington; Roderick C. Lenkler, Mark J. Stein and Carl J. Stich, Jr., and the FBI agents who have worked with us, which has enabled us to conduct and complete these two investigations in a period of less than four months.

THE FOSTER DEATH INVESTIGATION

At this time, we are issuing a complete report on the death of Vincent Foster. This report concludes that on July 20, 1993, Mr. Foster committed suicide in Fort Marcy Park, Fairfax County, Virginia. The report lists a number of factors that may have contributed to his suicide, and finds no evidence that matters relating to Whitewater, Madison Guaranty or CMS played any role in his death. The investigation into Mr. Foster's death was not a grand jury investigation. It consisted of interviews by attorneys and FBI agents working with this Office, and of extensive forensic and pathological laboratory analyses. Accordingly, there are no grand jury secrecy restrictions on the public issuance of a full report, and we are making public such a report at this time.[1] We will submit a copy of this report to the division of the Court of Appeals for the District of Columbia referred to in Title 28, United States Code, Section 49, as part of the report required by Title 28, Code of Federal Regulations, Section 600.2(b)(1).

WHITE HOUSE/TREASURY CONTACTS INVESTIGATION

On February 24, 1994 Deputy Treasury Secretary Roger Altman disclosed in testimony before the Senate Banking Committee that he and Treasury General Counsel Jean Hanson had met with members of the White House staff on the subject of the Resolution Trust Corporation's ("RTC's") investigation of Madison Guaranty Savings & Loan ("Madison Guaranty"). In the days and weeks that followed that testimony, disclosure were made about additional meetings and contacts that occurred from September 1993 through February 1994 between Treasury representatives and White House staff on the subject of Madison Guaranty. Following these disclosures, Members of Congress, the press and other individuals raised questions about what occurred at these meetings and whether there was any attempt by members of the Administration to improperly influence the RTC investigation.

As a result of these disclosures and the issues that arose from them, this Office conducted a grand jury investigation to determine whether any Government official did anything during or following these contacts that amounted to obstruction of justice under the federal criminal laws.

The purpose of this investigation was to determine whether the evidence established that any of those contacts, viewed individually or collectively, amounted to a violation of law by anyone involved. A total of more than twenty different contacts, either face-to-face meetings or telephone conversations, were investigated. The investigation focused on whether in the course of any of these contacts, any individual obstructed justice, attempted to obstruct justice, or conspired with others to obstruct justice, as defined in Title 18, United States Code, Section 1505. That section provides, in pertinent part:

"Whoever corruptly * * * influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States * * * [s]hall be fined not more than $5,000 or imprisoned not more than five years, or both."

After a review of all the evidence, we have concluded that the evidence is insufficient to establish that anyone within the White House or the Department of the Treasury acted with the intent to corruptly influence an RTC investigation. Therefore, the evidence of the events surrounding the contacts between the White House and the Treasury Department does not justify the prosecution of anyone for a violation of Section 1505. We have also concluded that the evidence does not justify a criminal prosecution for violation of any other federal statute.

Because this investigation was conducted almost entirely through the use of a federal grand jury sitting in the District of Columbia, we are precluded by Rule 6(e) of the Federal Rules of Criminal Procedure from publicly disclosing anything more than the results of the investigation. We will submit a full report of this investigation to the Division of the Court of Appeals for the District of Columbia referred to in Title 28, United States Code, Section 49, pursuant to Title 28, Code of Federal Regulations, Section 600.2(b)(1).

In reaching this conclusion, this Office is not determining anything other than that the evidence does not justify a criminal prosecution. We express no opinion on the propriety of these meetings or whether anything that occurred at these meetings constitutes a breach of ethical rules or standards. Prior to the issuance of our grand jury subpoenas, Secretary of the Treasury Lloyd M. Bentsen, Jr. had asked the Office of Government Ethics ("OGE") to conduct an investigation into these meetings. That investigation was suspended, at our request, when we began our investigation. We have advised Secretary Bentsen that we have completed our investigation, and we understand that the OGE investigation will now go forward.

ROBERT B. FISKE, Jr.,
Independent Counsel.

[1] Rule 6(e) of the Federal Rules of Criminal Procedure provides, in relevant part, "(2) A grand juror, an interpreter, a stenographer, an operator of a recording device, a typist who transcribes recorded testimony, an attorney for the government, or any person to whom disclosure is made [pursuant to a specified exception] shall not disclose matters occurring before the grand jury, except as otherwise provided for in these rules. . . . A knowing violation of Rule 6 may be punished as a contempt of court."

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

FINAL REPORT ON THE DEATH OF VINCENT FOSTER, JR.

Mr. BUMPERS. Mr. President, let me just say to my distinguished colleague and good friend, Senator PRYOR, that he has served the Nation well by the statement he just made. I believe the whole Vincent Foster saga is one of the sorriest, saddest chapters in the history of this country.

Vince Foster's whole family have been good friends of mine and Senator PRYOR's during our political careers.

Vincent Foster's death was such a sad thing. He was a man of outstanding

talents, mind, feelings about public service, and was a senior partner in one of the finest law firms in our State. His wonderful mother and sister were never permitted to grieve in peace, as Senator PRYOR said.

When I speak to high school groups and even college groups, it is impossible for me to be as upbeat as I would like to be, and often times I say one of the saddest things about what has happened in this country is that people have forgotten how to be civil: We have forgotten how to say "Thank you"; "I am sorry"; "Please"; "Excuse me". We have become so crude and insensitive in so many ways.

Not long ago, I watched an episode of "Saturday Night Live", one of my favorite programs. I used to love to watch it. But in my opinion, they desecrated the memory of Vincent Foster, Jr., in an unbelievably crude, insensitive, and crass way. I have not been able to watch "Saturday Night Live" since I saw that. All I could think about was the way his mother and family must have felt hearing his exemplary life and cherished memory being desecrated.

I want to applaud the independent counsel. I have not read the report. But based on what Senator PRYOR just said, counsel said exactly what needed to be said about the subject. Until we have a society with a culture where people are automatically taught to be more sensitive about things like that, then I dare say, I yearn for the British system where, for example, under their system of criminal justice the prosecutor does not go before the cameras and tell every shred of evidence he has. He announces the indictment, and that is all you see until the day of trial.

It is so easy to get caught up in this sort of thing. And, as Senator PRYOR just pointed out, some of the things that were written in speculation about a wonderful man's death just haunted me.

So I thank Senator PRYOR for saying what he said. I thank the independent counsel for what seems to have been a very thorough investigation of something that should never even have had to be examined.

I yield the floor.

Mr. REID addressed the Chair.

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

SUICIDE

Mr. REID. Mr. President, having been on the floor and heard the statements of both of my friends from Arkansas, the two Senators, one of the things that has not been spoken about in this situation dealing with Vincent Foster is the fact that it was a suicide. For those of us who have experienced suicides in our immediate family, this event even becomes more tragic.

My heart goes out to the Foster family. I do not know them. I never met Vincent Foster. But I know from personal experiences what that family has gone through by virtue of the fact that Vincent Foster killed himself.

I hope those people who are responsible for the maliciousness, the innuendo, and the meanness, analyze what they have done to this wonderful family.

I appreciate very much the statements made by Senators PRYOR and BUMPERS indicating that Vincent Foster committed suicide. It is nothing that his family should be ashamed of. It is a fact that it did happen. What they have gone through, no family should go through, in addition to the suicide which is so tragic.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOREN addressed the Chair.

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

RAISE THE LEVEL OF POLITICAL DISCOURSE

Mr. BOREN. Mr. President, I will just take just a moment.

I want to express my appreciation to my colleagues from Arkansas, Senator PRYOR and Senator BUMPERS, for the comments that they have just made.

I remained on the floor after the last vote to bring to the floor some college students, who are working as members of my staff this summer, so that they might have the experience of seeing the Senate in action. I am glad that they had an opportunity to hear the remarks of Senator PRYOR, and I am glad that they had the opportunity to hear the remarks of Senator BUMPERS.

We have been drifting, in our politics over the last 2 decades or so, into a higher level of inhumanity and, as Senator PRYOR said, incivility in our political discourse in this country.

We should have a lively debate on the issue. It is fair to debate to try to destroy the arguments of the other side. But all too often we have not stopped to understand that we are also often dealing with the lives of human beings, and, in the course of trying to destroy the argument on the other side of an issue, very often in our politics we have turned toward trying to destroy the person who makes those arguments, forgetting that they are human beings with records of personal character and integrity, with families who suffer when they are attacked.

I think it is very important, Mr. President, that we reflect upon what has happened in this case and that we resolve that human beings will not be treated as pawns in a political chess game, even those with whom we have the most sharp disagreements.

I presided over some confirmation hearings as a committee chairman of this body. I have observed confirmation hearings of controversial nominees. I have seen us time and time again cross the line between meritorious discussion of issues into a discussion of personalities that seems to substitute rational discourse and in place of it put personal attacks.

I hope we reflect upon what our colleagues have said today and each of us try to do what we can to raise the level of political discourse, civility, and humanity in the public life of this country.

A TRIBUTE TO DR. WALTER WASHINGTON: WHAT MANNER OF MAN?

Mr. LOTT. Mr. President, I rise today to pay tribute to an outstanding Mississippian and great American, Dr. Walter Washington, the president of Alcorn State University, in Lorman, MS. Dr. Washington retires today after 25 years of service to Alcorn State University, and some 46 years of dedicated service to this country, and the State of Mississippi. He has distinguished himself in the fields of higher education, State government, and community relations.

There are countless citizens across this country whose lives have been touched and enhanced by Dr. Washington. In his lifetime, he has been a classroom teacher, a principal, a dean, and a president of a junior college and a university. His deep interest in challenging and training our future leaders has given him a distinct place in higher education. I have known Dr. Washington since I first served in the House of Representatives, and I would like to pay him homage, and share with my colleagues, what manner of man he is.

Dr. Walter Washington is a native of Hazelhurst, MS. He attended public elementary and secondary schools in the State. He received the bachelor of arts degree from Tougaloo College; the master of science degree from Indiana University; the education specialist degree from Peabody College; the doctoral degree from the University of Southern Mississippi; and a certificate from the Institute for Educational Management at Harvard University.

Dr. Washington holds membership in a number of professional and civic organizations. He is married to the former Carolyn Carter, a retired professor from Alcorn State University.

I am proud to share with my colleagues in the U.S. Senate the notable fact that Dr. Washington has served as a college president longer than any other individual in the Nation. In addition, the university he has guided for a quarter of a century has a special connection to the Congress. Alcorn State University was established in 1871, under the Morrill Act, and is the oldest historically black land-grant institution in America. The very first president of Alcorn State University was a

Member of this body, the Honorable Hiram Revels. Senator Revels, was the first African-American to serve in Congress, and he also was a Mississippian.

Dr. Washington and Alcorn State University both have amassed a record of achievement. They both have a staunch commitment to the very best in education. As president of Alcorn State University, Dr. Washington made many significant contributions. I would like to highlight a few of the many accomplishments from his administration, which he leaves as a rich legacy.

Dr. Washington worked to make the university financially sound.

The university's budget increased from $4 million in 1969 to approximately $32 million in 1993.

He established the Alcorn State University Foundation which currently has assets in excess of $4.3 million with an endowment of $3.3 million.

Outside funds to the university now total more than $11 million annually.

The value of the physical plant increased from $8 million in 1969 to $60 million in 1993 with the addition of 16 new facilities at the university.

In spite of serious budget cuts, as much as 28.3 percent in 1986, the university never experienced a deficit during Dr. Washington's tenure.

Dr. Washington pushed to expand the university's academic offerings and research capabilities.

He garnered support from the Mississippi legislature to establish a branch of the Mississippi Agricultural and Forestry Experiment Station on the campus of Alcorn and garnered support from the Mississippi legislature to directly fund agricultural extension and research for the first time in the university's history.

Dr. Washington implemented higher standards of achievement for the university with the results being expanded growth:

Alcorn State University was the first historically black institution in Mississippi to increase its requirements for admission;

Enrollment reached the largest in the university's history with 3,244 students in the fall of 1991;

Strengthened faculty with approximately 50 percent now holding earned terminal degrees;

Worked successfully to have five areas of the curriculum professionally accredited;

Established the School of Nursing;

Established the General College of Excellence; and

Established the School of Graduate Studies offering master's and specialist degrees.

Dr. Washington is the manner of man whose principles, judgment, and leadership have earned him a special place in the halls of professional education that is undisputed. His indelible mark in that field is a tribute in itself. I congratulate him on his outstanding record of service to Alcorn State University, the State of Mississippi, and this Nation, and I wish him a wonderful and active retirement.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that congressional fellow Larry Ferderber be extended privileges of the floor during the discussion of this bill.

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

Who seeks recognition?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, as soon as I finish my opening remarks, I will be sending an amendment to the desk on behalf of myself, Senator JEFFORDS, Senator LAUTENBERG, Senator FEINGOLD, Senator AKAKA, Senator BOXER, Senator CAMPBELL, Senator WELLSTONE, Senator DECONCINI, and Senator ROTH.

Mr. President, this rather modest amendment that I will be offering raises a simple question of spending priorities. It essentially transfers $33 million from the Department of Energy's nuclear weapons activities to support for renewable energy.

Let me put this in context. The total budget for the nuclear weapons activities is about $3.25 billion. This $33 million would represent, as you can see, about a 1-percent shift. That is all.

Mr. President, it is time to look to the future and change our priorities. For too long we have lavished our limited resources on nuclear weapons activities and starved programs to develop and deploy renewable energy systems.

The Clinton administration has proposed a modest increase in solar energy funding. I applaud this very modest increase.

However, renewable energy funding should be much greater than it is today. For frame of reference, the renewable energy budget was about $1.33 billion in 1980. That is in constant, 1995 dollars. The renewables budget request is only 30 percent of renewables funding 15 years ago. The Department of Energy will have only 30 percent of the buying power next year that they had in 1980 for renewable energy.

Nuclear energy research still receives over twice as much Federal funding as renewables in this budget, about $861 million in the fiscal year 1995 request. That breaks down to $312 million for fission, $372 million for magnetic confinement fusion, and $176 million for inertial confinement fusion.

So what we have in this appropriations bill before us is twice as many taxpayers' dollars going for nuclear energy research than we do for all renewable energy research.

Why should we spend over twice as much on nuclear energy R&D as we do on renewable energy? With all the problems of radioactive waste disposal, weapons proliferation, safety and cost of nuclear fission, and all of the scientific and engineering uncertainty of fusion, we should be shifting the balance even more toward renewables that are becoming more competitive every year.

Fossil energy also continues to receive a larger share, about $520 million, despite the environmental costs of burning fossil fuels, and despite the fact that the fossil fuel industry is alive and well with substantial profits to plow back into research and development.

So, again, Mr. President, let me make this point very clear. We are putting about $400 million into the total renewable energy research. We are putting $520 million into fossil energy research. And all of the fossil energy companies that I know of are making money. They are profitable; a lot of profits. Yet, the fledgling renewable energy industry is not all that profitable yet. So it does not make much sense to me to be plowing so many taxpayers' dollars into fossil energy research and cutting short on renewable energy research.

The amendment we are offering is addressing the administration's request of $300.9 million for solar energy, part of the $409.6 million renewable energy budget. The House energy and water appropriations bill includes the full amount requested for solar energy. The bill before us, however, reduces the solar energy request by just over $29 million, and reduces the total renewable budget by $40.6 million.

This amendment I will offer fully restores the $29 million for solar energy and also adds $4 million for the Solar Hydrogen Program, bringing the total renewable budget to within $7.6 million of the administration's request.

Frankly, we should have taken more money and had it fully funded. In other words the President's request ought to be fully funded but we come pretty close to it with this amendment.

The primary beneficiaries of this amendment are the wind energy and photovoltaic programs. The bill before us reduces wind energy by $11.71 million and photovoltaics by $10.4 million from the President's request. Solar thermal, international solar programs, resource assessment and solar program direction were all reduced. Our amendment fully restores all of these requests made by the President.

Wind energy systems have made dramatic progress over the last decade. Wind energy systems have come of age.

The wind turbines installed in California provide enough electricity for over one million citizens, about 3 billion kilowatt-hours each year. These 16,000 turbines have a combined capacity of 1,700 megawatts.

Wind energy prices have fallen dramatically. Costs in the range of 4.3 to 5.7 cents per kilowatt hour have been quoted for high wind areas.

But now we have to improve the technology even more, and extend wind energy systems to other States. While wind energy systems are being planned in at least 10 States outside Hawaii and California, much more is needed to fully exploit the potential of wind energy.

Photovoltaics or solar cells are still too expensive for mass markets, but costs have been reduced sufficiently to permit development of niche markets. For example, utilities are now finding that relatively small PV systems may be cost effective away from the central power stations to avoid costs of new transmission networks.

This is the exciting news. The utilities themselves are finding applications for PV systems. They have recently formed a market-driven industry association, the Utility Photo-Voltaic Group, or UPVG for short. This fledgling industry group has already obtained interest from 70 utilities to install 7 megawatts of PV systems. These projects would cost a total of $79 million. But here is the good news: Private industry would provide 86 percent of the cost, or $68 million. The Federal Government would provide just 14 percent of the costs for these PV systems. I believe this is the type of leverage we need to stimulate a dynamic PV marHydrogen is the answer.

Hydrogen gas can be generated by electrolyzing water with solar or wind energy. Hydrogen gas can be produced from biomass—crops grown specifically for producing energy.

Hydrogen can be used to power our homes, cars, and factories, and hydrogen is the ultimate environmental fuel.

Burning hydrogen produces no acid rain, no ozone depleting chemicals, no ozone precursor chemicals, no toxic air pollutants, and no radioactive waste. Hydrogen produces clean, pure H_2O—water.

Hydrogen is used to power the space shuttle. Hydrogen and oxygen are combined in a fuel cell to produce electricity and water for the astronauts to drink.

Hydrogen could also be used to power our automobiles equipped with fuel cells—as we have on the shuttle—and produce the electricity needed to run quiet, clean electric motors.

If that hydrogen were produced by solar energy, there would be absolutely no pollution of any type, and no resource depletion during operation.

In short, solar hydrogen is the ideal environmental fuel. Solar hydrogen could be the basis of a truly sustainable energy system in the next century.

In my judgment, we should be spending $50 to $100 million on solar hydrogen, given its potential for a sustainable energy future. But this amendment adds just $4 million for the Solar Hydrogen Program in DOE.

That $4 million will bring it up to $14 million. So for this most promising of all environmentally clean fuels we are only putting in $14 million.

mantling plants, we are seeing it is too expensive. And all we are asking for is $14 million for solar hydrogen, an energy system that could truly revolutionize the way we live and clean up our environment.

Let me just discuss for a moment my concern about the continued high levels of funding for the DOE Nuclear Weapons Program. In my judgment it should be reduced substantially. The total atomic defense activities in this bill are twice the levels they were in 1979, even after adjusting for inflation.

Let us look at 1979. The cold war was still raging. In 1979 they were still designing, building, and testing nuclear weapons. Today we are not designing any new nuclear weapons.

Today we are not building any new nuclear weapons, and today we are not testing any nuclear weapons, old or new.

Why do we need to spend over $10 billion for atomic defense activities in 1995 when $5.2 billion was added in 1979? And that is in constant dollars.

This amendment that I will be offering reduces the atomic defense activities by a meager $33 million, or three-tenths of 1 percent. I suppose we will hear all kinds of talk that this will deal a terrible blow to the atomic defense activities to cleanup to storage. I cannot believe that three-tenths of 1 percent is going to cause any real undue hardship in the atomic defense activities. But as I pointed out, we are already spending twice as much today as we did in 1979.

The amendment reduces the nuclear weapons activities account by just 1 percent, from $33 million out of $3.25 billion for nuclear weapons activities—$33 million out of $3.25 billion; 1 per-

(Mrs. BOXER assumed the Chair.)

AMENDMENT NO. 2128

(Purpose: To provide that certain funds appropriated for the Department of Energy for weapons activities for atomic energy defense be available instead for energy supply, research and development activities relating to certain renewable energy sources and to fund fully activities relating to such energy sources)

Mr. HARKIN. Madam President, I send an amendment to the desk on behalf of myself, Senator JEFFORDS, Senator LAUTENBERG, Senator FEINGOLD, Senator AKAKA, Senator ROTH, Senator DECONCINI, Senator WELLSTONE, Senator CAMPBELL, and Senator BOXER.

The PRESIDING OFFICER. The Chair asks the Senator from Iowa if he is seeking to set aside the pending committee amendment?

Mr. HARKIN. I ask unanimous consent that we set aside the pending committee amendment to take up the amendment I just offered.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. AKAKA, Mrs. BOXER, Mr. CAMPBELL, Mr. WELLSTONE, Mr. DECONCINI, and Mr. ROTH, proposes an amendment numbered 2128.

Mr. HARKIN. Madam President, I ask unanimous consent that the reading of the amendment be disposed of.

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

The amendment is as follows:

On page 40, between lines 21 and 22, insert the following:

FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES RELATING TO RENEWABLE ENERGY SOURCES

SEC. 502. (a) REDUCTION IN APPROPRIATION FOR WEAPONS ACTIVITIES FOR ATOMIC ENERGY DEFENSE.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES WEAPONS ACTIVITIES" is hereby reduced by $33,042,000.

(b) INCREASE IN APPROPRIATION FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading "ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES" is hereby increased by $33,042,000.

(c) AVAILABILITY OF FUNDS.—Of the funds appropriated in title III of this Act under the heading "ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES"—

(1) not less than $94,400,000 shall be available for photovoltaic energy systems (of which $93,400,000 shall be available for operating expenses and $1,000,000 shall be available for capital equipment);

(2) not less than $33,293,000 shall be available for solar thermal energy systems (of which $33,593,000 shall be available for operating expenses and $700,000 shall be available for capital equipment);

(3) not less than $51,710,000 shall be available for wind energy systems (of which $50,710,000 shall be available for operating expenses and $1,000,000 shall be available for capital equipment);

(4) not less than $13,129,000 shall be available for international solar energy programs;

(5) not less than $4,700,000 shall be available for resource assessment (of which $4,300,000 shall be available for operating expenses and $400,000 shall be available for capital equipment);

(6) not less than $9,460,000 shall be available for solar and renewable energy program direction; and

(7) not less than $14,000,000 shall be available for hydrogen research.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa wish to retain the floor?

Mr. REID. Madam President, I am wondering if I can direct an inquiry to the manager of the bill and the Senator from Iowa who offered the amendment?

There is a markup at 3:30, and I am interested in this amendment. I wonder if there is going to be a time agreement on this amendment. Has that been talked about?

Mr. JOHNSTON. Madam President, if the question is asked of me, we had discussed a time agreement. I am in hopes that we can dispose of it even faster without a time agreement, because the time agreement we discussed is 3 hours. I do not believe that we will need 3 hours on this amendment. So I think perhaps we can terminate it faster than that.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I take the floor today to oppose this amendment. This amendment, if adopted, would impose irresponsible funding reductions on the Department of Energy's nuclear weapons activities.

My friend from Iowa said that he had a simple question, and that was spending priorities. I say that the priority question is whether or not we feel confident about our nuclear defense funding as compared to further increased spending in the solar area.

I say to my friend from Iowa, I would not take a second seat to anyone in the work that has been done these last few years in the Congress dealing with alternative energy sources.

As the Senator from Iowa knows, he and I have led the fight for increased spending for hydrogen fuel development. I am convinced that through the development of hydrogen fuel that we will have a better world in which to live, we will have no more oil spills, we will have a cleaner, safer environment.

I am glad to see that there is a slight increase in the hydrogen fuel development budget this year. I say slight. It is very small. There has been a slight increase in the solar energy field—not enough—but certainly there is one. Why is the Senator from Iowa attacking the weapons activities budget when his fight is with other energy funding?

If we take a look at what is really happening, we find that assuring adequate nuclear weapons funding, of course, is a serious issue. It cannot be viewed as a simple budget issue to be traded off against any other budget item. It cannot be viewed as something to be cut as a symbolic act to advance world disarmament.

I say to my friend from Iowa and others who are sponsoring this amendment, I have worked hard to prevent proliferation of weaponry around the world. One of my first votes in the House of Representatives was for a nuclear weapons freeze. I did that in spite of the fact that Nevada was the place where nuclear testing had taken place for 40-odd years. I did it because I believe that it was important that there be a freeze.

I support totally the builddown of the nuclear weaponry in the former Soviet Union and the United States. Nuclear weapons are heavy responsibilities for the nations that possess them. Their stewardship cannot be treated lightly. Nuclear weapons remain an instrument of U.S. national security policy and will continue to be for the foreseeable future.

We have a responsibility to the United States, and to the world at large, to maintain our nuclear competence and to maintain our nuclear weapons in a safe, secure, and reliable manner. With this responsibility comes a responsibility to fund the organizations that are responsible for care of the weapons and the expertise that supports them.

In addition to our moral responsibility, Madam President, to responsibly manage our nuclear stockpile, we must realize that we still have nuclear defense needs. The worldwide nuclear dangers have changed but, sadly, they have not gone away. International events are still unpredictable. Our daily news is filled with examples of nuclear proliferation threats and terrorist activities.

We have been very fortunate as a nation and as a world that we have not, as yet, had terrorist activities relating to nuclear weaponry. Of course, one of the main responsibilities of those who are concerned about nuclear weapons is what we do about terrorists who come in contact, who obtain, build or steal nuclear weapons.

Yesterday in the newspaper was North Korea. Today it is the Russian mafia acquiring nuclear material to sell to the highest bidders.

For example, I offer this New York Times article: "Russian Aide Says Gangsters Try to Steal Atom Material."

I ask unanimous consent to print this newspaper article from the New York Times in the RECORD.

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

[From the New York Times, May 26, 1994]
RUSSIAN AIDE SAYS GANGSTERS TRY TO STEAL ATOM MATERIAL
(By Michael R. Gordon)

WASHINGTON.—A senior Russian law enforcement official said today that organized crime in Russia was trying to infiltrate military installations to steal nuclear material and sell it on the black market.

"These crime groups in recent years are demonstrating more and more interest toward the defense facilities of the former Soviet Union," Mikhail Yegorov, head of the organized crime control department of the Russian Ministry of Internal Affairs, said in an appearance before a Congressional committee.

Mr. Yegorov insisted that Russia's military bases were well guarded, but he acknowledged that 47 criminal investigations had been opened into attempts to steal radioactive materials.

But Louis J. Freeh, the Director of the Federal Bureau of Investigation, provided a less reassuring picture.

Mr. Freeh told the Senate Government Affairs Committee that while the F.B.I. did not have any evidence to confirm reports that Russian criminals have stolen nuclear warheads or bomb-grade materials, Interpol, the international police agency, had reported the disappearance of two kilograms (4.4 pounds) of highly enriched uranium from an institution near St. Petersberg.

Mr. Freeh indicated that the report was being taken seriously and was under investigation. Six to 10 kilograms of highly enriched uranium are needed to make a small nuclear bomb.

More broadly, American officials are worried that the growth of organized crime in Russia and the fact that the Russian mafia has targeted military installations have greatly increased the risk of nuclear theft.

"We are gravely concerned Russian organized crime members may have already attained or will attain the capacity to steal nuclear weapons," Mr. Freeh said.

The Russian mafia's interest in nuclear materials is just one result of a crime wave that has occurred in Russia since the collapse of the former Soviet Union. Mr. Yegorov told the Senate panel that crime was endangering economic reforms in Russia and added that Russian criminals were beginning to make inroads in Europe and the United States.

"At the present time, organized crime is a real threat to the stability of the country's economic and social life," Mr. Yegorov said. "Up to 50 percent, in some cases, of the profits that these criminal organizations get they use to bribe official persons."

Russian officials say that organized crime existed under Soviet rule, mostly in black markets, but that it has flourished in recent years with the growth of a private economy.

Mr. Yegorov said that there were nearly 5,700 criminal groups in Russia with about 100,000 members, and that 101 Russian criminal organizations operate abroad, in 29 countries.

He said 183 Russian police officers were killed and over 800 wounded fighting in gun battles with organized crime last year.

Mr. Yegorov said that the Russian criminal organizations were involved in drug dealing, money laundering and other activities in San Francisco, Los Angeles, Miami, Chicago and New York.

And Mr. Freeh said Russian organized crime was linked to a $1 billion health care fraud case in Los Angeles. To work with Russia, the F.B.I. is setting up an office in Moscow.

He added that there were 47 Russian groups in Germany involved in extortation, fraud and economic crimes, and that more than 60 such groups operated in Italy.

Trying to defend Russian handling of the nuclear issue, Mr. Yegorov insisted that military installations had good security. He also detailed some of the attempted 47 thefts, saying the vast majority of them involved attempts to steal very small quantities of nuclear material or low-enriched uranium that were thwarted by the Russian authorities.

But he said nine of the cases involved allegations of attempted thefts of highly enriched uranium. He said one of those nine cases was linked to organized crime.

Mr. REID. Madam President, from the Washington Post we have the following headline: "Nuclear Theft Found at Chernobyl: Ukraine's Reactors Are Vulnerable, Security Chief Concedes."

I ask unanimous consent that this Washington Post article be printed in the RECORD.

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

NUCLEAR THEFT FOUND AT CHERNOBYL: UKRAINE'S REACTORS ARE VULNERABLE, SECURITY CHIEF CONCEDES
(By Robert Seely)

KIEV.—A top official in charge of security at Ukraine's nuclear power stations has painted a picture of dangerously lax conditions and sloppy standards.

As a result, Anatoly Marushchak said in an interview Wednesday, thieves were able to walk out of the Chernobyl nuclear power station with two uranium-filled reactor control rods, officials discovered late last month. "Our atomic power stations are not secure against theft," he said

Western nations have repeatedly expressed concern about safety and policing standards in Eastern Europe's nuclear power industry. Marushchak's comments are likely to increase that concern.

The Chernobyl power station, scene of the world's worst nuclear accident in 1986, is a special target of attention. Despite the theft—and Chernobyl's acknowledged poor safety record—lawmakers in this former Soviet republic voted last month to overturn an earlier decision to close the power plant.

Marushchak, an Interior Ministry official in charge of Ukraine's nuclear defense coordinating team, said only one of the country's five nuclear power plants is equipped with isolation doors and electronic passes.

"In Western countries, only some specific people can be admitted to premises where nuclear fuel is stored. Such a registration system has not existed here for the past few years," Marushchak said.

A combined police and secret service team, he said, is looking for the thieves who stole the Chernobyl fuel rods.

The 3-yard-long zirconium rods and the 454 uranium pellets they contain are valued locally at more than $1 million. "This looks like the work of a specialist, someone who knows the price and value of the fuel rods," Marushchak said.

Ukrainian police, he said, still do not know when the theft took place. "We think it was sometime this year. We should know soon."

With hyperinflation, economic decline and a drastic drop in living standards plaguing Ukraine, nuclear safety has dropped on the government's list of priorities. The same has happened in many neighboring states.

Thefts from nuclear power stations are nothing new in the former Soviet Union. Authorities in Belarus, which borders Poland, admit their republic served as a conduit for smugglers trying to export uranium to the West.

So far, however, smugglers have not been able to get hold of weapons-grade uranium, according to William Potter, nuclear weapons control expert at the Institute of International Studies in Monterey, Calif.

For Ukraine, Marushchak said, it will take at least a year to install effective security systems against theft in nuclear power plants.

Mr. REID. What will we see tomorrow in the Washington Post, the New York Times, the L.A. Times, whatever the newspaper might be or the media outlet. Who can guarantee that something that we had not heard of 4 or 5 years ago, called Russian nationalism, will not create new threats in the future? Who is responsible for making sure that we are prepared for this not so unlikely future? We are responsible. We, Congress, must support the Nation's nuclear deterrent and the complex that supports it.

A cut of $33 million from this account as proposed in this amendment comes after several years of continuing reductions in the weapons activities budget. Since 1990, the weapons activity funding has been cut by 30 percent in real dollars.

On top of this have been inflation losses, and increasing costs due to rising regulatory requirements, that have resulted in further reduction in buying power. The amount available to actually conduct the weapons program is approximately one-half of what it was 5 years ago. I repeat, Madam President, the amount available to actually conduct the weapons program is approximately one-half of what it was 5 years ago. We have as many weapons as we had 5 years ago. In addition to that, we have added responsibilities to help the Soviet Union in their builddown.

These reductions in support for nuclear weapons activities stand in sharp contrast to the cuts in the defense budget over the same period of time. The DOD budget in 1990 was $291 billion. The 1995 request is for $252 billion. This is a 13 percent cut in real dollars. We have drawn the line on defense cuts, yet we have accepted continuing cuts, and larger cuts, in nuclear weapons support.

Both the House and the Senate Armed Services Committees have expressed strong concerns that the Department of Energy has not adequately funded its nuclear weapons activities. The House has directed the Department of Energy to submit a plan to reverse the losses of nuclear competence that have resulted from the recent budget cutting.

The amendment now pending before this body to accelerate the losses at the same time that the House is trying to reverse the situation is wrong. It is time to draw the line with respect to

our nuclear deterrence. We must stabilize and protect our nuclear weapons infrastructure. We are not talking about building more weapons.

This amendment is based on numerous, I respectfully submit, misinformed beliefs. The sponsors and supporters of this amendment are mistaken in believing that with the end of the cold war the nuclear weapons stockpile and support infrastructure can be adequately maintained at some tiny fraction of the previous program requirements. The requirements on the stewardship of our nuclear stockpile and the maintenance of our nuclear competency have increased, not decreased.

This may be surprising to those who do not understand the requirements and responsibilities of those entrusted with our nuclear stockpile. But it is not simply a matter of numbers of weapons. There are costs to keep the doors open, and costs to maintain critical technical capabilities, that do not scale with the number of nuclear weapons.

The proponents of the amendment are also misinformed of the impact their amendment will have on the goals they claim to be seeking. My friend from Iowa is talking about a 1-percent cut.

Well, this is not just a 1-percent cut. This is one more step to further a massive cut in the nuclear weapons program. It is a cut on top of an administration reduction of over 10 percent.

This amendment will not save dollars in the long run. It will not maintain the stockpile in a safe and reliable manner. And it will not speed up the reconfiguration and downsizing of the weapons complex.

The responsibilities of owning nuclear weapons are tremendous. These weapons that are now being reduced in total number have to be disassembled by someone. It just does not happen magically. Weapons that are built have to also be taken apart, and you have to be just as concerned about safety in taking them apart as you do in putting them together.

Mr. HARKIN. Will the Senator yield for a question? I did not want to interrupt, but I would like to engage him in a question.

Mr. REID. I say to my friend, I would really like to discuss this issue in detail with you but I have to be at a markup in just a few minutes. Could you wait?

Mr. HARKIN. I just wanted to know where the Senator got the 10 percent.

Mr. REID. The 10 percent of about 3 plus billion dollars?

Mr. HARKIN. Yes, $3.25 billion.

Mr. REID. We will go over that before we finish here. I will be happy to go over those numbers.

Madam President, in short, this amendment will not aid arms control or disarmament. In fact, it will put it in jeopardy. It will cause concern with our allies that we do not have a safe stockpile. It will cause significant concern in the Republics that make up the former Soviet Union, as we know we must also help those Republics in their disarmament. The truth is this amendment will delay and undermine our efforts to reduce the worldwide nuclear danger.

Several years of nuclear weapons activities budget cuts have occurred while requirements on the nuclear weapons program have increased. Requirements to reconfigure the complex, dismantle the stockpile, and provide reliability and safety without nuclear testing have been added to administering the nuclear stockpile. The responsibility has increased significantly now. Although we are not conducting nuclear tests and not designing new weapons, the responsibilities and requirements to maintain these capabilities have not gone away.

The President has directed that the Department of Energy maintain the ability to conduct a nuclear test on 6 months' notice. That is a directive from the President of the United States. Congress, through its safeguards to the Threshold Test Ban Treaty, still requires the Department of Energy to maintain a viable testing and research program. So the total requirements on the weapons program have increased dramatically, while the budgets have been reduced dramatically.

Some find it difficult to believe that the requirements are going up when we are not building new weapons. Let me offer an example. We have an accelerated stockpile dismantlement program. This dismantlement process is a reverse of the assembly process. So the work per weapon is the same and it is performed in the same facility. As we are being pushed to dismantle at a higher rate by far than when we built, the workload is increasing, and this is happening in a plant that is getting older—that is Pantex—in an increasingly regulated environment, which is further driving up the cost.

So the fact that we are not designing and building new weapons does not translate into fewer requirements on our nuclear weapons assembly complex. Rather, there are more requirements, and more stringent requirements.

Likewise, in the nuclear testing area, we have not abdicated our responsibility to assure the safety and reliability of the stockpile. However, we have given up our most cost effective tool for certifying the reliability and safety of nuclear weapons. While the testing program is trying to maintain a marginal capability to resume testing if directed to do so by the President, it is also working to develop alternative experimental techniques and associated facilities to acquire the data previously obtained through nuclear testing.

So here again the requirements have not decreased but, Madam President, they have increased.

To further exacerbate the situation, the current budget request from the DOE is already underfunded. We have spoken to the Secretary, and the budget she submitted, I think she would be the first to acknowledge, is one that is very, very tight. It cannot support readiness to resume testing as directed by the President. It cannot support and adequately stockpile the stewardship program. It cannot support the builddown of the nuclear weapons complex or the builddown of the stockpile. How can we justify further budget cuts when the risks are so high.

I know that my friend from Iowa—and I see in the Chamber my friend from Vermont, and I have seen in the Chamber the last little bit my friend from Oregon have the best intentions. I know they think that since we do not have testing anymore we can get rid of everything. Their well-intentioned thoughts are contrary to the facts. Even though their hearts are in the right place, I respectfully submit that their heads are in the wrong place. They have not thought this process through. And for what they have worked for all these years, to make a safer world, they are now going in the opposite direction. If this amendment passes, there will not be a safer world; there will be a world that is simply not as safe.

Additional funding cuts as proposed in this amendment will not drive the cost down in the long run. Until funds are available to provide the experimental means to assure reliability and safety without testing, to build the facilities to support a smaller, more efficient complex and to support the storage and dismantlement of nuclear weapons and materials, we will have to maintain an old, outdated complex to provide marginal or perhaps submarginal stewardship over our nuclear weapons stockpile.

That is not the way it should be. This will cost more in the long run and delay the time when we can have a smaller more effective nuclear weapons complex. It will also increase the risks of owning nuclear weapons. And let us not forget that we will own nuclear weapons for the foreseeable future. It is only a question of how many.

Simply put, this amendment is not in line with the realities of the post-cold-war era. It is not consistent with the nuclear powers' responsibility in the post-cold-war world. We have significant responsibilities now that we did not have before. We are not only concerned now about our safety regarding nuclear weapons, but the rest of the world's safety. We have to be on top of what is going on in the rest of the world. We cannot do that with any certainty with the budget we have now. To cut $33 million from it, I believe, is irresponsible.

This body must defeat the Harkin amendment and preserve the Department of Energy weapons activity budget. We must stop the self-proclaimed arms control organizations outside the Government from pushing us into reckless action. And that is what this is. It is now time to stabilize the nuclear defense infrastructure, time to allow the stewards of our nuclear weapons to manage their responsibilities, and time to allow the administration to implement arms control testing and nonproliferation policies that the Congress has given them.

I learned, coming to the Congress 12 years ago, that the reason we have a Secretary of State, the reason we have a Secretary of Defense, and the reason we have a Secretary of Energy is that Congress has 535 secretaries of state, secretaries of defense, and secretaries of energy. We all have our own views as to how we can administratively handle the areas that I just outlined. That is why we must rely on the executive branch of Government to make these decisions for us. All we do is fine tune them. We are not fine tuning anything we have been given by the administration in this instance. We are continuing to bludgeon it and really wreaking havoc with what I believe is a decent arms control policy that is now in effect in this country.

If we let this amendment pass, we will support reckless national security policy. We will be continuing to support actions that will have serious detrimental impacts on the safety, security, and the reliability of the nuclear stockpile. The builddown of the nuclear stockpile, both here and in Russia, will be slowed down.

We cannot let this happen. The storage and disposition of excess nuclear weapons materials will be hampered. The smaller, more efficient, and more environmentally benign nuclear weapons complex will be delayed with added costs and, most important of all, reduced margins of safety.

Furthermore, we will be undermining our arms control and nonproliferation goals. Without adequate stockpile stewardship, a comprehensive test ban is at risk. The U.S. Senate has historically required assurances and safeguards before it adopted a major nuclear arms control treaty. These assurances cannot be given if the budget continues to be whacked and cut. If we cannot be reasonably assured of being able to ratify a comprehensive test ban treaty, we will be further at risk of not being able to secure an extension of the Nuclear Non-Proliferation Treaty in the spring of next year. This is a major goal of the administration and of the arms control community. Failure to support stockpile stewardship undermines this goal.

In conclusion, the Congress must provide clear, responsible leadership with respect to the management of our nuclear weapons stockpile and its supporting infrastructure. As both the House and Senate Armed Services Committees have been clear about, the responsible action is to stop cutting funds to this very important function.

We must defeat this amendment and send the message that, really, enough is enough. The cold war is ended. Nuclear testing is stopped. We have begun to dismantle our stockpile, and we have drastically reduced the numbers in the nuclear budget. We can no longer allow the nuclear weapons program to be the whipping boy of the antinuclear crowd. It is now time to let those responsible for management of our nuclear weapons stockpile to try to do their job.

Let me tell my friend from Iowa. I have just spoken to my staff, and the numbers—I ask the RECORD to reflect it in my statement—that I gave, the 10 percent number should have referred to the cuts already taken by the administration and was not meant to represent the impact of this amendment alone.

Mr. HARKIN. I know. Reasonable people can disagree on this. My good friend has been a great supporter of hydrogen energy. I want to make sure the numbers are correct.

Mr. REID. I apologize if my point was not clear.

Mr. HARKIN. $3.25 billion, and I am trying to transfer $33 million.

Mr. REID. Yes, I understand. I do say this to my friend from Iowa. The testing program, which makes up the key part of the $3.2 billion, has been an obvious target of the Senator's remarks in the past, and I perhaps misspoke in reacting to this cut as being directed at the testing budget. I think the main point is still true, the overall weapons budget has already been cut enough. As I have outlined in my statement, I think enough is enough.

Mr. HARKIN. If the Senator will yield, I did not realize 1 percent was going to make that big of an upset. The Senator pointed out that the testing and dismantlement amounts to $627 million out of $10.5 billion. So you have a long way to go. We could do double testing, double dismantlement, and still not get much of that $10.5 billion. There is quite a lot of other money. You have $627 million out of $10.5 billion in the whole atomic activity that is just used for testing and dismantlement. Again, as I say, there is a lot of room in there for money for testing and dismantlement, if that is the Senator's wish.

Mr. REID. I just say to my friend from Iowa that since 1990 the weapons activities fund has been cut by 30 percent in real dollars. So there have been significant cuts. My friend from Iowa has been responsible for some of those cuts. I think he should be satisfied with the great progress that has been made in cutting this. The amount available actually to conduct the weapons program is approximately half of what it was 5 years ago.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I would like to point out before the Senator from Nevada leaves that the appropriations in this particular item for the weapons system is $50 million higher than the House version. Therefore, the amendment that the Senator from Iowa and I are offering is actually only taking $30 million of the $50 million that is in excess of the House version. So we are not asking for anything Draconian here, at least with respect to the House Appropriations Committee.

So I do not want to leave the impression which the Senator from Nevada would like to leave, that we somehow are eliminating this program. There is still $20 million more that the House is allocating for this provision.

I also would like to differ very strongly with the assertions that we somehow are sending the wrong message to the world by reducing the amount of money that we are putting into this system. It seems to me the right message to be sending to the rest of the world at this time when we are faced with nuclear proliferation is to really do some substantial reordering of our priorities and reduce the funding in the nuclear area, the weapons area in particular, and send the message to the world that it is not our intention to keep improving on our system but rather send a message to the world that, hopefully, nuclear proliferation is out as far as this Nation is concerned and the rest of the world.

So I am very hopeful that we will reorder the priorities of the Nation that have been recommended by the administration and that we put back in or put up what the administration requests in this area of the renewable resources.

So I say, though we have argued these issues many times and I am not going to take a long time today, the Energy Policy Act of 1992 begins to outline a national energy strategy for our country. The reason this body labored long and hard to pass and support legislation some years ago is to achieve energy security which is vital to our economy and our national security. And very critical aspects of that were to, especially in such areas as biomass conversion, as well as wind and solar, that the great hopes for this Nation are to get ourselves into an energy security situation.

To accomplish this security, the primary goal of the act is to develop domestic energy sources so as to reduce our reliance on foreign sources of energy, particularly foreign oil. Such sources include wind, solar, and biomass. And biomass, as we know from our long discussion, is a very important area where we can substantially

reduce our dependency upon foreign oil. Hydrogen, as eloquently outlined by the Senator from Iowa, is another very promising area.

These are the energy sources of the future. But they are also energy sources of the present. Madam President, renewable energy is becoming a larger share of the energy market, currently supplying close to 12 percent of the national energy demand, and that is way up from where it was 20 years ago.

The Department of Energy predicts that this percentage will increase dramatically as advanced technologies are developed. Let us not undercut this progress. Small, large and medium companies across this country are working to create cutting-edge renewable technologies.

One of the problems we have, of course, when you discuss the renewable technology, is that you do not have the ability in infrastructure that nuclear has, so there are the great defenders. But we need to sort of represent all of the country in the sense of trying to reorder our priorities to promote renewable energy sources.

The use of renewables has taken hold in almost every State from California to Maine. In addition, U.S. firms are capturing a larger share of the world market in renewable energy technologies. It is valuable to these developing nations to be able to participate and be able to utilize renewable sources of energy. To me, our greatest help for these developing nations can be in providing them with renewable technologies.

More than one-half of the manufacturing capacity of the U.S. solar industry is geared to exports. Northern Power Systems, from my State of Vermont, markets wind turbine technologies around the globe. If a city, town, or power system in Saudi Arabia wants a wind turbine, they call Waitsfield, VT.

This technology, and many like it, was developed in coordination with the DOE and the National Renewable Energy Laboratory. The renewables research and development programs at DOE support the work of over 1,000 companies which provide 15,000 megawatts of energy in the U.S. and supply electricity to over 175,000 communities worldwide.

But we need to do more. Wind, solar, biomass—these sources will provide the energy of the future. Let us not continue to invest in finite energy options while other countries move ahead in developing renewables. We have the lead here; let us keep it.

Over the past decade, wind turbines have undergone a technological revolution. They have become more reliable and less expensive, as designs have improved and the wind power companies have gained experience in manufacturing the turbines and picking the best sites on which to install them.

Wind machines now being installed can potentially offer electricity at 5 cents per kilowatt hour, cheaper than the traditional sources. The wind turbines in the United States now generate as much power as two large nuclear power plants.

New designs for solar cells and improved manufacturing techniques are lowering the costs of what many energy experts see as one of the most promising energy sources for the future. Solar cells, which convert light directly into electricity, are becoming cost competitive with other energy sources. Vast improvements have been made in the last few years in that regard.

Our continuing investment in this technology will allow us to develop more solar-based power and move away from more polluting fuels. Examples of successful solar projects are abundant. In Arizona, California, Colorado, Florida, Hawaii, and elsewhere, solar is an integral part of the energy market. We need more resources to make sure we can take advantage of those opening markets in Asia, Africa, and South America.

The utility industry has invested heavily in renewables. Over 80 utilities have joined the Solar Compact program, where they plan to invest $360 million in cost-sharing with the Federal Government. This program was identified as the leading national environmental program in Time Magazine this past January.

For those who argue that these fuels are in their infancy and will only play a minor role in our energy mix, let us dispel that myth. Take New England, where it is cold, not always sunny, and where energy demands are very high, and the cost of traditional sources are very high. In Vermont, 20 percent of our electric demand comes from biomass. In Maine, 25 percent comes from biomass. Studies indicate that wind power could potentially supply 22 percent of current electric demand in New England. A 1991 report by the U.S. Department of Energy estimated that Vermont has the potential to satisfy more than 90 percent of its electrical needs using renewables. Statistics for other States in the country are the same. Let us really do something important in our energy situation in this Nation.

Maintaining the funding for renewables is vital for the future viability of the development of such technologies. The President requested $300 million, but the committee mark before the Senate cuts this by almost $30 million; 10 percent of the entire renewables budget has been cut by this committee. We want to put it back to what the President's request is and to take it from the source which will end up with still $20 million more than what the House has for the nuclear weapons program.

If we cut this now, it could be disastrous. Our national security comes not only from the billions spent on nuclear weapons, but from the millions we spend on weaning ourselves from our addiction to foreign oil.

We are far more secure if we maintain our commitment to renewables, and move $30 million from the $3 billion requested for nuclear weapons activities. That is all. We need not beat all our swords into plowshares, but let us see if we cannot fuel the forge with renewables. Let us invest in the future, not the past.

Let us take a look at chart 1 here. The chart beside me points to the imbalance we see in our country's investment in energy technologies over the past 20 years. Seventy-nine percent of our energy research and development funds have been dedicated to nuclear and fossil fuel technologies and energies of the past. Only 14 percent of the Department of Energy funds have gone for development of renewable energy technologies.

Yet, since the oil embargo of the early 1970's, we have been trying to wean ourselves away from our dependence on foreign oil and away from fossil fuels. For 20 years, we have been talking about developing our own domestic energy supply. We are doing it. Let us not stop now.

As I pointed out earlier, I think the real challenge to us is in stopping nuclear proliferation. But another danger we still have, as we found in the gulf war, is we were so dependent upon foreign oil, and when there was a disruption in the Middle East, we were quite insecure. We should do something about that.

Chart number two indicates graphically that if you look at the past 20 years, look at the difference in our investment in renewables versus nuclear. It is close to $12 billion invested in research and development of nuclear power plant technologies.

But when is the last time we licensed a nuclear power plant? Over 18 years ago. We are no longer building nuclear power plants in this country. Solar, wind, biomass are the power choices of today and of the future.

Madam President, clearly, I have not discussed many of the other important reasons for investment in renewables. Use of traditional fuels is a major cause of local, regional, and global environmental problems. The renewable energy systems displace fossil fuel use, thereby reducing emissions of pollutants that contribute to acid rain, urban smog, and global climate change.

The Clean Air Act Amendments of 1990 helped reduce the amount of air pollutants, but we must do more. What easier way than to reduce harmful air emissions than switch to clean alternatives where economically feasible? So much can be done, as outlinod earlier, and as we found when we discussed the energy bill some years ago.

As regions around the country struggle with their energy mix for the future, many look to renewables as a vital component of that mix. As nuclear powerplants are decommissioned, as utilities look to reduce their reliance on foreign oil, many look to wind, solar, or biomass as a replacement.

As I mentioned earlier, biomass has so much potential. Yet we spend so little to get the breakthrough—we are now on the edge—especially by cellulose conversion.

By definition, the supply of renewables is endless. Though at times the short-term investment in renewable energy systems may seem high, these systems can generate clean, cheap energy for years and years with little additional investment apart from maintenance.

The Federal Government needs to maintain its commitment to this important technological development. Cutting the President's request for commercialization of these technologies may severely restrict our ability to compete in this multi-billion-dollar worldwide market. Already, the European Economic Community threatens the U.S. global leadership in ability to provide these systems.

It is incredibly important that we do not lose that leadership, that we take advantage of those opening markets not only for our own self-interest but in the interest of those nations which can benefit from these kinds of low cost and low polluting sources.

Let us stick with the President's request, as the House has, and keep our commitment to these successful programs. We cannot take such a large step back at this point in the development of these technologies.

I urge my colleagues to support us in our efforts to replace these funds.

Madam President, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, the difficulty sometimes in the appropriations process is trying to put everything in its proper place and proportion. It is a question of setting priorities, and it is always—particularly in recent years—a question of cutting out that which we would like to do.

I would like to say at the outset, Madam President, I am a supporter of solar and renewables. The EPAC, the Energy Policy Act, passed 2 years ago which came out of my committee—Senator WALLOP and I were the lead authors of that—has done more in terms of establishing solar renewable energy efficiency programs than all the bills put together passed or considered by the Congress in all the years prior to that time.

It is a real breakthrough in energy efficiency, conservation, and solar energy. We do not take second place to anyone on our committee in promoting these technologies.

Mr. NUNN. Madam President, will the Senator from Louisiana yield for a brief question?

Mr. JOHNSTON. Yes.

Mr. NUNN. I am not going to be able to stay. I am trying to get ready for the defense bill, assuming this bill passes any time soon.

It is my understanding that the committee has not increased the request for the nuclear weapons components from the administration. Is that right?

Mr. JOHNSTON. No. As a matter of fact, we have cut the administration request. We are $49 million less than the administration requested.

Mr. NUNN. So you are already below. If that amendment passes, you would be that much more below?

Mr. JOHNSTON. That is right, an additional $32 million, which would be $71 million less than what the administration requested.

Mr. NUNN. It is also my understanding, and this is confirmed by, I believe, our committee as well as the Senator's committee, that the main purpose of the funding in the nuclear weapons program is to maintain the safety and reliability of the weapons and assist in dismantling the weapons, which is a very, very difficult and hazardous job unless done properly.

Mr. JOHNSTON. It is not only dismantlement. It is public health and work health and safety, research and development work related to safety issues for those weapons which are to remain in the stockpile for the foreseeable future, and environmental activities at DOE facilities to maintain compliance with Federal, State, and local laws.

I mean these are separate from Tom Brumbley's activities over in the Department of Energy. These are defense activities funded under this budget line.

Mr. NUNN. We are not developing new weapons now?

Mr. JOHNSTON. That is correct.

Mr. NUNN. What we are trying to do is take care safely of the old weapons and dismantle those weapons in a safe manner.

Mr. JOHNSTON. Safety, reliability, and dismantlement. We will be dismantling about 50 tons of plutonium from nuclear weapons over the next few years. That is half of our stockpile. I believe the period of time is the next 5 years. It is a very, very expensive proposition.

Mr. NUNN. You already also reduced this budget the last 2 years something like 30 percent; is that correct? My understanding is it is from $4.5 billion down to $3.2 billion in the last 2 years.

Mr. JOHNSTON. The Senator is correct. We reduced the budget by $1.4 billion.

Mr. NUNN. I thank the Senator.

I do not want to take any more of his time when he would be making his case.

I would urge the Senate carefully to listen to the Senator from Louisiana because I think he is absolutely right on this, and I would hate to see this account reduced when we are really trying to dismantle the results of the cold war in terms of the nuclear weapons but do it in a safe way and a reliable way.

Mr. JOHNSTON. I thank the Senator for making the central point of this whole thing, which is we are reducing this budget line for nuclear weapons really faster than the administration.

I heard speeches on this floor this week to the effect that this is an antinuclear administration. You can believe that or not. If the administration is antinuclear as shown by what they have requested in this budget line, we are already $49 million below getting nuclear than the administration, and we are a little bit above the House. That is because we are $50 million over the House, but the reason we are is that we got a $93 million increase after this bill left the House—budget increase from the President, and we only granted $50 million of that.

So again we cut the President's request. I mean, how much can you cut the dismantlement of nuclear weapons without in effect going exactly opposite from whatever one wants to do which is rid ourselves of nuclear weapons?

Mr. NUNN. At some point you lose the skills and people and the kind of knowledge that is necessary to do this job and do it safely.

Mr. JOHNSTON. The Senator is exactly correct.

Mr. NUNN. I thank the Senator from Louisiana, and I hope the Senate will support the position he is advocating.

Mr. JOHNSTON. Madam President, as I said it is a question of how much do you cut everything and keep it in proportion.

I pointed out that my Committee on Energy and Natural Resources is a strong supporter of solar efficiency and renewables. We have done a lot for that. We have done more than all the committees in all the history of the Congress in one bill. That is EPAC.

Our EPAC bill, for example, had a renewable tax credit of 1½ cents for kilowatt hours. That amounts in a 5-year period for wind, $67 million; for biomass, $29 million; for solar geothermal, $291 million. There is an excise tax exemption for ethanol and an additional one which we put in our bill of $151 million. That is on top of a Federal subsidy of 54 cents a gallon for ethanol, which amounts to an additional $500 million a year.

The PURPA bill came out of our committee a few years ago. That requires purchases in effect of solar and renewables at voided cost which has been a massive subsidy for the solar and renewable energy industry.

The California Public Utilities Commissioner testified before our committee that in California alone it has

amounted to a cumulative subsidy of $7 billion.

Madam President, there has been a lot done for solar and renewables, and most of it has come out of our committee. So let it not be said that we are not supporters of solar and renewables.

The question is, how do you put it in context; how do you put in proper balance? I tell you what we did. We increased solar and renewables by 10 percent this year. This is in a budget where our budget, as I said at the outset, is down $1.5 billion in outlays over last year. That is in nominal dollars, $1.5 billion.

Our whole nondefense expenditure is about $10 billion; our defense is about $10 billion. But we are down $1.5 billion. So we do not have increases to spread around. But even though we had no increases to spread around, we did spread 10 percent increase to solar and renewables, not as much as we would like, not as much as the administration would like, but we did do that.

Having said that, Madam President, let us put solar in context. I have been here 22 years. I remember my very first year here, the late great Hubert Humphrey came in with an amendment where we were going to have a subsidy for solar energy, and I said put me on it because I had heard, like everybody else, boy, this is the be-all and the end-all, and since then I have seen billions of dollars of subsidy for solar and renewables go through this Senate and I voted for I think virtually all of it, most of it, and we are making some breakthroughs. We are doing some real good.

You look at wind energy now. Wind energy now is actually competitive in some areas of the country. Photovoltaics are an important niche source of energy, important but niche and likely to be a niche for the foreseeable future. By niche I mean remote locations. In future years we hope in some of the desert southwest we will be able to use it in rays on homes perhaps with air-conditioning in the hot part of the day. There is real hope for it.

There is real hope for it. That is why we have increased photovoltaic.

But, Madam President, to say that this is going to solve our problem is just not so.

For example, the World Energy Council in a 1992 report entitled, "Energy for Tomorrow's World: The Realities, the Real Options, and the Agenda of Achievement," involving over 250 national experts contributed to the 30-year outlook.

What they say is:

> The predominant new energy sources for electricity production coming into service between now and 2020 will be coal, nuclear, natural gas, and hydropower—in that order. There will be smaller contributions from oil and renewables; renewables other than hydropower will contribute only 2 percent of the worldwide generating capacity in 2020.

Now, Madam President, 2 percent is a lot and it is worth going after and it is why we are increasing that. So, you know, I feel torn here, because I want to speak for the renewables because they are important and we have increased them by 10 percent.

On the other hand, I have to get over on the other side with my other hat and say, "Look, let us do a reality check before we rush off and think all you have to have is a photovoltaic array on your house and it is going to solve the problem, or a windmill."

It does not. The Sun does not shine all the time. The wind does not blow everywhere. And in some places where you can put the windmill, it is even intermittent there. I mean, the Altamont Pass in California, where you have all the windmills, the wind blows there most every day during certain parts of the day, not all of the day but certain parts of every day it blows. But even then it has some problems, what we call avian problems, with birds flying through it. Some do not like it because it pollutes the visual landscape.

My purpose is not to speak against wind energy, because we have an increase of wind energy in our bill. For photovoltaic, we increase $10 million; soil thermal, we increase $593,000; wind energy systems, we increase by $11.7 million.

I am not speaking against wind. I am just trying to do a reality check. The reality check says, yes, at a time when everything else is going down, at a time when we are cutting $1.5 billion from this budget, let us go ahead and increase solar and renewables by a full 10 percent. And I think that is generous.

As a matter of fact, Madam President, this budget function in 1990 was $130 million. Since I have resumed the chairmanship since 1990, we have increased that to $370 million, or almost 300 percent.

Now is that enough? Gosh, it is never enough. I believe it was John L. Lewis, the great labor leader, when asked what he wanted in negotiations, he said, "More." And, you know, that is what everybody wants in this budget process. We want more. Whatever we give you, we want more because it is never, never enough.

Now, let us look at nuclear weapons, on the other hand. The Senator from Georgia put it very well when he said that these nuclear weapons activities are not building new nuclear weapons. They are maintaining the reliability and the safety of the stockpile. Nobody is talking about abolishing our stockpile of nuclear weapons. I say "nobody." I do not believe anybody in the Senate, not one single Senator, is saying abolish all nuclear weapons.

I mean, it is really not a point of real debate. We are going to keep a certain number. Some say we ought to keep fewer; some say we ought to keep more. Everybody says we ought to keep some nuclear weapons in the stockpile.

To the extent that we dismantle any and reduce, we have to have research, we have to have the plant at Pantex to dismantle those weapons and take those what we call pits out, which are made out of plutonium. We have to store the plutonium. We have to do research to determine the safety of those nuclear weapons and the reliability of those nuclear weapons. We have to maintain the public health and safety of the workers, because it is a real problem.

We discussed the nature of plutonium earlier. Plutonium, if inhaled, is a very deadly poison. And they do some milling of those things that puts some of this dust into the air. As a matter of fact, there are some pounds of plutonium that are in the ducts at some of our plants, and that is one of the dismantling problems we have.

So, Madam President, when we have cut this line of nuclear weapons, what we have done is not just quit making nuclear weapons. We have cut the safety and the dismantlement programs. We are $344 million less than last year in this account, $49 million less than the administration requested. And if you consider that we had an additional $93 million budget request that came in after the bill left the House, if you factor that in, we are less than the House.

So, Madam President, I think we dare not cut this important weapons program—which is really a dismantling of the nuclear weapons program—more than we have. I submit that we have done very well in a tight budget year, where everything else is getting cut, by increasing solar and renewables by 10 percent.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I rise in support of the Harkin-Jeffords amendment. This amendment will restore funding for solar and renewable research and development to the amount recommended in President Clinton's budget.

I want to thank Senator HARKIN for offering his amendment, because I believe that our country's renewable energy program is at a watershed. With support from Congress and the Federal Government, we can forge ahead with sustainable development based upon appropriate, renewable technologies. We can position our renewable industry to capture its share of the rapidly expanding market for solar technology. And, we can provide power in an environmentally responsible way.

Or, we can retreat from this promising growth industry, as we did throughout the decade of the 1980's, and watch our international competitors carve up a market that will exceed a billion dollars by the turn of the century.

Should we allow our renewable initiatives to sputter and stall? Or, do we move forward, as other countries are

doing, and make essential investments in technologies that will create new jobs, open export markets, and promote a quality environment? This is the choice we will make when we vote on this amendment.

At stake is our ability to compete in an international energy market that will experience explosive growth in the years ahead. An estimated 75 percent of the population in the developing world still lives without electricity. Many local governments cannot afford to meet the growing energy demand by building, operating, and maintaining centralized power plants and the costly infrastructure associated with them. The flexibility offered by renewable energy technologies is a natural fit.

The administration's fiscal year 1995 budget request for solar and renewable energy was carefully crafted to provide a balanced portfolio of research, development, and export promotion for the coming fiscal year. Unfortunately, the bill we are considering today upsets this delicate balance. The $29 million cut, from a proposed budget of $300 million, represents a significant step backward at a time when the Clinton administration wants to accelerate renewable energy development, and to integrate these technologies into the energy grid.

The past decade was a period of unparalleled success in the drive to reduce the cost of solar and renewable technology. Some are on the verge of becoming cost-competitive with conventional energy sources.

This trend will continue to improve in the years ahead. As prices continue to drop, the rate at which these technologies are integrated into the energy grid will steadily increase.

The efficiency that has been achieved in generating power from renewable technologies is simply remarkable. In the case of wind energy, the typical cost per kilowatt hour was 35 cents in 1980. Today, wind-generated electricity costs 5 to 8 cents per kilowatt hour.

Electricity generated from photovoltaics cost 90-cents-per-kilowatt-hour in 1980. Today, the average cost is 30 cents. By the end of the decade, photovoltaic generating costs could drop by an additional 50 percent. It is no wonder that the Energy Information Agency is projecting an annual growth rate through the year 2010 of 1.8 percent for renewables—which is higher than any other power source.

What is at stake is the ability of a young, but dynamic industry to capture world markets for renewable technologies so that Americans can hold their share of rewarding, high paying jobs in the future. That is what the Harkin amendment is all about. If we are to move into the future with a strong economy and a healthy environment, renewable energy technologies must be a part of our investment portfolio.

today, the value of U.S. renewable energy exports exceeds a quarter of a billion dollars. But the U.S. industry is barely penetrating the expanding world market for renewable energy technologies. This is a direct result of a weak commitment to renewable energy research, development, and export promotion. A 1992 Department of Energy report found that the United States ranks lowest in the amount of resources it commits to solar and renewable export promotion, compared with seven leading trading nations.

I support the Harkin amendment because I want to reverse this trend. Frankly, I would have preferred higher spending levels for solar and renewable programs, but that is not realistic given the budget constraints we face. Unless we maintain the funding level recommended by the Clinton administration, we will continue to lose ground, and should not be surprised if other countries out-compete U.S. industry in this rapidly expanding market.

This is something that we need to do. We need to adopt the Harkin-Jeffords amendment, and I urge my colleagues to support this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will try to be brief. I understand our chairman wants to move on.

We had a good debate on this subject. I just want to make a point on solar energy. I am here because I support the committee bill, the committee increases in solar energy, and reluctantly support the committee's decreases in funding for nuclear weapons and nuclear weapons research activities.

I am not going to take a back seat to anyone on solar energy. I think the chairman will remember that one of the instrumentalities that we used to maximize the marketplace, in terms of not only solar energy but wind energy and all of the renewables, was the Public Utilities Regulatory Policy Act, commonly called PURPA.

What it did was it forced the utility companies to buy from renewable sources, and put them in their grid at prices above the prices that the utilities could buy energy from central sources. This put a great pressure for the demands of these kinds of energies and caused them to be purchased and thus caused many of these facilities to be built.

I was the author of an amendment, and it was debated long and hard in the Energy Committee, to increase the qualifying facilities definition so these kinds of off-power-grid energy-producing facilities, that were solar and wind and the like, could actually get purchased and increase the market even more. So this Senator has been a strong proponent all the way from solar, and its divergent approaches, to photovoltaics, to everything in between. I supported funding on the appropriations side and I have supported regulatory changes that will enhance the market demand on these kinds of sources.

But I want to make sure that nobody in the Senate thinks I am standing up here supporting a bill that does not provide a history and a legacy of dramatic increase in solar energy funding. I just want to repeat what has been said, and do it my way. In 1990 we were spending $90 million on the program that the distinguished Senator, Senator HARKIN, wants to increase. That went from $90 million to $252 million for the year we are now living in—from $90 to $252 million. Under the appropriations bill, which—Madam President, you were present when we discussed and voted on that bill in appropriations—it will now go to $272 million.

So, in all honesty we are going from $90 million in 1990 to $272 million this year, which is a very, very substantial increase. In terms of percentages it is 45.6 in 1991; 34.4 in 1992, very steep increases; 6.3 in 1993; another huge jump, 34.8 in 1994; and now up again about 8 additional percent.

So I do not believe the issue is whether we are adequately considering solar energy and funding it at increasing rates. I think, since 1990, the record is dramatic, it is positive, and it is clearly on track for those who think we should spend more money on solar energy, as this Senator does, and as our committee, the full committee does, and the subcommittee that reported the bill.

Having said that, that is what is increasing. Everybody should know—I repeat—that we are not building any new nuclear weapons. All the talk about the Department of Energy nuclear deterrent laboratories and what they are doing for the United States post-cold war should start with the premise that we are not building any new weapons. But we had a gigantic arsenal that we have to builddown, and we have a certain number of nuclear weapons that we must maintain, keep safe, make sure that they deliver what they are supposed to deliver at the right time and not the wrong time, and all of this costs a lot of money.

The Pantex plant, for instance, at Amarillo is now running at full speed. So some might say, "What is different, Senator? It was always running at full speed." Madam President, it is running at full speed backward. It is full speed disassembling weapons to meet the SALT II limitations, and that is not cheap. It is highly sophisticated, it is dangerous, and no one wants us to cut any of the corners on that.

Over the next 5 to 10 years, more than 20,000 nuclear weapons will be disassembled with everything that goes with that. That is a function of this

funding that we seek to cut further today. I will put a chart in on how much it has already been cut, especially over the last 2 years but starting with the cold war termination.

The laboratories under the jurisdiction of the DOE that do work for the Department of Defense in this area are developing new technologies to dispose of this plutonium that comes out of the disassembling of our nuclear bombs and the uranium that is coming out of these weapons using reactors or accelerators. Frankly, we are engaged in the scientific evaluation and engineering evaluation to see which will work best, and this bill contains money, for the first time, to make that evaluation so that we will be in a position with reference to plutonium in the future to decide whether it is accelerators or reactors, but we are charged with getting rid of it.

These same facilities that we use to produce plutonium and highly enriched uranium, hand explosives—Hanford, Savannah River—have moved out of the defense complex and are now being cleaned up. If anybody thinks that is cheap, then just look at the budget for that part and the research that goes with it over the past 6 years.

These laboratories that we seek to further reduce in funding are developing new technologies to reduce the anticipated $300 billion pricetag that cleanup currently has as the estimates for achievement. Clearly, we do not want to spend that much money, and the very labs that we would cut additional resources from are engaged in exciting research that says maybe we can do that for a lot less money.

The Department is transitioning or moving to a stockpile stewardship role. I have described that in my own words, but the best thing to call it is a stewardship role. This entails—and I believe everybody agrees this must be the case for the foreseeable future—being responsible for 3,500 warheads, mandated under SALT II, for an indefinite period of time. We all hope that will not be the case, but we cannot tell our nuclear scientists that they are not going to have the money to do what they are ordered to do and what we have agreed to by treaty.

They have to design modern safety features for the remaining stockpile, and that is in accordance with the President's reduction strategy, which is clearly a tough strategy in terms of safety features during this period of time. Anyone who has worked in nuclear activities knows that we have to have a safety program for this builddown and for this maintenance and knows that that does not come cheap.

They are going to continue these laboratories to support arms control and verification and help for all of the treaties on which we are working. They are there all the time. They are the best in the world.

I could go on. They are even charged now, Madam President, with helping their former enemies, the scientists of the Soviet Union, in trying to disassemble Soviet nuclear weapons and related products. These same laboratories are involved in that as part of their mission of disassembling and exchanging the very best science technology around.

So anybody who thinks we are going to maintain this expertise by letting these laboratories do work for others just does not understand that you are not going to do work for others, be it the EPA, the Department of Agriculture, the Department of Commerce, the civilian needs of our Nation through the private sector. You are not going to build your laboratories with that kind of work. You must have a basic ingredient sustained there of the scientists that make up this treasure trove of America's great history and legacy that comes from these laboratories.

Just in summary, so no one will think that this Committee on Appropriations is not aware of its responsibility to begin reducing the costs of the nuclear weapons activities and the laboratory and science apparatus that goes with it, I am going to insert in the RECORD a chart that shows from 1990 the weapons activities which were $4.520 billion will be $3.251 billion, and that is even with some parts of it having to go up. Nonetheless, it has been reduced by the amount that I have just stated, which is almost 40 percent.

Our chairman has indicated, because of budget constraints where we could not cut things that the President had cut, we are not even fully funding the weapons activity requested of this President. We are about $40 million to $41 million less. This would say, on top of that, another 30-plus so that we can fund solar energy, which we just described as receiving the kind of increases that I believe are indicative of our full confidence and full support, but that we probably, in choosing here, ought not put another $33 million in that growing account to the detriment of the accounts we are speaking of, which clearly are among the most precarious, dangerous, needed activities of the scientific community and technology community of this Nation.

I know the distinguished occupant of the chair has one of these great laboratories in her State, the Lawrence Livermore Laboratory. It is doing all of the kinds of work that I described. It, too, is struggling under a builddown. Yet, it is committed to do the kind of work that has been described by the Senator from New Mexico in this statement to see that we have safe, reliable activities as we build down in this very, very different world, hopefully one that will have no nuclear weapons around at some time in the future; but in the meantime, that we will have no accidents, that we will not be taking any untoward risks and that we will be doing it right.

I ask unanimous consent that my summary chart on DOE solar budget activities from 1990 through 1995 be printed in the RECORD, and the DOE defense budget 1990 through Senate appropriations recommendation on this bill for 1995, including the environmental restoration account, which has gone up dramatically, and other atomic defense activities, which have come down dramatically, be printed in the RECORD, along with the annual percentage change chart that accompanies it.

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

DOE AND THE DEFENSE BUDGET

[Budget authority in millions]

	1990	1991	1992	1993	1994	Clinton 1995	Senate approps 1995
Weapons activities	4,542	4,636	4,660	4,561	3,595	3,300	3,251
Environmental restoration and waste management	1,975	3,160	3,681	4,828	5,182	5,194	5,084
Other atomic defense	3,133	3,782	3,639	2,670	2,084	2,028	1,995
Total atomic energy defense activities	9,649,	11,578	11,980	12,059	10,861	10,523	10,330

DOE AND THE DEFENSE BUDGET

[Annual percentage change]

	1991	1992	1993	1994	Clinton 1995	Senate approps 1995
Weapons activities	2.1	0.5	−2.1	−21.2	−8.2	−9.6
Environmental restoration and waste management	60.0	16.5	31.2	7.3	0.2	−1.9
Other atomic defense	20.7	−3.8	−26.6	−22.0	−2.7	−4.2

DOE AND THE DEFENSE BUDGET—Continued

[Annual percentage change]

	1991	1992	1993	1994	Clinton 1995	Senate approps 1995
Total atomic energy defense activities	20.0	3.5	0.7	−9.9	−3.1	−1.8

DOE SOLAR BUDGET

[Budget authority dollars in millions]

	1990	1991	1992	1993	1994	Clinton 1995	Senate approps 1995
Appropriations	$90	$131	$176	$187	$252	$301	$272
Annual percentage change		45.6	34.4	6.3	34.8	19.4	7.9

Mr. DOMENICI. Madam President, I yield the floor and thank the Chair for recognition.

Mr. ROTH. Mr. President, today I rise as a proud cosponsor of an amendment introduced by Senator HARKIN and Senator JEFFORDS. I believe that this is an important issue to our Nation and also a very important issue to my State of Delaware. I agree with the President's budget request to fully fund renewable energy programs. Renewable energy programs promise to supply economically competitive and commercially viable energy, while also assisting our Nation in reducing greenhouse gases and oil imports. The Nation should be looking toward alternative forms and sources of energy, not taking a step backward by not fully funding these programs.

Delaware has a long tradition in solar energy. In 1972, the University of Delaware established one of the first photovoltaic laboratories in the Nation. The university has been instrumental in developing solar photovoltaic energy, the same type of energy that powers solar watches and calculators. In addition to this outstanding record in solar engineering, the university has one of the premier centers for solar energy policy issues, the Center for Energy and Environmental Policy. Recently, the University of Delaware was recognized as a Center for Excellence for solar energy research. My State also has a major solar energy manufacturer, Astro Power, which is now the fastest growing manufacturer of photovoltaic cells. In collaboration with the University of Delaware and Astro Power, Delaware's major utility—Delmarva Power & Light—has installed an innovative solar energy system that has proven to significantly reduce building electricity demand. Through this collaboration, my State has demonstrated that solar energy technology can be an economically competitive and commercially viable energy alternative for the utility industry.

Rapid development of solar energy technologies is occurring. The Department of Energy and the National Renewable Energy Laboratories expect the domestic sales of solar energy technologies to double by the year 2000. Cutting the President's request for commercializing these technologies would have a chilling effect on the U.S. industries' ability to compete on an international scale in these billion-dollar markets of today and tomorrow. The employment potential of renewables represents a minimum of 15,000 new jobs this decade with nearly 120,000 the next decade. It is imperative that this Senate support solar energy technologies and be a partner to an energy future that addresses our economic needs in an environmentally acceptable manner. My State has done and will continue to do its part. And I hope my colleagues in the Senate will look to the future and do their part in securing a safe and reliable energy future.

Mr. JOHNSTON. Madam President, I believe that everyone has had his or her say on this issue and, if so, I move to table and ask for the yeas and nays.

Mr. HARKIN. Will the Senator withhold? I just have a couple comments.

Mr. JOHNSTON. I withhold.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I just want to respond to a couple of things. We heard a lot of talk about the dismantlement program and how much is involved in the dismantlement program. I wish the Senator from New Mexico had stayed around. I wanted to engage in a colloquy. Obviously, he has another committee meeting to go to.

Out of the $10.5 billion that is in this bill for nuclear activities, atomic activities, about $252 million goes for dismantlement at the Pantex plant in Texas. There is another $375 million that goes for testing. So out of $10.5 billion, we have about $627 million that is going for dismantlement and testing.

To hear the opponents of my amendment talk, you would think that I was taking $33 million out of dismantlement and testing. That could not be further from the truth. That is a very small part of the big pie.

One wonders, if they are only using $627 million for testing and dismantlement, what the rest of the money is really going for. I might point out, Madam President, that one of the activities involved in doing some of the solar hydrogen research is in the Presiding Officer's State at Lawrence Livermore. They are already beginning the process of changing it over and doing different things in energy.

But again, with the meager amounts of money being involved here, $10 million, not much can be done.

I might also point out, I think there was a misstatement earlier that somehow there was a modest increase in solar hydrogen. That is not so. Solar hydrogen last year was $10 million. There is $10 million in this bill. There was no increase at all. In fact, my amendment attempts to give that a modest increase from $10 million to $14 million, a somewhat small, modest increase. As I said before, I really believe a strong case can be made for a solar hydrogen, or at least a hydrogen research budget of about $100 million.

Madam President, I have a couple of things I ask unanimous consent to insert in the RECORD. One is a table showing the estimated Government subsidies for nuclear power from 1948 to 1990.

The other one is a renewable hydrogen program plan, a table showing where in 1995 $113 million could be wisely spent on research in renewable hydrogen. So when we are asking for $14 million, that does not even come close to the $113 million that could be used in all of the various areas of research for renewable hydrogen.

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

Estimated Government subsidies for nuclear power—1948–90

Nuclear R&D	33
Price-Anderson avoided insurance costs	30–150
Uranium enrichment costs	11
Radioactive waste disposal	4.1
Dismantling 3 enrichment plants	16–36
Nuclear plant decommissioning	5
NRC operating costs	9.2
Tax breaks & accelerated depreciation	30
Total	188–328

Senator Harkin's renewable hydrogen program plan, 1995

	Millions
1.0 Hydrogen R&D	55.5
1.1 H2 Production	14.6
Photoelectrochemical	2.0
Biological	2.0
Advanced Electrolysis	2.5
Biomass:	
Plant Growth	0.4
Bio Gasification	3.5

	Millions
OTEC	3.0
Natural Gas Reformer	1.2
1.2 H2 Storage	13.1
Compressed H2:	
Stationery Tanks	0.4
On-board Vehicle Storage	2.4
Underground	0.8
Liquification: Magnetic Refrig	2.0
Hydrides	3.5
Cryo Adsorption	2.0
Iron rust	2.0
Advanced Storage Materials	0.0
Competitive Procurement	0.0
1.3 H2 Distribution	2.5
1.4 H2 Utilization	15.8
Industrial	2.0
Commercial	0.5
Residential	0.8
Transportation:	
PAFC	3.0
PEM FC	5.0
Solid Oxide FC	0.5
Surge Power	2.0
Utility	2.0
1.5 H2 Systems Engineering	9.5
Safety	2.0
Environment	1.5
Economics	6.0
2.0 H2 Integrated Systems Experiments/Demos	38.0
2.1 Motor Vehicle Demonstrations	31.0
PAFC Bus Demo	3.0
GM PAFC Car Project	12.0
FC Locomotive	2.0
Direct H2 PEM FCEV	9.0
H2 Dispensing Stations (s)	5.0
2.2 Sustainable Energy Centers	7.0
3.0 Pre-Commercial Scale-up	14.5
3.1 Advanced Manufacturing Technology	2.5
3.2 Build Prototype Fleet FCEV's	0.0
3.3 Build Multiple NG Reforming Stations	0.0
3.4 Built Fleet of Urban FC Buses	12.0
4.0 Market Entry	0.0
4.1 Federal Fleet FCEV Purchases	0.0
4.2 Incentives for Commercial FCEV Fleets	0.0
4.3 Production Incentives for Renewable Hydrogen	0.0
5.0 Hydrogen Aircraft Development (subsonic)	5.0
5.1 Aircraft System Design	1.0
5.2 H2 Aircraft Component R&D	1.0
5.3 Airport H2 Infrastructure	3.0
Total	113.0

Mr. HARKIN. So again, it is a very modest amendment. I have just been somewhat bemused by all of the talk of the fact that I am transferring 1 percent, a 1-percent shift out of atomic activities into solar and renewable energy, 1 percent, and that 1 percent is going to devastate dismantlement, devastate testing, devastate the Nuclear Non-Proliferation Treaty. My goodness sakes, you would think that 1 percent would just devastate everything.

Well, it is a very modest amendment. After hearing all that rhetoric, I probably should have tried to shift 10 percent. As long as we are going to devastate everything anyway, maybe I should have tried 10 percent. But I thought I would try a modest amendment, something that could be accommodated very easily. One percent is not that big a deal. We need, in solar and renewable energy, to try to get it back up a little bit.

Now, the Senator from New Mexico stated that we had increased solar energy. Well, again, comparable to what we had under Reagan-Bush, yes, we have increased it a modest amount. But I point out again that the whole renewable energy budget request is 30 percent of what we had in 1980. So, yes, we took a big cut. In the 1990's, we brought it up a modest amount, but we are still only 30 percent of what we had in 1980. And again, I point out that the total renewable budget is one-half, just one-half, of nuclear, fusion, and fossil energy research, all of which totals over $800 million. The renewable budget is only a little over $400 million.

So again, it is a very modest amendment. It is a 1-percent shift of money to try to get us back up a little bit in solar and renewable energy and to put $4 million into renewable hydrogen energy. And with that, Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. HARKIN. I ask unanimous consent to add Senator KOHL as a cosponsor of the amendment.

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

The majority leader.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 263, the adjournment resolution just received from the House; that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

So the concurrent resolution (H. Con. Res. 263) was considered and agreed to, as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 30, 1994, it stand adjourned until 10:30 a.m. on Tuesday, July 12, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, June 30, 1994, Friday, July 1, 1994, Saturday, July 2, 1994, or Sunday, July 3, 1994 pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, July 11, 1994, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. Madam President, I note the presence of the distinguished Republican leader in the Chamber. I was about to say that I discussed this with him and he had agreed to permit its consideration and approval.

Pursuant to our discussion, I want to state now, in effect repeat now, what I have previously said, that we expect to finish this bill shortly, and immediately thereafter we will proceed to the consideration of the Department of Defense authorization bill.

We must complete action on that bill before the Senate breaks for the Independence Day recess, and we will stay in session for as long as that takes—tonight, tomorrow night, Saturday, if necessary. I hope it is not necessary, but we have to get this work done.

I encourage those Senators who wish to offer amendments to the Defense Department authorization bill to be present and to contact the manager of that bill, Senator NUNN, to make certain that we can use the time that remains expeditiously. But I wish to repeat what I have said. We will remain in session until we complete action on that bill.

Now, Madam President, Senators can leave if they want to, but if we get to that point where Senators have left and have urged other Senators here to protect them against votes, as they did last Friday—and I repeat what I said many times since last Friday—we will have an unlimited number of procedural votes. Any Senator who leaves before we complete action on this bill runs the risk of missing a large number of votes. I regret that, but it is imperative that Senators remain to do the business we must complete before going on the recess.

I thank my colleagues.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2128

Mr. JOHNSTON. Madam President, I ask unanimous consent that it be in order to move to table and that upon making that motion, the vote occur at 5 p.m. on the motion to table.

The PRESIDING OFFICER. Is there objection?

Is the Senator from Iowa objecting?

The Chair hears none, and it is so ordered.

Mr. JOHNSTON. Madam President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll at 5 o'clock.

Mr. JOHNSTON. Now, Madam President, in the 30 minutes prior to that vote—I know of no other major amendments—we have a number of agreed to amendments, and I hope we can wrap up all the details so that we can have the vote on the motion to table the Harkin amendment and follow that by third reading.

Madam President, I will send a group of amendments to the desk after I describe them, and I will ask for consideration en bloc.

The first is a Burns amendment that provides that within the funds made available for the Water Management Conservation Program, $300,000 shall be available for a Western regional drought mitigation center located within the Great Plains region through a competitive grant process.

The second amendment is an amendment by Senator NICKLES which provides that within the funds available for hydrogen research $250,000 shall be made available to an institution with expertise in electrochemical fuel cells, thermochemical and photochemical reactions to hydrogen production may be synergistically studied and the application of gas storage and alternate vehicle technology may be integrated.

The next amendment is on behalf of Senator KEMPTHORNE which provides that not less than $1,500,000 shall be available for hydropower research and development, of which $1 million shall be available on the advanced hydropower turbine program for design activities conduct and funded jointly by the Secretary of Energy and one or more appropriate entities from the private sector for an energy-efficient turbine that reduces the environmental impact on fish species.

The next is an amendment by Senator DOMENICI that provides that of the total amount appropriated $4.827 million shall be available for transfer to the State of New Mexico Irrigation Works Construction Fund for settlement of all claims associated with the Costilla Dam;

The next is on behalf of Senator FORD which provides that the Secretary of Army, acting through the Chief of Engineers, shall not collect fees at boat launching ramps located in undeveloped or lightly developed shorelines with minimum security and illumination.

Madam President, I ask unanimous consent that the amendments be considered en bloc.

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

AMENDMENTS NOS. 2129 THROUGH 2133

Mr. JOHNSTON. Madam President, I send those amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes amendments numbered 2129 through 2133.

Mr. HATFIELD. Madam President, all those amendments have been cleared on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to.

The amendments (Nos. 2129 through 2133) were agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 2129

Mr. JOHNSTON offered an amendment No. 2129 for Mr. BURNS.

The amendment is as follows:

On page 18, line 19 insert the following before the period: ": *Provided further*, That within the funds made available in this Act for the Water Management and Conservation Program, *$300,000 shall be available for any* western regional drought mitigation center located within the Great Plains through a competitive grant process"

Mr. BURNS. Madam President, I offer an amendment to the Energy and Water Appropriations bill, H.R. 4506, which would allow existing funds for establishing a drought mitigation center within the Great Plains region of the Bureau of Reclamation.

This amendment allows for a competitive grant to be awarded for a drought mitigation information center. The Water Resources Center at Montana State University has designed a program with help of representatives from the Montana Department of Natural Resources and Conservation which would serve as a clearinghouse of drought information which could be utilized by States in the region. The center would address problems unique to the great plains. I am pleased that the managers of this bill have agreed to accept this amendment, and I look forward to Montana competing for this competitive grant.

AMENDMENT NO. 2130

Mr. JOHNSTON offered an amendment No. 2130 for Mr. NICKLES.

The amendment is as follows:

At the end of the sentence on page 22, line 7, after the word "Act", insert the following new provision:

"*Provided further*, That within funds available for hydrogen research, $250,000 shall be made available to an institution where expertise in electrochemical (fuel cells), thermochemical and photochemical reactions for hydrogen production may be synergistically studied and the application to gas storage and alternate vehicle technology may be integrated."

Mr. NICKLES. I would like to thank both Senator JOHNSTON and Senator HATFIELD for agreeing to include my amendment on hydrogen research in the 1995 energy and appropriations bill. It is my understanding that this bill provides $10,000,000 for hydrogen research.

Mr. JOHNSTON. That is correct.

Mr. NICKLES. The University of Oklahoma has expertise in electrochemical, thermochemical, and photochemical reactions for hydrogen production. In light of this expertise, I would strongly encourage the Department of Energy to provide at least $250,000 in funding to the University for research on the economical production of hydrogen.

Mr. HATFIELD. I join with Senator NICKLES in encouraging the Department of Energy to provide the University of Oklahoma at least $250,000 in funding for hydrogen research.

Mr. JOHNSTON. I concur.

AMENDMENT NO. 2131

Mr. JOHNSTON offered an amendment No. 2131 for Mr. KEMPTHORNE.

The amendment is as follows:

On page 22, line 7, insert before the period the following: ": *Provided further*, That not less than $1,500,000 shall be available for hydropower research and development, of which $1,000,000 shall be available under the Advanced Hydropower Turbine program for design activities conducted and funded jointly by the Secretary of Energy and one or more appropriate entities from the private sector for an energy-efficient turbine that reduces the environmental impact on fish species".

Mr. KEMPTHORNE. Madam President, the amendment I offer increases the DOE hydropower budget by $500,000 from within available funds under DOE's $3.3 billion energy supply, research, and development budget; $1 million of the total, $1.5 million, amount is then set aside for DOE's effort to develop an advanced hydropower turbine.

The purpose of DOE's current advanced hydropower turbine effort is to develop an energy efficient, fish friendly turbine. In the past couple of years, we have become especially aware of the distinct environmental problems associated with hydropower projects. These include problems of fish passage, which have been such a crucial issue in salmon recovery in the Pacific Northwest, dissolved oxygen and cavitation.

Hydropower engineers and scientists believe that breakthroughs are now possible. Not only can we now resolve the environmental problems, they believe we can increase energy production and maintain that production over a wider range of flows. As anyone will tell you in the Pacific Northwest, stream flows are a critical issue.

The current Department of Energy effort is being carried out on a cost-share basis with the private sector, including hydropower interests from every region of the country. Industry has committed $500,000 to match $500,000 now being provided by DOE. My amendment would simply invest an additional $500,000 in this program.

The administration has included hydropower R&D in its sustainable energy budget proposal, backed by industry and major environmental groups. It

has also formed a technical oversight committee. Participants include: Corps of Engineers, NMFS, Bureau of Reclamation, Bonneville Power, private sector companies in the Pacific Northwest and the East, the Electric Power Research Institute, and the Interior Department.

This project is important for the Pacific Northwest, where we are engaged in a multimillion dollar salmon recovery effort. This research and development is also important for the Eastern States where the Atlantic salmon is listed, and it is important for every State that has hydropower as a part of its energy mix.

Madam President, this is an idea whose time has come. DOE recognizes this and has taken the initiative with basic seed money. Congress needs to step up to the plate, also, and give its solid endorsement by accelerated funding. With over 100 hydropower facilities due to be relicensed in the next decade, and the salmon problems, this work will prove crucial to the continuing viability of hydropower. This work will also be important to U.S. technological leadership in the export market for mass power generating renewable energy sources.

I understand that the chairman, Mr. JOHNSTON, and ranking member, Mr. HATFIELD, have agreed to accept the amendment, and we will work on this further between now and conference.

AMENDMENT NO. 2132

Mr. JOHNSTON offered an amendment No. 2132 for Mr. DOMENICI.

The amendment is as follows:

On page 17, at the end of line 13, before the period after the word "Act" and add the following new proviso: ": *Provided further*, That of the total appropriated, $4,827,000 shall be available for transfer to the State of New Mexico Irrigation Works Construction Fund for settlement of all claims associated with Costilla Dam".

AMENDMENT NO. 2133

Mr. JOHNSTON offered an amendment No. 2133 for Mr. FORD.

The amendment is as follows:

On page 14 after line 8, add the following: SEC. 102. The Secretary of the Army, acting through the Chief of Engineers, shall not collect fees at boat launching ramps located in undeveloped or lightly developed shorelands with minimum security and illumination.

Mr. JOHNSON. Madam President, I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

MOUNTAIN PARK PROJECT

Mr. NICKLES. Madam President, Senator BOREN and I have been working with several of our colleagues to offer an amendment allowing the Mountain Park Conservancy District to prepay, or refinance, its obligation to the Bureau of Reclamation for the Mountain Park project. The prepayment authorized by our amendment would be equal to the fair market value of the district's debt, and is necessary to prevent a possible default by the district on their obligation.

Since our amendment does constitute authorization language, we have worked closely with the leaders of the authorizing committees, Senator JOHNSTON, Senator WALLOP, Senator BRADLEY, and Congressman MILLER. Unfortunately, we were unable to gain everyone's approval to move the amendment on this appropriations bill.

Therefore, Madam President, I will not offer the amendment today, but will instead introduce it as a freestanding bill later this week. It is my understanding that Senator BRADLEY's authorizing subcommittee will be holding hearings in late July, and that he has committed to working with Senator BOREN and I to hold hearings and move our bill as soon as possible.

Mr. BOREN. Madam President, several years ago, Congress passed legislation allowing the Mountain Park Conservancy District to restructure debt owed to the Bureau of Reclamation. Unfortunately, the legislation that passed did not give the desired relief.

Today, the communities of the district are faced with a tough choice. Either default on the loan to the Federal Government or face bankruptcy. Neither of these choices will benefit the community nor the Federal treasury.

Both the House and Senate have recognized the need to provide relief to the district and protect the financial investment made by the Bureau of Reclamation. Congressional action is needed this year to modify the original legislation and prevent default by the district.

I would have preferred to solve this problem on the energy and water appropriations bill, as it is most likely guaranteed of passing both the House and Senate this year. However, I do understand the reluctance to approve authorizing legislation on an appropriations bill. I would like to thank Senator BRADLEY for his pledge to work out a solution in the energy committee and his subcommittee on water and power as soon as possible. I also appreciate his understanding of the urgency of this matter and his commitment to work together and pass a solution before Congress adjourns for the year.

Mr. BRADLEY. I thank the Senators from Oklahoma for their comments. I regret that we cannot accommodate their amendment at this time. The need for assistance at the Mountain Park project is great, and I will work with them to move legislation through the authorizing committee as soon as possible.

Mr. JOHNSTON. I, too, thank the Senators from Oklahoma for withholding their amendment. As the chairman of the Energy and Natural Resources Committee, I am sensitive to the Senators' problem, and I hope to work with them to solve it.

Mr. HATFIELD. The Senators from Oklahoma make a strong case to help the Mountain Park Conservancy District in Oklahoma. I, too, will work with them on this matter in the authorizing committee.

CENTRAL UTAH PROJECT

Mr. HATCH. Madam President, those of us involved in completion of the Central Utah project anticipate that, in the near future, President Clinton will appoint the members of the Utah Reclamation and Mitigation Commission, which was established with passage of the Central Utah Project Completion Act [CUPCA] of 1992, Public Law 102–575. This Commission will administer millions of dollars included in this year's Energy and Water Development Appropriations bill for fish and wildlife enhancement measures associated with the Central Utah project. I would like to engage Senator JOHNSTON, who chairs the Energy and Water Development Appropriations Subcommittee and the Senate Energy and Natural Resources Committee, which passed CUPCA, in a brief colloquy, with my colleague Senator BENNETT, with respect to the use of these funds.

Mr. JOHNSTON. I would be happy to discuss this matter with my two colleagues from Utah.

Mr. HATCH. According to the distinguished chairman of the subcommittee, what guidance has been provided to members of the Utah Reclamation and Mitigation Commission with respect to how the fish and wildlife funds in the bill now before the Senate are to be used?

Mr. JOHNSTON. These funds have been appropriated for specific purposes. The provisions of title III of CUPCA govern the activities of the Commission with respect to the expenditure of funds provided in this appropriations bill. While title III of Public Law 102–575 identifies a number of fish and wildlife related projects, which are eligible to receive funding, section 301(f)(3) of that law directs the Commission to expend funds on a priority basis. In essence, that section states that the Commission shall provide funding on a priority basis for environmental mitigation measures adopted as a result of compliance with the National Environmental Policy Act of 1969 [NEPA] for projects built under titles II and III of CUPCA.

Mr. BENNETT. According to my colleague's understanding of Public Law 102–575, how will the Commission determine which projects meet the requirements of section 301(f)(3)?

Mr. JOHNSTON. I expect that the Commission will work closely with the Central Utah Water Conservancy District, which has been given the authority by Congress to complete the features of the Central Utah project, and

is responsible for future NEPA compliance on the project. In this process, the Commission should also consult with resource agencies and local environmental groups. As mitigation measures are developed by the district under compliance with NEPA, it is my understanding the Commission will include funding for priority items in its annual budget requests for these measures.

Mr. BENNETT. I concur with the Senator from Louisiana and thank him for his clarification on this matter.

Mr. HATCH. I, too, concur with the statements made by the Senator from Louisiana on this point. Senator BENNETT and I believe that it is important to reiterate how funds provided in this bill will be utilized now that members to the Utah Reclamation and Mitigation Commission will soon be appointed. I thank my colleague for his responses of these questions.

Mr. LAUTENBERG. Madam President, the chairman and I have discussed a problem facing communities in my state which currently are burdened with the Wayne and Maywood Superfund sites containing thorium contaminated soil. The Department of Energy had proposed that the soil be treated with a new and still experimental technology called soil washing. The residents of the two communities oppose that. And, as I told the chairman, I was just informed by the Department of Energy that they have agreed to abandon efforts to conduct soil washing on site or in those communities. They will—and I support this decision—continue to test the soil washing technology, but they will not be doing it in Wayne and Maywood.

While this is obviously good news, I do want to make sure that the contaminated soil in the communities will, in fact, be cleaned up expeditiously in order to protect human health. In that context, I want to make sure that enough of the money the Department of Energy was going to use to test soil washing will be reserved for alternative methods of cleanup in these communities. I have a letter from the Department, which I want to submit for the RECORD, which makes it clear that is their understanding and I simply want to ask the chairman if he shares that understanding.

Mr. JOHNSTON. Madam President, the Senator from New Jersey and I have discussed the problem facing these communities in his State at great length over the past few months. I understand his concerns and the concerns of the residents of those communities. I am delighted that he has been able to make an arrangement with the Department to conduct soil washing tests at other locations.

I am aware of the Department's understanding about reserving sufficient funds for alternative treatment of the contaminated soil in these communities.

Mr. LAUTENBERG. I ask unanimous consent that the letter from Mr. Grumbly be printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC.

HON. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing in response to your June 24, 1994, letter expressing concerns about the Department of Energy's proposed soil washing test in Wayne and Maywood, New Jersey. I understand your position that we not proceed with the soil washing proposal because of community opposition and questions about its effectiveness. Given that concern, the Department of Energy has decided not to go forward with our proposed soil washing test in Wayne or Maywood, consistent with your concern.

I know that you are concerned with resolving outstanding issues in Wayne and Maywood and moving forward with an acceptable and effective clean up plan. I am committed to this goal as well as pledge that the Department of Energy will continue to review options to protect the public health and environment in Wayne and Maywood. DOE is investigating an alternative site for the soil washing pilot test.

As you know, DOE plans to use $1 million for action at the Wayne site if the Fiscal Year 1995 budget is approved as requested. Also, we continue to be committed to begin removal of the pile from the Maywood site in 1994.

If you have any questions, please feel free to contact me.

Sincerely,

THOMAS P. GRUMBLY,
Assistant Secretary for Environmental Management.

Mr. DOMENICI. Madam President, I would like to compliment the subcommittee chairman and ranking minority member on H.R. 4506, the fiscal year 1995 Energy and Water Development appropriations bill. It has been my pleasure as a member of the subcommittee to work with them both.

I would ask the distinguished subcommittee chairman if he would engage in a colloquy.

Significant funding is provided through this appropriations bill and through the Department of Energy for the Los Alamos National Laboratory, located in my State. Less than 10 air miles also separates LANL from the pueblos of Cochiti, Santa Clara, and Jemez, and the pueblo of San Ildefonso has the distinction of being the only tribe in the country to share a common boundary with a Department of Energy facility. These four pueblos are affected by LANL activities impacting surface and ground waters, ground water, transportation of hazardous wastes, and air emissions.

This spring, representatives of the pueblos came to Washington to meet with DOE Under Secretary Curtis, and to request his assistance to provide DOE funding to enable these pueblos, known as the Los Alamos Pueblos project, to be able to discern more about whether and how activities at LANL may be impacting the land, water, air, and wildlife in the area, and the health and safety of pueblo members. While the Department does not support a specific earmark of funds for the Los Alamos Pueblos project, Under Secretary Curtis has indicated that the Department is eager to work to establish a long-term relationship with the pueblos, and to develop a long-range plan to address tribal concerns about activities at LANL.

Mr. BINGAMAN. I express my support as well for a comprehensive strategy developed jointly by the pueblos and DOE. Such a strategy is a natural next step toward implementation of the accords the Department of Energy has signed with these four pueblos to ensure their participation in long-term planning and management processes affecting LANL.

I commend the Department, Secretary O'Leary, and Under Secretary Curtis, for their expressions of a commitment to work with the LAPP pueblos. I note, too, that the pueblo governors have requested a meeting with the director of LANL, in the hopes that they may work with officials at the laboratory level to raise visibility about concerns of the pueblos and to participate in decisionmaking at LANL in the future.

May I count on the subcommittee chairman's support for a dialog between the Department of Energy and the Los Alamos Pueblos project toward a cooperative agreement which would facilitate pueblo participation in environmental, health and safety, and other issues affecting them at LANL?

Mr. JOHNSTON. The Senators may surely count on my support. While the administration and the subcommittee do not support the specific earmarking of funds within the Department of Energy budget for LANL, as the Los Alamos Pueblos project requested, we encourage the Department and the pueblos to work together.

DRY STRAITS, AK

Mr. MURKOWSKI. I would like the Corps of Engineers to continue the reconnaissance report of Dry Straits/Wrangell Narrows by developing a detailed mathematical model of Dry Straits. I also would like the Army Corps to go ahead with physical modeling of Dry Straits once a mathematical model is available.

In Alaska, our livelihood stems from the sea. Southeast Alaska, where Wrangell Narrows and Dry Straits are located, depends on safe navigation for its people and commerce. The Corps of Engineers is presently looking at improving navigation across Dry Straits near Wrangell, AK. The lack of depth of present navigational channels prevents most large vessels from plying the most convenient routes of the protected waters of the Inside Passage.

Without improved navigational passages, large vessels are prevented from connecting with the rest of the oceangoing commercial network.

Thus, the Army Corps should continue its study of Dry Straits by conducting needed modeling studies to determine the viability of improving this channel to accommodate larger vessels. I had been prepared to offer an amendment to provide funds for this purpose. However, the managers have noted concern with the December 1993 interim reconnaissance report on Dry Straits/Wrangell Narrows which estimates a benefit-cost ratio less than the Corps considers necessary.

Mr. HATFIELD. I understand that the Senator from Alaska does not feel that this benefit-cost ratio is accurate and would like to have a more detailed assessment of the economic benefits of this project.

Mr. MURKOWSKI. Yes, that is the case. I have lived in southeast Alaska and I think that this project has a much greater economic benefit than was estimated by the corps.

In its economic analysis, the corps investigated the following benefit categories for an improved navigation route through Dry Straits: reduction in delay for log tows; improvements in the Alaska Marine Highway ferry schedule; increased tourist spending; increase in number of general cargo vessels through the strait; reduced casualties to commercial vessels; and reduction in vessel operating cost (fuel). While I am not sure that the economic analysis exhausts all categories that needed to be considered in this list, I am sure that the economic analysis did not evaluate the benefits of these categories thoroughly enough. The National Economic Development [NED] benefits were only estimated for the last of these six categories. I think that the NED benefits should have been performed for all of these categories.

I also feel the corps was remiss in not doing any analysis of two options—a shallower channel project that could provide limited benefits at a substantially lower cost, and a larger channel project that would open the passage to even the largest cruise ships that frequent these waters.

I believe that if all of the potential benefits were figured into the equation that the annual costs of Dry Straits may be offset and that even the high initial cost of construction may be worth the investment. I seek the assistance of the chairman in directing the corps to reconsider its economic analysis of benefits to costs by taking into account the benefits of all categories and any other benefits that may be realized from this project.

Mr. JOHNSTON. I urge the Army Corps to address the concerns of the Senator related to the benefit-cost calculation.

Mr. MURKOWSKI. I thank Senator JOHNSTON. Taking all of this into account, I think that this project warrants further studies. I anticipate that a more thorough evaluation of the benefits to costs will result in the next needed step of a detailed modeling.

Mr. HATFIELD. I am happy to be able to accommodate the Senator from Alaska in this way for now. I am willing to work with the Senator in the future on this project.

NEW BOAT HARBOR AT WRANGELL, AK

Mr. MURKOWSKI. Madam President, I once had the privilege of managing a bank in the city of Wrangell, in southeast Alaska. Wrangell is a small but thriving community of approximately 3,000 people—active in the Alaska fishing industry, a destination for the State's marine highway ferry system, the hub of a thriving river trade with Canada, and the site of an important lumber mill. Like most Alaskan coastal communities, its welfare is closely tied to the sea. Unfortunately, the current boat harbor, constructed in the 1930's, is unable to satisfy today's boating needs. It suffers from limited depth, inadequate wave protection, and overcrowding. It needs moorage for local commercial fishing and pleasure craft, moorage for transient vessels, space for an expanding tugboat fleet, and room for needed upland facilities to support water-related uses.

The Corps of Engineers in Alaska has indicated that it would be receptive to evaluating the need for new harbor construction in Wrangell, but because of the press of other business and limited funding, it was unable to include this project in the general investigations category of its appropriation request for fiscal year 1995.

I would like to inquire of the distinguished floor managers if they would be amendable to supporting the addition of language to the conference report which urges the Corps to consider the need for evaluation of this project when it prepares its request for fiscal year 1996.

Mr. JOHNSTON. I thank my colleague, the junior Senator from Alaska, for his question. I understand that the corps has previously explored this project, but that it has been several years since it has done so, and that corps staff in Alaska concur that additional growth in the community has brought impacts and needs that did not exist in the past.

As long as it is understood that we are in no way binding the Corps of Engineers to a specific request, but merely requesting that it give due consideration to the matter, I would be pleased to explore addressing the project in the conference report.

Mr. HATFIELD. I certainly have no objection to suggesting that this project be considered by the corps for inclusion in the fiscal year 1996 request.

Mr. MURKOWSKI. I thank the managers for their consideration, and will have my staff contact the committee staff on this matter.

DEPARTMENT OF ENERGY REPORT ON EXPORTING ALASKAN NORTH SLOPE CRUDE OIL

Mr. MURKOWSKI. Madam President, today the Energy Department released its detailed report and analysis of the economic effects of lifting the ban on exporting Alaska North Slope [ANS] crude oil. The DOE report presents a compelling case for immediately lifting the 21-year old ban. Lifting the ban will stimulate the economy, enhance our Nation's energy security, and have important beneficial effects on the environment.

After reading this report, the only conclusion that a reasonable person can reach is that the export ban makes absolutely no sense and continuation of the ban is inconsistent with our national interest. The study found that "exporting ANS crude oil would result in a substantial net increase in U.S. employment." If the ban is lifted this year, at least 11,000, and possibly as many as 16,000 new jobs would be created in 1995 alone. And by the end of the decade, as many as 25,000 new jobs would be generated from ANS exports. And nearly all of those jobs would be created in two States that have yet to recover from the recession—California and Alaska.

Ending the export ban, according to DOE, will stimulate oil production activity in California and Alaska, thereby enhancing our Nation's energy security. DOE estimates that California oil producers could be producing an additional 100 to 110 thousand barrels a day if the ban is lifted. Moreover, the higher returns resulting from exports would stimulate exploration and development activities in major North Slope fields such as Point McIntyre or Endicott. As a result of this activity, DOE estimates that Alaskan oil reserves could increase by 200 million to 400 million barrels.

Madam President, for more than two decades, the export ban has been glutting the California oil market, driving the price of oil in California far below the world market and making it impossible for independent oil producers to survive. DOE's study confirms the impact of this market glut: "California refiners today purchase the State's indigenous crude for prices that are between $0.90 and $2.50 per barrel lower than its refined value relative to ANS crude oil."

Despite glut-induced low-crude prices in California, consumers receive none of the benefits in the form of lower prices for gasoline. As DOE notes: "The low cost of acquiring crude oil is not shared with consumers of refined products." Who benefits from the glut? The refiners in California who, according to DOE, operate on the highest margins in the country—31 percent higher than the U.S. average. And these margins have been widening in recent years.

DOE found that in 1988 refiners' gross margins in the United States averaged $7.21 per barrel in 1988 whereas gross margins in California were $9.82—$2.61 a barrel higher. Last year, when U.S. average refiners' margins were $8.17 a barrel, refiners in California enjoyed margins averaging $12.39—$4.12 a barrel higher or 50 percent higher than margins received by other U.S. refiners.

What the study concludes is that California refiners could easily absorb the higher crude prices that would result from lifting the ban but that "refined product price increases would be minimal or nonexistent." In other words, Madam President, consumers in California will not see a price increase if ANS exports are permitted.

One aspect of the report that I found most interesting concerns the environmental implications of lifting the ban. DOE concluded that there is "no plausible evidence of any direct negative environmental impact from lifting the ANS export ban." In fact, DOE found that there would be positive effects on the environment if the ban is lifted because increased onshore production in California would decrease the need for tanker shipments into the State. Moreover, sulfur-related emissions from refineries and automobiles would decline in California because some crude that replace ANS crude would have a lower sulfur content than ANS crude.

Moreover, lifting the ban would raise royalty revenue for the Federal Government and would increase tax and royalty revenues for Alaska and California. The study estimates that Federal receipts would increase from $99 million to $180 million, while Alaska royalties and severance income would increase from $700 million to $1.6 billion. For California's State government, returns from royalties and State and local taxes would add $180 million to $230 million to the State's coffers. And three-fourths of these financial benefits could accrue in the next 2 years.

Madam President, the export ban is an outdated relic of the world of 20 years ago and should be ended. Senator STEVENS and I have introduced legislation (S. 1993) that would end the ban and require that ANS exports be transported on Jones Act tankers. DOE's study concludes that using Jones Act tankers in the ANS export trade would mitigate maritime job losses that would occur if the exports could be shipped on foreign flag vessels. I believe it is in our Nation's national security interest to maintain a healthy, competitive, and viable merchant marine. It is for that reason that S. 1993 requires the use of Jones Act vessels.

In recent weeks, the issue of requiring that Jones Act vessels be used to transport ANS crude has raised some concerns within the administration and with some international trade organizations. I am baffled by those who raise concerns about using Jones Act tankers because there is no basis to conclude that this requirement would violate our obligations under the General Agreement on Tariffs and Trade [GATT].

The recently concluded Uruguay round of multilateral trade negotiations reached no agreement on maritime services. The GATT members agreed to continue to negotiate on trade in maritime services and agreed to a standstill on current restrictions on trade in maritime services. Requiring the use of U.S. flag vessels on ANS exports does not violate the standstill commitment. In fact, permitting such exports actually represents a liberalization of our existing export control policy which currently prohibits any exports of ANS crude.

Moreover, the requirement to ship ANS crude on U.S. flag vessels would not affect trade in maritime services since no foreign-flag vessels currently carry any Alaskan oil. Therefore requiring ANS crude to be shipped on Jones Act vessels would not adversely affect foreign flag vessels since no foreign flag vessels would be displaced as a result of the Jones Act requirement.

As DOE noted in its report, a portion of the ANS crude exported will have to be replaced by U.S. imports of crude oil. These imports are likely to be transported on foreign-flag vessels. As a result, allowing ANS crude to be exported will result in an increase of foreign-flag shipments of crude—or refined products—into the United States.

Madam President, I would also note that there is precedent for extending the Jones Act to foreign trade without any concern that it would violate GATT. Under section 7(d) of the Export Administration Act of 1979, as amended to implement the United States-Canada Free-Trade Agreement, 50,000 barrels per day of ANS crude may be exported for consumption in Canada provided that "any ocean transportation" of such crude be on Jones Act vessels.

Some members of the Organization for Economic Cooperation and Development [OECD] have also expressed concerns that using Jones Act tankers in this trade will upset the trade talks on shipping subsidies. Madam President, it is not clear where the OECD talks are headed. They've been on-going for more than 5 years with no real progress having been made.

The OECD's goal is to eliminate all government preferences for domestic merchant fleets. That may be a laudable goal for some, but for this Senator it is an unrealistic and dangerous aim. This Nation needs a strong merchant fleet as part of our overall national defense. If OECD had its way, the Jones Act would disappear. And if that happened, there would be no U.S. flag merchant marine by the end of the century. Maybe that is what some of our trading partners desire. But it is not what the negotiating position should be for the United States.

Madam President, I would note that today the Export Administration Act [EAA] will expire. That is the primary law that bans the export of ANS crude. Later this summer we will consider legislation extending the EAA. When the Senate considers the EAA, I hope all of my colleagues will support our effort to finally eliminate this irrational export ban. In the face of this report, there seems no reason for the ban to last another day.

Mr. JOHNSTON. Madam President, we have some other amendments that have been agreed to by Senator HATFIELD, the ranking minority member and myself, but which I believe there may be either an objection or a request for a rollcall vote from Senator MCCAIN.

AMENDMENT NO. 2134

Mr. HATFIELD. Madam President, I will send this to the desk and ask for its immediate consideration. I am offering this amendment on behalf of Senator DOLE, our Republican leader, which would identify $500,000 for general investigations, provided for Wichita, Kansas, the Equus Beds project.

Madam President, we also have a request by Senator MCCAIN that this be adopted by rollcall vote without objection.

AMENDMENT NO. 2134

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, proposes an amendment numbered 2134.

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

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

The amendment is as follows:

On page 16, line 2, insert the following before the period: ": *Provided further*, That of the funds appropriated for General Investigations, $500,000 is provided for the Wichita, Kansas, Equus Beds project".

Mr. HATFIELD. Madam President, I ask in behalf of Senator MCCAIN for the yeas and nays on this.

Mr. JOHNSTON. Madam President, will the Senator withhold at this time?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. Is the Senator from Oregon yielding the floor?

Mr. HATFIELD. I withhold my request.

Mr. JOHNSTON. Madam President, if I may say a word about this, and then hope that we would not require the yeas and nays because we are going to have to stay here tonight until the defense bill is finished. I submit that there is no reason in the world to have a vote on this amendment.

Senator DOLE proposes a study on a demonstration project which is authorized which would commit $500,000 on a ground water recharge study. That is all it is.

Madam President, we have a huge number of these kinds of studies in this bill. We have a huge number. If we had to vote on every one, we would be here for weeks. Most of them are already contained in our report. I invite my colleagues to look at these. These are studies. They go on for pages. This is no different from that. Look at this, Madam President. I do not know how many page pages this is. It is single spaced, over 10 pages, several hundred of these. This is no different from those.

It has been approved by Senator HATFIELD and myself. I would hope that the Senator would not ask for the yeas and nays. I could put in a quorum call so this could be explained to the Senator from Arizona [Mr. MCCAIN]. If we have a vote on this, this is not the last one. We have some others we would have to vote on. There is just no reason to do that.

So I hope we would not have to do that.

Mr. HATFIELD. I withhold the request, Madam President, in asking for the yeas and nays. I have indicated to the staff that I would like to have Senator MCCAIN on the floor to make a determination on this. I say to the Senator from Louisiana that there are three other amendments that we have here to deal with: One by Senator CHAFEE, one by Senator LEVIN, as well as one by Senator DOLE; a total of three that at this point I understand the Senator from Arizona [Mr. MCCAIN] wishes to have a rollcall.

So that would be in effect three rollcall votes unless there is some way of doing them en bloc; to have one rollcall, if he demands that. But I would at this time suggest the absence of a quorum, unless there are other items that the Senator would like to dispose of and set aside this first Dole amendment.

Mr. JOHNSTON. If the Senator will yield, while we are waiting, Senator CHAFEE has an amendment which involves $67,500 for an investigation of the Allendale Dam in Rhode Island; another one of several hundred of these kinds of things.

Here is another one by Senator LEVIN with the Grand Marais Harbor in Michigan, a $100,000 investigation.

Madam President, the Senate has done nothing to warrant the punishment of having to come over here and vote on these. If every Senator wanted a rollcall vote, do you know how many weeks we would be here on every one of these kinds of things?

Madam President, I hope the Senator from Arizona will come over, and look at these. And then we have a couple of others that we have agreed to with explanation that I think he would agree to.

So I hope he will not insist on a rollcall vote.

Mr. HATFIELD. Madam President, I understand what the chairman of our subcommittee said. I can understand his concern, and I share that concern. But I must also say the flip side of that coin is obviously that any Senator has a right to have a rollcall vote on any amendment on any matter pending in this Senate on which an agreement must be reached. I must in that respect defend the right of the Senator from Arizona, Mr. MCCAIN's right, to have such a rollcall. I hope it is not necessary. But I agree with the Senator that until we find that out directly, I am still under such instructions and a request from the Senator from Arizona to ask for such rollcall votes.

I will restrain myself at this time in doing that pending his arrival on the floor to speak for himself.

Mr. JOHNSTON. Madam President, I am advised we are going to need these rollcall votes. I wonder if we could just set—I know we also have a Lautenberg amendment which you and I have cleared and whether we could just set like 5 votes in a row.

Mr. HATFIELD. It would be fine with me. We have a vote now scheduled for 5 o'clock. My only point is there are other matters we can dispose of in the meantime, and then stack these votes after the 5 o'clock vote that is being requested by Senator MCCAIN?

Mr. JOHNSTON. I think so. I think we could get one vote out of the way now and the others.

Madam President, is the Dole amendment pending?

The PRESIDING OFFICER. The amendment is pending.

UNANIMOUS CONSENT AGREEMENT

Mr. JOHNSTON. Madam President, I ask unanimous consent that it be in order that, upon the yeas and nays being requested on the Dole amendment, a rollcall vote occur on that immediately; that immediately thereafter, we have a vote on the motion to table the Harkin amendment; that if that amendment is not tabled, immediately thereafter there be a vote on the Harkin amendment; that immediately thereafter, a vote occur on the Levin amendment, and that it be in order at this time to submit an amendment on behalf of Senator LEVIN; that immediately thereafter, there being a vote on the Chafee amendment, and that it be in order to submit that amendment at this time; that immediately thereafter, there be a vote on the Lautenberg-Bradley amendment, and that it be in order to submit that amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. If the Senator will yield, there is also a Stevens amendment on the electrical generator in Alaska which he indicated he would like to take up as soon as possible after the 5 o'clock vote.

Mr. JOHNSTON. Yes, that would be in order.

If I may, I amend that request to have the first vote on the motion to table the Harkin amendment, followed by the vote on the Harkin amendment, if not tabled, followed by the Dole amendment, the Levin amendment, the Chafee amendment, and the Lautenberg amendment, in that order, and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 2135, 2136 AND 2137, EN BLOC

Mr. JOHNSTON. Madam President, I send a group of amendments, en bloc, on behalf of Senators LEVIN, CHAFEE, and LAUTENBERG to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes amendments, en bloc, numbered 2135, 2136, and 2137.

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

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

The amendments are as follows:

AMENDMENT NO. 2135

(Purpose: To fund an economic study of Grand Marais Harbor, MI)

On page 3, between lines 21 and 22, insert the following: "Grand Marais Harbor, Michigan, $100,000".

AMENDMENT NO. 2136

On page 9, line 15, before the ":", insert the following: "Allendale Dam, Rhode Island, $67,500".

AMENDMENT NO. 2137

On page 21, line 25, after "expended" insert: ", of which $45,000,000 is to initiate construction of the Tokamak Physics Experiment (TPX) at the Princeton Plasma Physics Laboratory, subject to subsequent enactment into law of specific authorizing legislation.".

Mr. LAUTENBERG. Madam President, first of all, I would like to thank the chairman of the Energy and Water Appropriations Subcommittee for working with me and the senior Senator from New Jersey on this amendment. As my colleagues know, he is chairman of this subcommittee and is also chairman of the full Energy Committee. He is clearly the leader in the Senate on energy legislation.

Specifically, he has also been a big supporter of the fusion program. He has stated publicly his support for the TPX fusion machine that is scheduled to be built at Princeton University and the ITER project, which is designed to be an international collaborative fusion effort between the United States,

Russia, Japan, and the European Community. The ITER machine is being designed to lead to a commercial fusion reactor in the next century.

Madam President, this amendment adds $45 million for the construction of the TPX fusion machine at Princeton University. However, it makes the construction funds contingent upon authorization by the Congress. Now, I would let my colleagues know that the Senate has already passed a fusion authorization bill that includes authorization for building TPX at Princeton and ITER. This bill is sponsored by the distinguished manager of the bill, Senator JOHNSTON. The House also has a fusion authorization bill pending in the House Science Committee.

Madam President, it would be my preference that this contingency provision not be included in the amendment. There are many other energy research projects funded in this bill that are not contingent upon authorization.

However, I agree with the chairman that we need a roadmap for where we are going with the fusion program. I believe that we should either enact this authorizing legislation or require the administration to present the Congress with a plan for the future of the fusion program.

But this amendment does represent good news for the fusion program. It means that we are moving forward on construction of TPX and ITER. It means that the international fusion effort will continue.

Madam President, there are approximately 1,000 hard working scientists and technicians at the Princeton Plasma Physics Laboratory. They have dedicated their lives to try to make fusion energy a reality. If we are successful in the development of fusion energy, our grandchildren may inherit an abundant source of clean energy that does not have the radioactive waste problems associated with nuclear fission.

Madam President, at this time I would also like to make my colleagues aware of some recent developments at the Princeton Laboratory. Last December, Princeton scientists achieved world record bursts of fusion during experiments on the existing TFTR machine.

The TFTR machine's peak output was 6 million watts, triple the output of a similar effort in England 2 years earlier. This event was met with worldwide news coverage and I ask unanimous consent to have printed a front page New York Times article that summarizes this event in the RECORD following my remarks.

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

[From the New York Times, Dec. 10, 1993]

SCIENTISTS AT PRINCETON PRODUCE WORLD'S LARGEST FUSION REACTION

(By Malcolm W. Browne)

PLAINSBORO, N.J., Dec. 9—A huge experimental reactor embodying the process of the hydrogen fusion that fuels the sun unleashed a burst of energy tonight that broke all records and appeared to pave the way for eventual exploitation of abundant, cheap fusion energy.

The achievement crowned a day of lesser landmarks, in which the Princeton Plasma Physics Laboratory gradually increased the power of its Tokamak Fusion Test Reactor by mixing increasing proportions of tritium into the machine's fuel.

In the final "shot" of the night, the machine achieved a fusion power equivalent to about three million watts—double the power achieved two years ago by the Joint European Torus, a somewhat similar machine in England.

As the vast power of the seven-second burst manifested itself on computer screens in the control room and auditorium, it became apparent that the experiment was a success, about 500 scientists who had worked on the project for up to 20 years cheered and applauded, a few with tears in their eyes.

In the next several months, the Princeton group expects to increase the power of its reactor to five megawatts, and by the end of next year, to 10 megawatts. The machine consumes about twice as much energy as it produces, but this ratio is a vast improvement over previous types of fusion experiment.

Physicists and engineers had packed the huge control room of Princeton's tokamak fusion test reactor to run the machine on a fuel never before used in a reactor: a full-strength mixture of deuterium and tritium.

Fusion is the joining together of the nuclei of hydrogen atoms, each of which contains one proton. The fused nucleus resulting from this reaction is that of helium, which contains two protons. This process is the opposite of fission, the phenomenon that powers conventional nuclear reactors; fission involves breaking apart heavy nuclei, like those of plutonium atoms.

Although radioactive tritium fuel is used in the tokamak reactor, scientists say there is no danger of any accidental release of the tiny quantity used in the experiment—five grams. Unlike nuclear fission reactors, a fusion reactor cannot melt down, and if anything goes wrong, the fusion reaction, which is very difficult to keep going, simply stops.

Physicists believe that if the current series of high-power experiments is successful—and two more advanced fusion reactors are completed—the first commercial fusion power reactors could begin operating around the year 2030.

NEW AGE OF CHEAP ENERGY IS SEEN AS FUSION EXPERIMENT SUCCEEDS

The atmosphere in the huge control room here was reminiscent of a control room at the National Aeronautics and Space Agency preparing for a major space launching. As occasional snags in the countdown for the main fusion "shot" developed, scores of news reporters, officials and scientists watched the tense proceedings from the windows of a balcony surrounding the control room.

Before trying a full-strength shot using the full charge of deuterium and tritium, the physicists conducted several lesser shots, each one more powerful than the last, and each "exploring a virgin field of physics," according to Dr. Dale M. Meade, deputy director of the laboratory. Onlookers heard a loud whine with each shot, as the 50-foot-high machine vibrated after being suddenly exposed to a powerful magnetic field.

The audience, which included officials of the Department of Energy, was also treated to spectacular views of the interior of the reaction chamber. Closed-circuit television vividly displayed the white-hot fuel confined in the machine, and could see the bright flash swiftly fade as the temperature rose above that at which visible light is emitted.

Dr. Meade said a crucial goal of tonight's series of runs was the measurement of the number and energy of neutrons emitted by the fusion reaction, which are an indication of the reaction's power. In a commercial reactor, these neutrons would be harvested by an external metal "blanket," which would heat up as neutrons hit it. This heat would be transferred to a gas that would turn the turbines of electric generators.

Scientists said that the deuterium-tritium fuel used in the current experiment would achieve a temperature of several hundred million degrees—modest by fusion standards, but far higher than the temperature at the core of the sun.

In the last 10 years, it has cost about $1.4 billion to build the tokamak reactor at Princeton's Plasma Physics Laboratory and conduct dry runs using deuterium fuel. Nearly all the money was provided by the Federal Department of Energy. The Princeton laboratory hopes to gain financing for a new tokamak reactor in which a continuous fusion reaction could be maintained.

The term tokamak is derived from a Russion acronym for toroidal magnetic chamber, which describes the design of the device.

Mr. LAUTENBERG. Since then, Princeton scientists have achieved even greater levels of fusion power—9 million watts of power. I am proud of these accomplishments and working together with my colleagues, I trust that there will be many more as we ultimately move toward commercial fusion energy.

Once again, I would like to thank the Senator from Louisiana for offering this amendment. I urge the Senate to adopt it.

Mr. JOHNSTON. Madam President, I have described previously the Chafee, Dole, and Levin amendments.

The Lautenberg amendment provides that with respect to the TPX project at Princeton, the tokamak physics experiment, that—the House has provided that we proceed with that project for a new start, and $45 million is committed for a new start of that project.

What this amendment says is that the new start of the TPX project be subject to subsequent enactment into law of specific authorizing legislation. The reason for that, as I explained when we opened the bill this morning, is that the TPX project, in my view, should not begin until the Congress understands what the mortgage is of the TPX project, and what the mortgage is on the either project, or the international tokamak experiment, which would follow on that, and understands the scope of this and makes a decision to go ahead, which the authorizing legislation would allow.

We have already passed in the Senate a bill which deals with TPX and ITER and it now reposes in the House. So it would be up to the House to act on that. In other words, it would be possible to get that authorizing bill passed this year, or, if not this year, early next year. It provides, in effect, that the $45 million as provided by the House may not be used to commence the project until and unless it is authorized. I think this is very prudent, Madam President.

I favor the TPX project and I favor the ITER project. But the combined U.S. obligation under those two projects could be as high as $15 billion—$15 billion. It is not something that you do without being authorized. It may be the answer to all of our energy problems. It may produce energy cleanly and safely, with an unlimited supply of fuel; that is the promise of fusion energy. That promise would probably not be realized, if realized, until 2050, or beyond.

But the Congress needs to debate and consider this fusion program. It is not all upside. I am hopeful that it would work. I believe we ought to go into this $15 billion crusade. However, there are those who think it will never work, that it is too expensive and too long-term, and that we do not have the resources to do it.

Madam President, having been burned on the SSC Program, having seen us invest, together with termination costs, almost $3 billion in SSC and then decide to terminate that program, we should not proceed with what could be a program three times or four times that big without at least an authorization. That is all this amendment does. From somebody who favors the program, TPX, it says let us proceed, but subject to authorization. And there is every ability to authorize that project this year, with a bill that reposes in the House. I understand there have been hearings in the House already. So it can proceed.

So, Madam President, that is what this Lautenberg-Bradley amendment would do. I do not know why anybody would oppose that. Senator LAUTENBERG and Senator BRADLEY are for it, and the floor managers are for it. It seems to me that everybody ought to be for that. In any event, we will be voting on that.

Madam President, beginning at 5 p.m., we have a long series of votes. I ask the floor staff whether it would be in order to ask that all votes after the first be 10-minute votes? I am advised that no, it would not be. We will ask the majority leader to come and make that request. There are now stacked up, I believe, five votes, commencing at 5 o'clock.

Madam President, I am advised if we table, then it is five votes; if we do not table it is six votes. Only one or two of those are necessary.

I hope we can expunge the order for those other votes because nobody objects to them. It is just sort of a caning of the Senate.

Mr. HATFIELD. Madam President, will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. HATFIELD. As I understand then the remaining agenda we have to complete this bill will be an amendment to be offered by Senator STEVENS following the series of votes, then the action on the one committee amendment, and then we could go to third reading; is that correct?

Mr. JOHNSTON. So far as I know that is correct. The Stevens amendment would be eligible for consideration at that time. It is not involved in the unanimous consent agreement.

Mr. HATFIELD. It is not in the mix of votes, no. But he wanted to have the opportunity to offer his amendment.

Mr. JOHNSTON. The Senator is correct. I think so far as I know our business is done other than the Stevens amendment if offered. That is all we know about it. So I hope we can go to third reading.

Madam President, I ask unanimous consent that it be in order to ask for the yeas and nays, en bloc, on all those amendments.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Madam President, reserving the right to object.

The PRESIDING OFFICER. All right.

Mr. HATFIELD. Is that one vote for all?

Mr. JOHNSTON. No. Madam President, the unanimous consent would be to ask for the yeas and nays on each of the amendments not en bloc but on each of the amendments.

The PRESIDING OFFICER. Is there objection?

Without object, it is so ordered.

Mr. JOHNSTON. Madam President, I ask for the yeas and nays on all the amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBB. Why ask for the yeas and nays?

Mr. JOHNSTON. Madam President, I am advised that it is the wish of some Senators to expunge the order for the yeas and nays on everything other than the first two Harkin amendments in hopes that Senator MCCAIN will not ask for them, but he will obviously be here and be able to ask for the yeas and nays and they will be stacked.

So I ask unanimous consent that the order for the yeas and nays on all amendments other than the motion to table the Harkin amendment, and the motion to pass the Harkin amendment, if not tabled, be expunged.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON MOTION TO TABLE AMENDMENT NO. 2128

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the question now occurs on agreeing to the motion to table amendment No. 2128, offered by the Senator from Iowa [Mr. HARKIN].

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

The legislative clerk called the roll.

Mr. PRYOR. Mr. President, on this vote I have a live pair with the Senator from Nevada [Mr. BRYAN]. If he were present, he would vote "aye." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending funeral.

On this vote, the Senator from Nevada [Mr. BRYAN] is paired with the Senator from Arkansas [Mr. PRYOR].

If present and voting, the Senator from New York would vote "aye" and the Senator from Arkansas would vote "nay."

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—53

Bennett	Ford	McConnell
Bingaman	Glenn	Mitchell
Bond	Gorton	Murkowski
Breaux	Gramm	Nickles
Brown	Gregg	Nunn
Burns	Hatch	Packwood
Byrd	Heflin	Reid
Coats	Helms	Robb
Cochran	Hollings	Sasser
Conrad	Hutchison	Shelby
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Specter
Danforth	Lott	Stevens
Dodd	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	Mathews	Warner
Faircloth	McCain	

NAYS—45

Akaka	Feingold	Lieberman
Baucus	Feinstein	Metzenbaum
Biden	Graham	Mikulski
Boren	Grassley	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Bumpers	Inouye	Pell
Campbell	Jeffords	Pressler
Chafee	Kennedy	Riegle
Cohen	Kerrey	Rockefeller
Daschle	Kerry	Roth
DeConcini	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Durenberger	Leahy	Wellstone
Exon	Levin	Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pryor, against

NOT VOTING—1

Bryan

So the motion to lay on the table the amendment (No. 2128) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, under the unanimous consent agreement, I believe we now have four consecutive rollcall votes; am I correct?

The PRESIDING OFFICER. The Senator is correct.

The Chair will say to the Senator that there are four consecutive votes, not necessarily rollcall votes, unless they are called for.

Mr. JOHNSTON. I thank the Chair.

Mr. President, the Senator from Arizona has consented to allow one rollcall vote on the Lautenberg amendment and, thereafter, we can accept the other amendments.

So I ask for the yeas and nays on the Lautenberg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, are there any other rollcall votes that have been ordered at this point?

The PRESIDING OFFICER. There are not.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order to consider the Lautenberg amendment and after that, a rollcall vote occur at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. Can the Senator explain to me what happened to the other three or four votes?

Mr. JOHNSTON. We are going to have voice votes.

Mr. DECONCINI. The Senator is going to accept those?

Mr. JOHNSTON. We already accepted them, and we will have voice votes on those pending amendments.

Mr. DECONCINI. That is what I mean, the pending amendments on which we thought we were going to have rollcall votes, the yeas and nays were never ordered?

Mr. JOHNSTON. Never ordered.

Mr. DECONCINI. So it is only a discussion if there might be rollcall votes.

Mr. JOHNSTON. That is correct.

VOTE ON AMENDMENT NO. 2137

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 2137 offered by Senator LAUTENBERG.

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—69

Akaka	Exon	McConnell
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Hatch	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bumpers	Hollings	Pryor
Byrd	Inouye	Riegle
Chafee	Johnston	Robb
Cochran	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Danforth	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dodd	Leahy	Simpson
Dole	Levin	Specter
Domenici	Lieberman	Stevens
Dorgan	Mack	Wellstone
Durenberger	Mathews	Wofford

NAYS—30

Brown	Gramm	McCain
Burns	Grassley	Murkowski
Campbell	Gregg	Nickles
Coats	Helms	Nunn
Cohen	Hutchison	Reid
Coverdell	Jeffords	Roth
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Thurmond
Faircloth	Lott	Wallop
Ford	Lugar	Warner

NOT VOTING—1

Bryan

So the amendment (No. 2137) was agreed to.

AMENDMENTS NOS. 2134, 2135, AND 2136 EN BLOC

The PRESIDING OFFICER. The Chair announces that, without objection, amendments Nos. 2134, 2135, and 2136 are agreed to en bloc.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order to move en bloc to reconsider and lay on the table the motions for each of the last four amendments.

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

Without objection, the motion to lay on the table for each of the amendments is agreed to.

Mr. JOHNSTON. Mr. President, for the edification of my colleagues, I believe what we will do now is as follows: Senator WELLSTONE has an amendment that, speaking for the majority, we can approve. And I am in good hopes that the minority would do that as well.

Senator STEVENS has an amendment. I know of no other amendments. We have a request for a rollcall vote on final passage.

So my guess is that in the next 15 minutes or so we will have a vote on final passage. If anybody knows anything to the contrary to that, please let us know.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I just wanted to build on comments of the Senator from Louisiana. We are right now looking over the language and negotiating on this amendment. We hope to get back to the Senator very soon, and hopefully we can reach agreement. We still are just looking at the language.

Mr. JOHNSTON. Will the Senator offer it? I will be speaking.

Mr. WELLSTONE. I will offer it as soon as I take a look. I am now taking a look at what the Senator suggested. We will try to evaluate that.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2138

Mr. STEVENS. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUYE, and Mr. MURKOWSKI, proposes an amendment numbered 2138.

The amendment is as follows:

At the end of the Committee amendment on page 32 insert the following:

"*Provided*, The Secretary may expend up to $25 million in unobligated funds for the formulation and implementation of a program to provide Alaska villages with reliable and affordable electrical generation systems, and, notwithstanding any other provision of law, may use any such unobligated funds to provide fuel for electrical generation, at *market prices to any village in Alaska that* is unable to obtain such fuel from commercial vendors: *Provided further*, That the State of Alaska will provide a dollar-for-dollar match of the Federal share."

Mr. STEVENS. Mr. President, for myself, the Senator from Hawaii [Mr. INOUYE] and my colleague, the Senator from Alaska [Mr. MURKOWSKI], I offer this amendment.

It is necessary to take the time of the Senate to discuss this amendment. Let me tell you the background of this amendment. Just 2 days ago a delegation came to my office from the northwest Eskimo villages and asked me if I

could get my good friend from Hawaii, as chairman of the Indian Committee, to listen to this problem. Senator INOUYE consented to do that, and we met with them for about 2 hours. They explained to us the problem.

This amendment attempts to start the Federal Government on a process of trying to help solve that problem.

Just so there is no question about it, let me read again what the amendment would do. It would authorize the Secretary of Energy to expend up to $25 million in unobligated funds for the formulation and implementation of a program to provide Alaska villages with reliable and affordable electric generation systems, and notwithstanding any of the provisions of law, the Secretary would be authorized—it says she may use—to use any such unobligated funds to provide fuel for electrical generation at market prices to any village in Alaska that is unable to obtain fuel from commercial vendors; provided further that the State of Alaska will provide a dollar-for-dollar match of such Federal share.

In my State, there are a great many rural villages. This map of Alaska shows some of those villages. They are spread throughout the State. Mainly, however, the Senate will note they go up the west coast of Alaska and up the eastern portion of Alaska.

In these areas, there are individual villages. They have individual diesel fuel generators. And they have individual tanks to store diesel fuel.

Mr. President, these 120 villages, or more, use small generators; they are independent stand-alone systems used to provide electric power for the people who live in these villages. This is diesel generation. The villages pay very high for that power that is generated. Their cost is up to $1 per kilowatt hour. In comparison, the people of the area we are in right now pay about 8 cents per kilowatt hour. The basic cost is roughly 12 times the cost of power in the Washington area.

The tanks that store this diesel fuel were installed by the Bureau of Indian Affairs in the 1940's and 1950's. They have now been cited by the Coast Guard as being hazards, safety hazards to the navigable rivers. Almost all the villages are located on navigable rivers. These tanks need to be repaired or replaced because of the designation by the Coast Guard under the Oil Pollution Act. Resolving that tank problem alone, to replace the tanks will cost roughly $240 million.

Mr. President, in Public Law 1024-86, enacted in 1992, is this provision:

It is to promote energy resource development and vertical integration on Indian reservations.

These are all Indian villages, recognized tribes of the United States now.

The provision states, in section 2603:

The Secretary shall provide grants not to exceed 50 percent of the project cost for vertical integration projects. For the purpose of this project, the term "vertical integration project" means a project that promotes the vertical integration of energy resources on an Indian reservation so that the energy resource is used or processed on such Indian reservation. The term includes but is not limited to projects involving solar, wind, or refineries, electricity, hydroelectricity, cogeneration, natural gas distribution, and clean, innovative uses of coal.

That term Indian reservation in section 2601 specifically includes "native groups, regional corporations, and village corporations that are organized in Alaska."

What I present to the Senate is an amendment to start the process of trying to place these villages in compliance with the Oil Pollution Act of 1990. That act has now made it almost impossible to deliver oil to those villages because the fuel tanks do not meet Federal standards. Delivery of oil to those tanks will be in violation of the Oil Pollution Act unless the tanks are replaced.

Another provision of the Oil Pollution Act requires that companies that transport oil products carry $150 million in financial responsibility in cases of spills. Even if they are just transporting 100 gallons of fuel, they are subject to a $150 million financial responsibility requirement for each shipment. What that means is that the oil companies going to deliver oil to these tanks face the potential liability of up to $150 million if there is a spill from the tanks that have already been found to be a safety hazard.

These tanks, and the aging diesel generators used by these villages, must be replaced with new ones, and emerging technologies such as wind, hydro power, coal, or natural gas, are needed to replace the dependence on diesel fuel.

As I just mentioned, the DOE has the authority to develop demonstration projects which use local fuels as an alternative to these diesel tanks. The problem we have that I am trying to present to the Senate is that we must spend well over $240 million to replace the tanks, and yet even after they are replaced, the problem is that the ever-increasing cost of diesel fuel in the area is such that it is going to mean these people will be out of electric energy anyway.

I suggest that we should have some demonstration projects from the Department of Energy to show how Alaska's energy, the energy located in these areas, where these villages exist, is safe, reliable, and efficient, and renewable energy could be developed. That is possible only through cooperation between the Federal and State Governments and these local villages.

This amendment of mine specifically requires that the State of Alaska must meet, dollar for dollar, the expenditures of the Federal Government in developing these new systems. A systems approach needs to be taken to meet these needs. We can, for instance, use hydroelectric power in conjunction with other power sources. We can produce other forms of electricity through wind and other types of generation, and we can stop some of the pollution in the area at the same time.

The great difficulty is, and I will show the Senate—the basic problem is this: This map shows the State of Alaska superimposed on the United States. It also has the parks, refuges, and forests that are withdrawn. Basically, the areas where the villages exist were withdrawn in 1980 by the Federal Government, and it is impossible for these villages to get to and develop the natural gas and geothermal power in the area. Even the wind power potential cannot be developed without using Federal lands that are already withdrawn and not available.

What we want to see is a task force developed to deal with this basic problem. Spanning the chasm between the present and future energy self-reliability is going to cost a lot of money. The bridge between what exists now, that must be replaced now, and the situation that must be developed for tomorrow, out into the future so these people will have available energy, is great. It will cost, as I said, over $200 million just to replace the tanks that have been condemned already by the Coast Guard.

I believe that the amendment we have presented is a beginning. It provides that the Secretary of Energy can spend up to $25 million from funds available, provided the State matches it dollar-for-dollar to help provide affordable electric generation systems to these village people.

Mr. President, I want to emphasize that there is energy there. I travel throughout the area. There is known gas, geothermal, and coal resources in the area; yet, these people are paying substantial amounts to bring diesel into the area. Sometimes when their fuel deliveries do not take place and bulk fuels have to be flown in, the cost per gallon to fly diesel fuel into these areas is up to $3 a gallon.

I do believe that there is discretion by the Secretary of Energy to use money, pursuant to the existing authority, to provide for these demonstration projects on these village corporation lands, and that we should have the authority for her to proceed now to develop this.

The program that was authorized in the Energy Policy Act of 1992 has never been implemented. It is not implemented by this bill. But I believe there are moneys there that are available, that have not been obligated, that could be used to develop a solution to this problem.

The main thing I want to bring to the Senate's attention is that this is a Federal problem. These are 120 separate

native tribes. They have been designated as Indian tribes by the Department of the Interior. They have come to us for assistance. My good friend from Hawaii listened to them. I have to tell you that the sincerity of these people is just fantastic. They believe the system that was authorized in the law. They believe that they are going to get assistance from their Federal and State government.

(Mr. DECONCINI assumed the chair.)

Mr. STEVENS. They came to us with a mission statement developed by the Alaska Rural Energy Program, and they need to have assistance now. They want to bring the government of Alaska and the Federal Government together to work with each of these villages as individual governments to try and solve the problem that they face without additional pollution and to try to bring about some permanent solution to them.

Let me point out that again these are individual villages. The total number of people that are in those villages is roughly 30,000 people. They have no way to get assistance without some form of assistance developed. I think that is the reason for the demonstration program for Indian tribes we enacted in 1992. That was the solution that was authorized at the time.

There is not any money available so far to proceed with this. That is why there is the provision in our amendment which would authorize the use of moneys that are already available.

I will ask unanimous consent that the summary that was presented by the Alaska Rural Energy Task Force to Senator INOUYE and me when they came to meet with us this week be printed in the RECORD.

Mr. President, I want to call on my friends who are the managers of this bill to respond to our problem. I know they are reluctant to consider my amendment. But I would ask them, if they represented a State like ours what would you do?

We had a group of people that came down here all the way, 5,000 miles, to consult with us, to ask us for help.

This bill is on the floor. Why can we not help them? Why cannot we authorize the Secretary to use her discretion? It does not mandate anything. Why cannot we authorize the use of funds that may not be obligated under this bill in 1995?

If something is not done we are going to have a serious problem of pollution of navigable waters because of these tanks which were installed by the Federal Government, have been maintained by the Federal Government. And the question is, how do we deal with it?

I am not here to beg. I am here to ask. I think they have taken this trip down to visit us and to seek a solution. And I would like to see a solution start on its way.

This is not asking for the full amount. As I said, the full amount would be over almost $250 million to replace the tanks. We are looking for $25 million to be matched by the State government making $50 million to be the initial demonstration phase of a program to meet a very critical problem in rural Alaska, a problem brought to us by a series of representatives of these rural utilities that use costly diesel generation today at exorbitant prices they must pay.

We used to have, by the way, Mr. President, a Federal tanker that delivered that oil. That does not happen anymore. They do not buy it in bulk down in Seattle the way they used to deliver it once a year up to these villages. They must contract to buy it once a year to fill up those tanks. The tanks have now been condemned. I think we have to have a solution.

Incidentally, I want to again publicly thank my great friend from Hawaii, who has been to my State. He has been north of the Arctic Circle many times. He has come and listened to our people in Alaska, and he is literally the unchallenged hero of the Alaska Native people in terms of his willingness to come and listen to them, visit with them, and get to know them as chairman of the Indian committee. So I pay tribute to my friend from Hawaii and thank him for being with me at the time this delegation came to visit us.

Mr. President, I again renew my request that this executive summary of the mission outlined by these people when they came to us be printed in the RECORD at this point.

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

ALASKA RURAL ENERGY—EXECUTIVE SUMMARY

Mission statement: develop safe, reliable and efficient energy systems in rural Alaska that are financially viable and environmentally sound.

Providing electric power in rural Alaska is difficult because of its size, terrain, climate and sparse population.

Most of the 120 electric utilities—more than the Pacific Northwest states combined—in Alaska are small, stand-alone operations servicing individual communities.

Virtually all of Alaska's rural utilities depend primarily on costly diesel generation—up to $1.00 per kilowatt hour in some cases—with its attendant delivery, storage and environmental constraints.

Economic and infrastructure development can only be achieved by lowering energy costs, developing greater efficiencies in management and operation, and in developing renewable alternatives to diesel generation.

Alaska has made major investments in rural energy and has embarked on a regionalization program to help rural utilities achieve greater efficiencies.

Rural Alaska's problems with bulk fuel storage and water and waste water facilities are not the responsibility of a single entity; both state and federal agencies were and are involved.

Solving these problems and complying with air, water and pollution laws and regulations will require a collaborative effort between state and federal agencies and the utilities and communities involved.

In order to bring Alaska's rural electrical systems up to standards set by the Rural Electrication Association, it is estimated that $60 million—exclusive of bulk fuel needs estimated at $200 million—would be required.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. JOHNSTON. Mr. President, the Senator from Louisiana has not only a great deal of sympathy for Alaska but he demonstrated sympathy for what are real problems of the people of Alaska. And I think the Senator from Alaska knows that I have demonstrated that time and time again.

I am sensitive to this problem, first, of the inability of people in these remote villages to get electric generating systems and, second, the inability to get fuel. These are real problems that I would like to find a solution to.

Now, I would suggest to my friend that this bill at this time is not the time and place to do it, first of all because we do not have the unobligated funds here; second, because a site specific amendment such as this I believe would set a bad precedent; third, I believe there would be other Senators who would object because we have told all Senators that a site specific amendment we would not accept; and fourth, it really needs some study.

From what we know, there are great needs, and I concur with the Senator from Alaska. But how many generating systems, and how many villages, at what cost, from what account, how does the administration budget for it? It is the kind of issue on which I think we ought to have hearings and we ought to probably have some supplemental legislation. I understand there is some authorization for this already passed, but it ought to be considered in the context of a budget request.

I will tell the Senator, as I say, my demonstrated record is one of sympathy for his projects, and I hope he would give us time to study this in the cool light of day, consider it in light of budget requests and where the funding might come from, and that would probably be a better solution even then to pass this amendment, because this amendment, first of all, would surely run into deep trouble in the conference committee and even if passed into law it would be discretionary with the Secretary of Energy who would not have the money with which to fund the program.

So I think it would be a pyrrhic victory at best. I would urge the Senator to give us some time to work on this and I will, as I have on other matters of his concern, try to work it out in the ensuing months.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do not mean in any way to infer that the

managers of the bill and particularly my friend from Louisiana has not also been to Alaska and is not familiar with the issues.

As a matter of fact in this bill is a $5 million appropriation, which the managers of the bill have already authorized, for the Tazimina hydro project. It is in near Nondalton, AK. It is one of the rural villages. It is to a point where it can be developed. It will provide a substantial boost for several villages if it can be fully constructed.

I understand what the Senator is saying.

Let me first, however, yield the floor to my friend from Hawaii, and then I will come back to the comments of the Senator from Louisiana, if I may.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, soon this Nation will adopt a policy to make health universal, that every American, man, woman, and child will receive health care. When this will come about no one seems to know, but I hope it is soon.

Second, we have a very important measure pending before us which would build an informational highway throughout the United States and will send messages to and from all Americans, to colleges, to libraries, schools, hospitals, cities, villages. This is the great American dream that will soon become a reality.

But, Mr. President, may I share with you a picture of a few Americans who have been forgotten all these years and decades. They are the Natives of Alaska. My good friend from Alaska, Senator STEVENS, pointed out there are 120 villages. Most of these villages are north of the Arctic Circle, and it may interest my colleagues to know of the 120 villages only 4 have running water. None has sewer systems. Every morning some child from each household has to carry a honey bucket to a dumping site, and in case we do not know what a honey bucket is call up the Alaskans and they will tell you what it is.

The fastest selling commodity in the village store is Pinesol to clean the honey buckets.

During my most recent visit to the Natives of Alaska, I was asked not to visit one of the villages. Why? Because 92 percent of the residents had hepatitis.

This is a picture throughout these villages of over 100,000 people. There are no highways, so you cannot go by automobile from one village to another. You have to fly in. And during the wintertime maybe a dogsled, if you want to risk your life.

And so what happens? We here in Washington would pay at the highest $1.25 a gallon for diesel oil. In Alaska, these natives have to pay up to $5 a gallon. That is not an American way of sharing the bounties of this democracy.

Yes, I suppose a study should be made. Yes, I think a hearing should be held.

But, Mr. President, if we look through the records of this Senate, we have had many studies, many, many hearings. I think the time has come.

If we are to have a hearing, fine. But let us hope that we will have the strength of conviction to come out with a solution. It is about time these Natives got the promise that all of us have been able to live with all these years. I think we owe them something.

So I support the amendment of my friend. It is a good amendment. It should be passed.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do thank my good friend for his support and interest and his knowledge of our people. I hope that we can find some way to proceed.

My good friend from Hawaii is chairman of the Indian Affairs Committee. Our friend from Louisiana is chairman of the Energy Committee. I hope that we can find some way.

The Senator from Louisiana has mentioned a hearing. Is it possible we might have a hearing sometime before the supplemental comes along, so that we could explore the possibilities of getting some specifics in terms of a plan and maybe call the BIA and energy people to come listen to our friends from these villages, to let them hear the plight of their circumstance?

This circumstance was brought about by an act of Congress we passed in 1990 intended to protect the navigable waters of the United States. It is going to place a severe burden on them already in order to replace the tanks which are found to be defective. I am glad the survey was made.

We do need some help in doing what the Senator from Louisiana has suggested in coming forth now with a plan before this becomes a crisis.

If these people have to fly in oil, it is going to cost us three times as much. These basic costs are paid by the taxpayers of the United States now. The tanks that were put in were paid by the taxpayers of the United States. There is very little basic income out there to pay for high-priced diesel and electricity. The State does provide some income; so does the Federal Government. We are willing, as a State, to meet half of the cost of providing for these people who are wards of the United States, basically, as basic members of the Indian communities of our country.

I ask my friend if we could have a hearing sometime before we get to the next supplemental so we might see if we could find a way to start this plan and to put it in action sometime this coming year. Is that possible?

Mr. JOHNSTON. Mr. President, I say to my friend, I would certainly want to do that. But since we do not know when the next supplemental will be, we cannot say for sure exactly when this would be. But I will explore this problem at the earliest time with the Senator from Alaska.

There may be other committees also involved with this. My staff and I have been talking about the problem. Perhaps the BIA would be one source here with the loan guarantee programs, perhaps the Department of Agriculture, rural electric, REA.

But I will explore all of those avenues with the Senator with a view to finding a solution and having a hearing, I hope, at the earliest practicable time. I think we ought to be able to work on a solution prior to the supplemental. I cannot guarantee that, because I am not sure when it would be. But I think we could.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do not want to seem like I am pressing my friend from Louisiana. Both the Senator from Louisiana and the Senator from Hawaii have demonstrated their friendship to my State, as I said.

But I am going to have to bring people down again from this area, some 5,000 miles. Can we plan sometime in July or early August? Can we get together and find a date where we can tell them to come back to try to organize a group that will listen to them?

Mr. JOHNSTON. I say to my friend, we have the mining law conference going on right now, which is entering its crescendo. That pretty well takes me out of being able to preside.

I would have to find out when the committee room is available and what Senators can preside.

There is no hesitation in trying to help the Senator. I just cannot say at this point when it might be. Obviously, we do not know what the schedule will be, but at the soonest practicable time.

Mr. STEVENS. Does the Senator from Louisiana believe that could be this year?

Mr. JOHNSTON. I hope so.

Mr. STEVENS. And might I inquire from my friend from Hawaii whether it would be possible to work in conjunction with the Indian Affairs Committee on that matter?

I am just inquiring whether it would be possible that we might work these two committees together, and it may even take, as my friend from Louisiana said, the Agriculture Committee, too. But could we get together to see if we could get a senatorial task force to work on working with this task force? Would the Senator from Hawaii be willing to work with me in that matter?

Mr. INOUYE. Mr. President, if I may respond to the Senator from Alaska. You just give me the marching orders and I will walk in step.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am constrained to say that I had hoped that it might be possible to start today. But if it takes another hearing or meeting to get us the coordination of the Senate that is required to start funding on the way before we close in October of this year, I am prayerful, really, that we can get that done, with the assurance of my friend from Louisiana that he will work with us to try to do that, and the cooperation of the Senator from Hawaii with regard to the Indian Affairs Committee.

I want to thank them both for their courtesy and willingness to listen to me today and to urge the Members of the Senate who have heard this debate to also see what we might be able to do to help these people.

As the Senator from Hawaii said, if there are any people that have been left behind in the developments and technology in this generation that we all enjoy, it is the people of the Native villages of Alaska.

I invite any Member of the Senate to join me in the trips that I take when we have these recesses. As a matter of fact, I will go again this year to the Yukon River and visit some villages along the Yukon. Last year, I visited the people along the Kuskokwim River. The year before, we also went up to visit the villages up in this area of the North Slope. I think it is necessary to visit the areas to see what the Senator from Hawaii and the Senator from Louisiana have seen to understand the plight of these people who still inhabit their traditional areas of rural Alaska.

I think I am experienced enough to know that it would do me no good to offer this amendment now, in view of the fact that it is not supported by my friend from Louisiana under the circumstances.

And so, based upon his willingness to work with me to work out something, I will withdraw this amendment at this time. But I shall be back.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

Mr. STEVENS. I have not done that yet, but I will.

But I will be back. And on each succeeding bill that I can find any way to find some money to start solving this problem for my people, I am going to come back to the Senate and ask for its consideration.

So I do withdraw the amendment at this time, Mr. President.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment. The amendment is withdrawn.

The amendment (No. 2138) was withdrawn.

Mr. JOHNSTON. Mr. President, I thank the Senator for doing so. I hope we will be able to work out his problem soon.

Mr. President, I know of only two amendments, both of which we are prepared to take. There may be a third one which I hope will not require a rollcall vote.

I tell my colleagues that one of our colleagues is in the middle of a root canal. He has Novocain in his mouth and is waiting to go back to the dentist as soon as this debate is over with. So I urge Senators to be very brief in their debate since we are going to take your amendments.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Upon hearing the comments of my colleague from the State of Louisiana I am tempted to speak very fast like this.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside.

AMENDMENT NO. 2139

(Purpose: To provide funds for development of the advanced light water reactor and for activities relating to renewable energy sources)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] for himself and Mr. HARKIN, proposes an amendment numbered 2139.

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

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

The amendment is as follows:

On page 22, line 5, insert after "distribution activities:" the following: "*Provided further*, That from available funds appropriated under this Act, but not from any funds appropriated for the Solar and Renewable Energy programs, not less than $90,000,000 shall be expended for photovoltaic energy systems (of which $89,000,000 shall be for operating expenses and $1,000,000 shall be for capital equipment): *Provided further*, That from availabe funds appropriated under this Act, but not from any funds appropriated for the solar and renewable energy programs' for operating expenses and $1,000,000 shall be for capital equipment): *Provided further*, That from available funds appropriated under this Act, but not from any funds appropriated for the solar and renewable energy programs, not less than $12,000,000 shall be expended for hydrogen research.".

Mr. WELLSTONE. I send this amendment to the desk, on which we now have full cooperation from the Senator from Louisiana, on behalf of myself and Senator HARKIN.

What it essentially does is deal with the concern that both I and Senator HARKIN have had, and other Senators as well, about the investment in renewable energy policy.

This takes funds, altogether $14 million, from available funds and this $14 million would be divided, $6 million photovoltaic, $6 million wind, and $2 million hydrogen. The language makes it clear this would come from available funds appropriated to this act but not from any of the funds appropriated for the solar and renewable programs. I very much appreciate the cooperation and support of the chairman, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senate demonstrated, in the previous Wellstone amendment, strong support—although not majority support—for a larger amount for the solar energy program. As I explained, the chairman of the subcommittee, myself, I very much support these programs as well. The question is one of money. And we are willing to accept this amendment at $14 million. We will have to find it and we are willing to do so.

So, therefore, we accept the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment the Senator from Minnesota and the distinguished chairman of the appropriations subcommittee for accepting this amendment. Again, I just want to make sure we are clear here. What this amendment does is it provides a base funding support for photovoltaic energy systems of $90 million, a base funding for wind energy systems of $46 million, and a base funding of $12 million for hydrogen research.

I obviously would like to have more, but with the assurances of the chairman of the subcommittee that we will be able to get this from available funds and find that money, at least it is a step in the right direction. It will get us a little more in the renewable area, and just a little bit more in the hydrogen research.

I just want to mention with regard to the hydrogen research, I am hopeful out of the $12 million that is now in here for hydrogen research that at least some of that $2 million extra will be used for renewable hydrogen. In other words, merging up solar energy and photovoltaics and wind energy with the production of hydrogen for storage, transmission and further use.

With that, again I compliment the Senator from Minnesota and thank the chairman of the committee for accepting the amendment.

Mr. BUMPERS. Vote.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. The Senator from Iowa is correct in his understanding of the amendment and the overall amount of the appropriation.

I ask unanimous consent to add the name of Senator JEFFORDS, who did so much work on the prior amendment with Senator HARKIN, to this amendment that I have introduced.

I thank the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Vermont is added.

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

The amendment (No. 2139) was agreed to.

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

Mr. FORD. 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 Louisiana.

AMENDMENT NO. 2140

(Purpose: To provide funds for a feasibility study of the Lewis and Clark Rural Water System)

Mr. JOHNSTON. Mr. President, I have an agreed amendment here which I will send to the desk providing that, of the funds appropriated for General Investigations, $50,000 is provided for the Lewis and Clark Rural Water System in the South Dakota feasibility study.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 2140.

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

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

The amendment is as follows:

On page 16, line 2, insert the following before the period: ": *Provided further*, That of the funds appropriated for General Investigations, $50,000 is provided for the Lewis and Clark Rural Water System, South Dakota, feasibility study".

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

The amendment (No. 2140) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there any further amendments?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2141

(Purpose: To prohibit funds under this bill from being used for the purpose of effectuating an Army Corps of Engineers drawdown of Dworshak Reservoir in Idaho)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for himself and Mr. CRAIG proposes an amendment numbered 2141.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following: "It is the sense of Senate that the Corps of Engineers shall not facilitate or carry out the draft or drawdown below 1520 feet of Dworshak Reservoir until such time as the Corps of Engineers has completed a study of all possible alternatives and potential options including environmental and economic analysis for the affected area, and presented such report to the appropriate committees of Congress and the affected delegations.

Mr. KEMPTHORNE. Mr. President, this deals with the endangered species, the salmon in the Northwest. We have just been notified the Corps of Engineers has been ordered by the National Marine Fisheries Service to begin the drawdown of Dworshak Reservoir. The corps has stated they are going to base their future actions on good, sound science. We applaud that. That makes a great deal of sense.

The National Marine Fisheries Service, however, is the same agency that during Memorial Day recess decided the way to save this endangered species was to begin the spilling of water over the dam, against warnings by biologists that this would produce dissolved nitrogen in the water above standards the fish could survive. The result is this fish bubble disease killed the fish. So approximately a week to 10 days later they stopped this.

So much for good, sound science. In order to save the salmon we cannot afford to experiment. We need to use good, hard science because otherwise it is bad for the fish, the species we are trying to save.

It is also bad for another species, the humans who live in that region. This is devastating for communities like Orofino and Lewiston in that region. They have been told they should not have such reliance on the natural resource industries that are there, they should go to recreation. How can you have recreation when you drain this water below the seven marinas that currently give them some sort of recreational opportunity? And we are in the eighth year of a drought in Idaho. This bias toward experimenting with water is wrong.

So this amendment simply states the Corps of Engineers needs to identify all options and report back to the appropriate committees and the affected State delegations before they proceed on this so we finally can have good hard science instead of this experimentation which is not yielding the results we want for any of these species.

The PRESIDING OFFICER. Is there further debate? The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we are having some discussions here. I ask the floor staff if it would be in order, if it is suitable to the proponents or possible opponents of the bill, to consider it as a freestanding resolution immediately after passage of this? It is a sense of the Senate. That should give us time to work it out. Would that be suitable to the proponents and possible opponents?

I am just advised we cannot clear that.

Mr. President, I ask unanimous consent that we temporarily lay this aside for the purpose of adopting the remaining committee amendments.

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

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

So the committee amendments were agreed to, en bloc.

Mr. JOHNSTON. Mr. President, I am advised that nothing else is pending.

So I ask unanimous consent that upon disposition of the pending amendment we move immediately to third reading of the bill, without intervening motions or other dilatory actions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

PROGRESS ON WATER DEVELOPMENT IN NORTH DAKOTA

Mr. DORGAN. Mr. President, my State of North Dakota receives only 12 to 14 inches of rain annually on the west side, and less than 20 inches in most of the State. Consequently, we must be good stewards of our water. We must safeguard our supply and distribute it wisely so that people have good water for their homes, farms, ranches and businesses. We must also ensure that we have the quality water supplies that allow for rural economic development in an environmentally responsible way.

Senator BYRD and Senator JOHNSTON, chairman of the Senate Appropriations Committee and Subcommittee with jurisdiction of H.R. 4506, understand the water needs of rural States, and, in this bill, they have continued to help North Dakota and other rural States meet those needs. Despite the need to reduce fiscal year 1995 energy and water program spending by about $1.2 billion from current levels, the committee has provided $32 million for the

Bureau of Reclamation and North Dakota to continue work on the Garrison Diversion Unit, the central water management program for our State. This project is intended to help compensate North Dakota for the permanent loss of prime farmland that resulted when a Rhode Island-sized reservoir was created on the Missouri River in North Dakota to protect downstream States from flooding.

In addition to the funding level provided for Garrison Diversion, the committee has instructed the Bureau to actually spend the $32 million next year on water supply features of North Dakota. Earlier this year, the Bureau reassigned about $2.5 million of our fiscal year 1994 appropriation to completion of construction in other States, and suspended important water supply work in North Dakota. The funds should have been spent for municipal and rural water supply projects that were already under construction and nearing construction in North Dakota. Considering some of the urgent water supply needs in our State, our people need the new and improved water supplies that this project will provide. Therefore, I thank the committee for providing that direction to the Bureau.

The committee has also agreed to provide $200,000 for the Army Corps of Engineers to conduct a reconnaissance study of an old dam on the Red River of the north at Fargo. The study will look at possible ways of correcting a serious safety problem at the dam, where more than 30 people have drowned over the years. Alterations for the so-called Midtown Dam might also include a slight raising of the dam to improve its holding capacity for the Fargo municipal water supply. I appreciate the committee's provision for this study.

H.R. 4506, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1995

Mr. DOMENICI. Mr. President, I rise in support of the energy and water development appropriations bill reported by the Senate Appropriations Committee.

By CBO's scoring, this bill provides $20.5 billion in new budget authority and $12.1 billion in new outlays for the Department of Energy, the Corps of Engineers, the Bureau of Reclamation, and for other selected independent agencies. With outlays from prior-year budget authority and other completed actions, the Senate bill is within the subcommittee's section 602(b) allocation.

While this bill funds science and infrastructure programs that look to our future, only a handful of programs realize an increase over last year's levels. Overall, this bill reduces funding relative to last year's level by $1.6 billion—mostly due to reductions in DOE's defense activities and the cancellation of the superconducting super collider.

I particularly appreciate the subcommittee's support for a number of projects and programs important to my home State of New Mexico.

I want to take a moment to highlight just a few of these items.

The bill supports technology transfer efforts by our DOE National Laboratories, providing $215.8 million to carry out these programs.

The report accompanying this bill provides an excellent explanation of the scientific and technical expertise of DOE's National Laboratories and their capabilities in addressing a number of national problems.

The Senate bill fully funds the President's advanced computational technology initiative for the domestic oil and gas industry. Our energy security is threatened by the serious decline in our domestic oil and gas industry and this initiative will assist the industry finding and developing domestic oil and gas resources.

One of the most difficult problems facing DOE is plutonium disposition. The bill includes $50 million for this effort and the report includes language allowing this funding to be used to continue research on the feasibility of using reactor technologies to burn plutonium while simultaneously producing tritium and for continuation of the current accelerator production of tritium project being carried out by the DOE National Laboratories.

I also appreciate that this bill contains funding for the Los Alamos Meson Physics Facility [LAMPF] and the Lujan Neutron Scattering Center [LANSCE] complex—facilities that are important to the scientific infrastructure of this country.

Finally, the bill includes funding for a number of water programs that are important to my State. These items include funding for acequias rehabilitation and remediation at the Costilla Dam.

I commend the subcommittee chairman, the Senator from Louisiana, and the ranking minority member, the Senator from Oregon, for bringing this bill to the floor within its section 602(b) allocation and the spending cap.

INTERIM SPENT FUEL STORAGE INSTALLATION

Mr. BINGAMAN. Mr. President, I rise today to discuss a matter of great importance to my State: a proposal for a utility-funded, privately run, interim spent fuel storage installation in my home State of New Mexico. As I have stated repeatedly on the floor of the Senate, and elsewhere, over the last 3 years, I am opposed to the siting of an installation for high level spent nuclear fuel in New Mexico—regardless of who owns it. In that respect, I make no distinction between a privately funded and managed facility and a DOE monitored retrievable storage facility.

My distinguished colleague from Louisiana, Chairman JOHNSTON, chairman of the Energy and Natural Resources Committee and the Subcommittee on Energy and Water appropriations, has been most supportive of my concerns on this issue. With his assistance, and that of Chairmen DINGELL and BEVILL, I was able to secure passage of an amendment to the fiscal year 1994 Energy and Water appropriations bill which cut off funding for Phase IIB activities pursuant to the siting of a DOE monitored retrievable storage facility. At that time he made clear that he, too, had serious concerns about aspects of the MRS siting process.

Last week, I asked Senator JOHNSTON for his view on the prospects of an independent spent fuel storage installation in New Mexico. His opinion is that it will never be built. He notes that the utilities' proposal was born of frustration over the lack of progress being made under the DOE MRS program. As an answer to those concerns, the administration has proposed for fiscal year 1995 a significant increase over the fiscal year 1994 budget for the nuclear waste disposal program. Chairman JOHNSTON has personally committed to securing the necessary funding increases the administration is seeking and to ensuring that the program succeeds, over the next several years, on a timely basis.

Under this scenario, Mr. President, an independent spent fuel storage installation is not likely to make much progress. It will take nearly a decade to do the work necessary for such an installation—a decade in which the Department of Energy will have made its technical site suitability determination and filed a license application for a permanent storage site. Given the choice between a DOE site and privately-run and financed site, it is clear the former will prove preferable to the latter. In any event, as the chairman has committed to me, I will have and intend to use every opportunity in the future to block any serious effort to locate a facility in New Mexico.

Mr. JOHNSTON. Mr. President, 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. JOHNSTON. 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. JOHNSTON. Mr. President, the two distinguished Senators from Idaho who have the sense-of-the-Senate resolution in at this point as an amendment need to work this matter out with the distinguished Senator from Washington [Mrs. MURRAY], and they recognize the problem that our colleague has with his root canal and the Novocaine wearing off. So they have agreed to withdraw the amendment and go immediately to final passage, at

which time our colleague can go back to the dentist.

I urge all Senators, if they do come to an agreement, to allow that to be put on the next bill, which is the defense authorization bill. I think it is a very good thing what our colleagues from Idaho are doing to accommodate another colleague. So I hope other colleagues will keep that in mind as they make further requests.

So, Mr. President, I ask unanimous consent that the pending amendment be withdrawn and that we proceed to final passage.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 2141) was withdrawn.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass, as amended?

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

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—91

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Hollings	Pryor
Campbell	Hutchison	Reid
Chafee	Inouye	Riegle
Coats	Jeffords	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kohl	Simon
Danforth	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	
Exon	McConnell	

NAYS—8

Brown	Helms	Smith
Faircloth	Kerry	Wallop
Gregg	McCain	

NOT VOTING—1

Bryan

So the bill (H.R. 4506), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

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

The motion was agreed to, and the Presiding Officer (Mr. EXON) appointed Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. KERREY of Nebraska, Mr. HATFIELD, Mr. COCHRAN, Mr. DOMENICI, Mr. NICKLES, Mr. GORTON, and Mr. MCCONNELL conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4454

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately following the next rollcall vote in relation to the defense authorization bill, the Senate proceed to the consideration of the conference report on the legislative appropriations bill, H.R. 4454; that the Senate vote without any intervening action or debate on the conference report; that any statements thereon appear at the appropriate place in the RECORD as though read, and that it now be in order to request the yeas and nays on the conference report.

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

Mr. MITCHELL. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4426

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate resumes consideration of H.R. 4426, the foreign operations appropriations bill, the committee amendments be agreed to, en bloc, and be considered as original text for the purpose of further amendment; that no points of order be waived by virtue of their adoption, with the exception of the following:

Committee amendment on page 2, lines 12 through 21; committee amendment on page 11, lines 11 through 16; committee amendment on page 40, lines 11 through 14; and committee amendment on page 61, line 12 through line 4 on page 62.

I further ask unanimous consent that the list of amendments I will send to the desk be the only floor amendments remaining in order on the bill; that they may be offered in the first or second degree, if offered to a committee amendment; that the only other second-degree floor amendments in order be those that are relevant to the first-degree floor amendments to which offered; that the listed amendments must be offered by 6 p.m. Thursday, July 14; that upon disposition of the listed amendments, any remaining committee amendments be disposed of, and without debate, the bill read a third time, and the Senate vote on passage of H.R. 4426; that upon disposition of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I send the list of amendments to the desk.

The list of amendments is as follows:

Bumpers: Relevant.
Byrd: (1) Relevant; (2) Relevant.
Dodd: Relevant.
Dorgan: (1) Haiti; (2) Relevant.
Feingold: (1) Relevant; (2) Relevant; (3) Relevant.
Graham: (1) Relevant; (2) Relevant.
Harkin: (1) Relevant; (2) Relevant; (3) Relevant.
Kerrey (NE): Relevant.
Inouye: Relevant.
Lautenberg: Relevant.
Leahy: (1) NIS; (2) Camp David countries; (3) Relevant; (4) Relevant; (5) Relevant; (6) Relevant; (7) Relevant; (8) Relevant; (9) Relevant; (10) Relevant.
Levin: Relevant.
Metzenbaum: (1) Relevant; (2) Relevant.
Mitchell: (1) Relevant; (2) Relevant; (3) Relevant.
Pell: (1) Relevant; (2) Relevant; (3) Relevant.
Pryor/Lautenberg: Information programs.
Riegle: (1) Kosovo; (2) Relevant.
Shelby/Specter: PLO.
Simon: (1) Poverty reduction; (2) Relevant; Relevant.
Wellstone: (1) Relevant; (2) Relevant; (3) Relevant.

FOREIGN OPS REPUBLICAN AMENDMENTS

Coverdell: Relevant.
Nickles: Narcotics control; Relevant.
Brown: Salary Commission; World Bank; Excess defense; Democracy; (1) Relevant; (2) Relevant.
Cohen: (1) Relevant; (2) Relevant.
McCain: (1) Relevant, (2) Relevant; IESC; Baltics; Cambodia.
Dole: Bosnia hospital aid; Bosnia winter aid; Haiti; Peacekeeping; Enterprise funds; Bosnia; UN Sanctions; Kosova; Bosnia IMET; CASS scholarship, Armenia; Humanitarian and, (1) Relevant; (2) Relevant; (3) Relevant; (4) Relevant; NIS aid.
Domenici: Peacekeeping authority; NIS threat reduction; NIS aid management; IMG SDR allocation; International credit reform/debt.

Gramm: (1) Relevant; (2) Relevant.
Warner: (1) Relevant; (2) Relevant.
Specter: PLO.
D'Amato: Golan Heights; Counter-terrorism; (1) Relevant; (2) Relevant; Crime Control/Russia.
Smith: Relevant.
Mack: Relevant.
Gorton: Relevant.
Helms: (1) Relevant; (2) Relevant; (3) Relevant; (4) Relevant; (5) Relevant; (6) Relevant; (7) Relevant; (8) Relevant; (9) Relevant; (10) Relevant; (11) Relevant; (12) Relevant; (13) Relevant; (14) Relevant; (15) Relevant; (16) Relevant; (17) Relevant; (18) Relevant; (19) Relevant; (20) Relevant.
McCONNELL: NIS Management, Crime, Legal reform/NIS, Narcotics.
Pressler: Payment in kind/UN voluntary peacekeeping assessment; Relevant.
McConnell: Middle East; Cong. presentation documents; Peacekeeping; AID; NIS; Enterprise fund; Narcotics; Eastern Europe; NIS; (1) Relevant; (2) Relevant; (3) Relevant; (4) Relevant; (5) Relevant; (6) Relevant.
Thurmond: SOS international org.
Hatfield: AID.

EXCEPTED COMMITTEE AMENDMENTS:

1. Comm. amdt. on page 2, lines 12-21.
2. Comm. amdt. on page 11, lines 11-16.
3. Comm. amdt. on page 40, lines 11-14.
4. Comm. amdt. on page 61, line 12 through line 4 on page 62.

Mr. MITCHELL. Mr. President, I have just met with the distinguished Republican leader, and we have discussed how best to proceed with respect to the pending and now only remaining bill on which action will be required before the Independence Day recess, and the distinguished Republican leader is now consulting with his colleagues on a proposal which I made to him in that regard. I expect to have a response and therefore an announcement shortly.

So I will momentarily suggest the absence of a quorum and ask that the managers of the Department of Defense authorization bill come to the floor and be ready to proceed in a short time.

Accordingly, 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. MITCHELL. 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. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island be recognized to address the Senate as in morning business for up to 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL], is recognized.

GOV. DENNIS ROBERTS WAS A TRULY GREAT MAN

Mr. PELL. Mr. President, it is with great personal sadness that I rise to inform the Senate of the passing today in Providence, RI, of a legendary figure in the history of my State—former Gov. Dennis J. Roberts.

Governor Roberts, who was 91, died this morning at Rhode Island Hospital. I understand he had been in superb good health.

Just a year ago I had the particular delight to attend his 90th birthday luncheon given by our current Governor, Bruce G. Sundlun, and attended by all living former Governors, including our colleague, Senator CHAFEE and our former colleague, John O. Pastore. It was a wonderful moment in Rhode Island history and Governor Roberts was, as always, eloquent, and devastating in his repartee.

Mr. President, my own political career became entwined with that of Governor Roberts in 1960 when we were two of the three candidates for the Democratic nomination for the U.S. Senate seat being vacated by Senator Theodore Francis Green. I was fortunate to be victorious but, nevertheless, Governor Roberts was always very gracious to me throughout the rest of his years. I know that I liked and respected him immensely and considered him a truly great man.

Dennis J. Roberts, widely known as "Denny", was a towering figure in our State. He was elected Governor four times, serving as long as anyone in our State's history. Previously he had served as a State senator, chairman of the Democratic City Committee in Providence, and, from 1940 through 1951, as mayor of Providence.

Both as mayor and as Governor he was a commanding, decisive, skilled figure, equally comfortable and talented as a public administrator and as a political leader.

Denny Roberts was a political leader at a time when politics was an honorable and respected profession and he practiced the art of politics as few others. He built a powerful political organization in Providence and in Rhode Island and saw to it that the system delivered quality public services and innovative public programs. To many this period was the Golden Age of Providence and Rhode Islands politics and Denny Roberts presided over it.

Since that election in 1960 Governor Roberts remained deeply involved in Rhode Island public life as an attorney, a champion of civil rights, an elder statesman.

Mr. President, that is a sad day for our State, but also a day to look back with admiration and pride on a remarkable man and a remarkable career. I offer my wife's and my sympathies to Governor Roberts nephews, former Attorney General Dennis J. Roberts II and Thomas Roberts of Providence.

Mr. BYRD addressed the Chair.

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

Mr. BYRD. Mr. President, inasmuch as the Senate is presently awaiting the managers of the pending business, I ask unanimous consent that I may speak for not to exceed 15 minutes on another matter.

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

JULY 4—OUR SACRED NATIONAL BIRTHDAY

Mr. BYRD. Mr. President, ironically, King George III of England wrote in his journal on July 4, 1776, "Nothing of importance happened today."

The limitations of communication in 1776 notwithstanding, could the assessment of the events of any day in recorded history have missed the mark so radically as did His Britannic Majesty's commentary on that July 4?

The annual calendar is crowded with days of note: January 1, New Year's Day; March 15, the Ides of March; March 17, St. Patrick's Day; Passover; Palm Sunday; Easter; Mother's Day; Labor Day; and December 25, Christmas Day.

But, increasingly, July 4—American Independence Day—is taking on a universal significance for people everywhere. The founders of the new nation considered Independence Day an important occasion for rejoicing. John Adams said,

> I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward for evermore.

Independence Day was first observed in Philadelphia on July 4, 1777. Bands played, colorful bunting was displayed, and the people rejoiced. Independence Day has been celebrated all over the country from that day to the present day.

In 1776, Europe was dominated by kings and other feudal personages, most of whom claimed their power through "Divine Right"—that is, that their power and authority had been dispensed to them as an Act of Will by God Almighty and, hence, they were at liberty to rule as they saw fit, justly or unjustly, assured in their consciences that their decisions and their deeds were all equally expressions of the Divine Will.

The American Declaration of Independence, drawn up by some of the most select minds ever designated to launch any ship of state on its maiden voyage, flew directly in the face of Divine Right theory. The Founding Fathers, taking their own destinies and that of the Colonies that they represented in Philadelphia into their own hands, asserted for the first time in a great founding document that the aborning American nation and its populace had a God-given right to liberty

and self-governance, especially in the face of tyranny, and that they were breaking the historic ties that linked the new nation to the British throne.

To assert a claim to popular sovereignty was one thing; to make that sovereignty a reality was something else. Thus, before the claims of the Declaration of Independence could have any practical effect, the American people, in their righteous conviction, were compelled to make their claims to liberty and self-government stick on the battlefield. They rose to the occasion. At Lexington their blood was shed. At Concord—

By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood,
And fired the shot heard round the world.

Trenton, Princeton, and Saratoga were the successive theatres of their victories in a war that finally terminated in the happy scene at Yorktown.

Our Founding Fathers did, by their sacrifices and with their blood, validate their claims to liberty and self-government, thus eventually forcing on the greatest military and naval power of the late 18th century a peace that officially recognized the independence of the United States of America.

Striking that blow for liberty meant that Americans were no longer "subjects," but were ever after free people with personal freedoms, but also with personal responsibilities for the governance and the preservation of the new nation—a nation established not on the basis of some mystic mythology as had been Ancient Rome or Imperial Japan, but a nation formed and established by the will and the acts of sovereign men and women in behalf of their posterity and the future.

Thenceforth, the United States of America became a living contradiction to every claim of absolutism and despotism issued from the vain imaginings of any tyrant and uttered from the throat of every dictator.

Certainly, as 20th-century Americans, we are indebted to the generation of 1776, to those Americans who broke with the British Crown and created this nation—a nation that did not rise, vaporous and evanescent, from the brains of Rousseau or Hobbs or Thomas More, or spring like Aphrodite from the foam of the ocean waves. It was the production of hardy farmers, small-towns people, sturdy mountaineers, and other common folk who built upon the solid foundations of experience gained through centuries of struggle with hereditary and haughty monarchs in the mother country of England, and the experiences of the infant colonies.

Mr. President, that which was at first only a small remote star, glimmering on the political concerns of Europe with a faint, cold beam, has now become a new firmament in the heaven of nations, shining with the brilliance of a sun that cannot be hidden. Like the immutable laws of motion and of order, which pervade the orbs of the universe and fix the planets in their unerring courses, our commerce has spread over all the seas of the globe; and the increase of our fields and factories, forests and mines outruns calculation and almost mocks human imagination.

The Republican system of government which was created by the blood and brawn and brains of our fathers was the nearest approach to human perfection that the political world has yet seen, and it will stand in history without a parallel until the trumpet of the angel shall sound and time shall be no more.

But, just as winning liberty was no small feat by our fathers, even so has preserving that liberty been a never ending responsibility shared by all Americans today and in all the years to come—both in time of peace as well as in war.

For peace itself should not so dull a kingdom,
Though war nor no known quarrel were in question,
But that defences, musters, preparations,
Should be maintain'd, assembled and collected,
As were a war in expectation.

Thus, here today and across America, every American owes a debt of gratitude to those virtually millions of men and women who have guarded our precious liberties in the generations since July 4, 1776.

Indeed, the claims asserted in the Declaration of Independence would have been hollow had not in subsequent American history ordinary American citizens risen to extraordinary heights of personal valor and sacrifice in service to preserving our liberties and keeping America free and independent.

Quite recently, I received a sincerely reflective letter from a West Virginia veteran of World War II, Mr. George H. Ayres of Chapmanville, West Virginia. Mr. Ayres is 83 years old, and had followed the television coverage of the early June commemorations in Europe of the Fiftieth Anniversary of D-Day and the Normandy campaign.

Those telecasts evidently set Mr. Ayres to contemplating his own experiences. Mr. Ayres wrote to me, saying, in part:

I was in Naples—Foggia, Rome, Anzio—in Italy. Also, in . . . the Tunisia campaign in Africa. Finally, in the German campaign in France. . . . I went over on the *Queen Mary* and returned on the *Queen Elizabeth*. . . . I was discharged May 24, 1945. . . . The worst was Anzio. I don't know how I lived there. I still remember broad daylight created there at night. It was not like a [lighted] football field, but [like] natural daylight. . . . Civilization almost vanished. . . . I don't want to discuss much of the stuff that went on then. . . . I am 83 now, but I still think about it. Excuse my scribbling.

Mr. President, George Ayres is a confirmation of the faith that guided the Founding Fathers in the gamble that they launched on July 4, 1776, in the Declaration of Independence. On that first Fourth of July, the men who affixed their signatures on a document that was meant to sever the Colonies' ties with the British Crown, gambled their lives, their fortunes, and their "sacred honor" on the patriotism and integrity of men like George Ayres of Chapmanville, West Virginia, and on men in Dayton, Ohio, and Denver, Colorado, and in Lowell, Massachusetts, and in cities and towns and villages throughout America—indeed, the Founding Fathers gambled all that they possessed on a faith that men and women who enjoyed the fruits and the blessings of American citizenship would live up to the demands of that citizenship when conditions demanded.

In this year of 1994, as we look towards the joyous Fourth on Monday, I pay particular tribute to those veterans of World War II who, 50 years ago, guaranteed our freedoms against the onslaughts of one of the most diabolic affronts to human decency in history—led by Adolph Hitler, Benito Mussolini, and Emperor Hirohito. Most of the remaining veterans of World War II are long into their earthly pilgrimages, and their numbers shrink more with each passing year.

But like those World War II veterans, the veterans of Korea and Vietnam and other American wars, as well as those who stood guard on Freedom's Frontiers throughout the Cold War, also have a claim on the Nation's gratitude.

To all those men and women of honor, America offers its thankfulness and respect.

On this coming July 4, I hope that all Americans will bow their heads in a moment of prayerful thanksgiving to the Ultimate Author of all of our liberties, even the Heavenly Father Himself, from Whose Providence all of our blessings and privileges flow, and unto Whom we will finally answer for our stewardship over this Divinely Ordained, Divinely Conceived United States of America.

Let fame, that all hunt after in their lives,
Live register'd upon our brazen tombs
And then grace us in the disgrace of death;
When, spite of cormorant devouring Time,
The endeavour of this present breath may buy
That honour which shall bate his scythe's keen edge
And make us heirs of all eternity.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. I ask unanimous consent if I may proceed as in morning business.

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

PAXON-MOLINARI MARRIAGE

Mr. DOLE. Mr. President, I do not know what all the Members of the Senate will be doing during the July 4th recess, but I suspect that none of us will have as eventful a recess as Congressman BILL PAXON and Congresswoman SUSAN MOLINARI. Because on Sunday, these two outstanding public servants are getting married to each other.

And as someone who has more than 18 years of experience in a Washington, DC two-career marriage, I want to extend my congratulations to my two good friends.

I have checked the laws of our land very carefully, Mr. President, and can find nothing that prohibits two Members of Congress from marrying.

But just to be safe, I want my friends to know that I stand ready to propose an amendment to the Robinson-Patman Anti-Trust Act to render the Paxon-Molinari merger a combination in the public interest, and not in undue restraint of trade.

I know that all Members of the Senate join me in sending our best wishes to Congressman PAXON and Congresswoman MOLINARI. May they have many happy years together, and may their votes never cancel each other's out.

THE 75TH ANNIVERSARY OF THE NATIONAL EASTER SEAL SOCIETY

Mr. DOLE. Mr. President, I rise today to recognize the outstanding work of the National Easter Seal Society, which this year celebrates its 75th anniversary. The mission of Easter Seals is to help people with disabilities achieve independence. It accomplishes this goal by providing rehabilitation and assistive technology services, and through programs of disability prevention, advocacy, and public education.

A DISTINGUISHED HISTORY

Mr. President, Easter Seals has a distinguished history. It is among the Nation's oldest voluntary organizations serving people with disabilities, and began with the vision and hard work of Ohio businessman Edgar F. Allen. Allen started life modestly—his first job was as a hardware salesman. Later, he made a fortune selling railroad ties and poles for telegraph and telephone lines. But in 1907, his life was shattered when his 18-year-old son was killed in a streetcar accident. As a result, he retired to devote himself to public service—first, by building a community hospital in his hometown of Elyria, and later, in 1915, founding the Gates Hospital for Crippled Children, the Nation's first facility solely for children with disabilities.

Allen's experience with the Gates Hospital convinced him that there was an even greater need for local, community-based rehabilitation services. So, in 1919, with the support of Rotarians, he established the Ohio Society for Crippled Children. The Ohio society soon attracted national interest, and in 1921 the National Society for Crippled Children was born. By 1929, affiliates had been organized in 23 States.

Throughout the past 75 years, Easter Seals has been at the forefront of change. It has spawned other disability organizations. For example, in 1922 it sponsored an international society, which later became Rehabilitation International. RI is today a global federation, linking 135 disability groups in 81 countries.

Easter Seals was among the first to speak of the rights of people with disabilities. In 1930, the society's data helped convince the White House Conference on Child Health and Protection to adopt a bill of rights for handicapped children.

It has advocated progressive social policies. In 1935, Easter Seals pushed hard for the Social Security Act, which included funding to States for services to children with disabilities.

Easter Seals expanded its mission as new needs arose. In the 1940's, with the advent of World War II, it began to serve disabled veterans, and accordingly changed its name to the National Society for Crippled Children and Adults.

Easter Seals has also promoted research. The Easter Seal Research Foundation was formed in 1953 to develop new ways to prevent and alleviate disabling conditions. This foundation played a vital role in defining the post-polio syndrome, which affects thousands of Americans.

And Easter Seals was among the first to champion an accessible environment. In 1958, it initiated a Federal project to develop standards for barrier-free buildings. In 1975, it sponsored the Nation's first National Barriers Awareness Week.

In recent years, Easter Seals championed passage of the Americans with Disabilities Act, and backed other legislation to improve access to air travel, housing, early intervention, and education, and technology for people with disabilities.

THE WORK OF EASTER SEALS TODAY

Mr. President, today Easter Seals serves over one million Americans each year, through affiliates in every State.

And it continues breaking new ground. It sponsors several important national programs, including Family Friends, an intergenerational mentoring program for parents of children with disabilities; Agrability, a program to assist farmers with disabilities; and Project Action, a project to promote accessible transportation.

Mr. President, the work of Easter Seals is only possible because of the generous support of thousands of Americans, as volunteers and financial contributors. This year's telethon raised a recordbreaking $52 million. Easter Seals has worked hard to deserve this trust. It is recognized as one of the Nation's best managed charities, and for 15 consecutive years has been cited by the National Health Council as the organization with the highest percentage of funds going to client services.

EASTER SEALS AND DISABILITY FUTURE

In closing, Mr. President, let me note that as valuable as Easter Seals' work has been, in my view its leadership and programs will be even more important in the future. The issues that Easter Seals has pioneered place it at the very cutting edge of America's "disability future." The number of Americans with disabilities is growing rapidly, and disability is fast becoming the chief domestic policy issue of the late 20th and early 21st centuries. No doubt about it, Easter Seals' service to people with disabilities and the Nation will be in great demand for decades to come.

DOLE-PACKWOOD PLAN

Mr. DOLE. I wanted to reiterate what I indicated yesterday in the Senate Finance Committee with reference to health care reform. It was about 18 months ago when we began our journey in a bipartisan way toward health care reform.

Since that time, every Member of this body has participated in countless meetings on health care here in Washington, and in their home State. Many others, of course, have participated in extensive hearings on the subject.

And as we learned more and more about health care reform, I suspect that our opinions on the subject have changed to some degree.

But throughout this debate, there is one fact that has not changed. And that is the fact that we began this journey in a bipartisan spirit. And 18 months later, that bipartisan spirit is still very much alive and well.

It is in that spirit that Senator PACKWOOD and I—joined by 38 other Republican Senators—and 1 additional supporter, a total of 40—put a new proposal on the table yesterday.

While I am pleased to have the overwhelming majority of Republican Senators supporting this bill, I do not consider this to be the Republican solution. Nor do I regard it as the only solution. It is another option. Hopefully a bipartisan option. I am hoping it will attract a number of Democrats in the House and the Senate.

It is, however, a solution that protects the many strengths of the best health care system in the world. It is a solution that maintains and increases the quality and choice that Americans have come to expect. And it is a solution that truly helps those who are in need.

If you cannot afford health insurance, then this plan gives you access through subsidies.

If you have been denied insurance because of a pre-existing condition, this plan will make the changes needed so you can gain coverage.

If you have lost your insurance because of a change in your employment status, then this plan helps you by assuring health insurance portability.

If you own a small business and just cannot afford to give your employees health insurance, then this plan would reduce your costs by giving you the power to join voluntary purchasing pools with other small businesses in your own State or own area.

If you are self-employed or own a small business, then you have the option to purchase insurance through the Federal employees health benefit plan, the same program that insures the White House, the Congress and over 2 million Federal employees, and I think that is very, very important.

There are many other common-sense provisions, like allowing medical IRA's, tough medical malpractice tort liability and ensuring tax fairness by ensuring the self-employed and individuals receive the same tax treatment on their insurance premium payments as businesses and employees. This will help farmers and ranchers all across America and other self-employed people across America. Those who have labeled this an "obstructionist" plan or "status quo" plan, or an "incomplete" plan are just plain wrong.

Let me admit, however, that there are some things missing from this plan.

You will not find any new taxes, for instance. Nor will you find price controls or job-killing mandates on employers or the placement of a mountain of bureaucrats between Americans and their doctors. All these are missing from this plan. You will not find any of that in this plan, and we are proud there is none of that in this plan.

So, Mr. President, my purpose for making this statement today is to invite my colleagues on the other side of the aisle—and we have already talked with a number of colleagues through their staffs, and we have briefed a number of colleagues on this bill. Today we were joined by a large group of supporters of different associations, including the American Farm Bureau, the American Cattlemen Association, the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the National Restaurant Association.

Mr. President, I ask unanimous consent to print the entire group in the RECORD.

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

BUSINESS GROUPS MEETING WITH SENATORS ON THE DOLE/PACKWOOD HEALTH CARE PLAN—JUNE 30, 1994

National Federation of Independent Business.
National Association of Wholesaler-Distributors.
Schering—Plough Corp.
National Association of Manufacturers.
U.S. Chamber of Commerce.
Printing Industries of America.
Searle Pharmaceuticals.
National Retail Federation.
American Business Council.
Federation of American Health Systems.
National Restaurant Association.
American Home Products.
American Health Care Association.
American Trucking Association.
National Business Coalition on Health.
National Cattlemen Association.
Cessna Aircraft Co.
Health Care Leadership Council.
National Association of Health Underwriters.
Business Coalition for Affordable Health Care.
Pharmaceutical Manufacturers Association.
National Wheat Growers Association.
Association of Private Pension and Welfare Plans.
National Association for Home Care.
Warner—Lambert.
Pfizer Pharmaceuticals.
C.I.G.N.A.
American Managed Care and Review Association.
United States Business and Industrial Council.

Mr. DOLE. Mr. President, it is a very impressive group of businesses all across the country, farm groups all across the country, the National Wheat Growers Association. And we believe that they are approaching this issue in a bipartisan manner.

So I urge my colleagues to not look at this as a Republican partisan effort. It is not a Republican partisan effort. It is another option.

We did not know how to do it except to get as many Republicans as we could together and then reach out to our colleagues on the other side. We are in the process of doing that.

I hope Members of the Senate and the House will take a close look at our proposal and call back to your home State and discuss the plan with your doctors, your hospitals, your small businessmen and women.

I might also add, we are working closely with Congressman ROWLAND from Georgia and Congressman BILIRAKIS. Congressman ROWLAND is a Democrat and Congressman BILIRAKIS is a Republican. They have 36 Democrats and Republicans on their proposal. We hope we can come together with their proposal and our proposal to make it truly bipartisan. If you look at this program in an objective way, you will understand it will make a positive difference and one you can be proud to support.

CRIME

Mr. DOLE. Mr. President, the crime conference is the latest victim of gridlock, as House and Senate liberals continue to hold the conference report hostage to the so-called Racial Justice Act.

The Racial Justice Act is part of a long tradition here in Congress where bad legislation is given a great-sounding name. In the real-world of business, this is called false advertising. The *bottom line is that the Racial Justice* Act will not much to advance the cause of civil rights, but it will do a great deal to clog the courts and make the death penalty virtually unenforceable everywhere it is carried out.

Of course, no crime bill can stop the violence on our streets. No legislation can build good character, which is the most effective deterrent to violent crime.

But legislation that meets the tough-on-crime test—substantial funding for prisons, a strong emphasis on truth-in-sentencing, and a commitment to mandatory minimum sentences for violent criminals—can, and will, make a difference.

That is why President Clinton's leadership is so critical: Where does President Clinton himself stand on the so-called racial justice provisions? Does President Clinton believe, as do most law enforcement groups, that these provisions would sound the death-knell for the death penalty? And if President Clinton agrees that each capital case should be judged on the merits, and not on the basis of random statistics, why does he not speak out now? Why does he not tell the crime conference to drop the racial justice provisions as a way of breaking the legislative logjam?

Mr. President, an American is murdered every 21 minutes, raped every 5 minutes, robbed every 46 seconds, assaulted every 29 seconds. So, each day we delay on passing a tough crime bill means another day of unabated violence. Each day of delay means another day of justified skepticism by the American people.

Leadership is not something to be squandered. It is something to be used. and that is why President Clinton should step up to the plate and tell the American people exactly where he stands. President Clinton should publicly and unequivocally denounce the Racial Justice Act for what it really is—a back-door effort to gut our Nation's death penalty laws.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. NUNN. Mr. President, we are in the process of trying to get a unanimous consent agreement on a time agreement on a couple of important amendments that we will be debating this evening, one on the B-2 and the other on an amendment we call COLA equity relating to military retirement. It is my hope that we can go ahead and get started on the debate, even pending

the unanimous consent request. That request is, I hope, going to be entered into.

So I ask that the Senator from Michigan [Mr. LEVIN] and the Senator from Vermont [Mr. LEAHY] and others who are interested in the B–2 debate, come on over and begin debate on that. I think we would not be wasting any time at all because that is the amendment that I hope we will be able to get to first. I know the Senator from Michigan is anxious to get that up. It is going to take a considerable amount of time for debate. So I hope we can get started on the B–2 debate. I yield the floor, and I suggest the absence of a quorum.

Mr. DOLE. Will the Senator withhold?

Mr. NUNN. I withhold.

Mr. DOLE. The Senator from South Carolina is prepared to speak on Bosnia at this time if there is no objection to that.

Mr. NUNN. No, I have no objection at all.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

BOSNIAN ARMS EMBARGO

Mr. THURMOND. Mr. President, I am pleased to join as a cosponsor of the Dole-Lieberman amendment to lift the Bosnian arms embargo. I regret I must oppose my distinguished colleagues on the Armed Services Committee, the able Chairman Senator NUNN, and Senator WARNER, who have offered a second degree amendment. I know their views on this matter are well thought out and sincerely held. I recognize that they too want to help the embattled Bosnians, but have honest concerns about the dangers of acting unilaterally.

When this issue was last before the Senate, we had a vigorous debate, perhaps one of the best the Senate has seen in a long time. That debate highlighted the moral and political complexities of the Balkan war, and showed that men and women of good will can disagree passionately.

The Bosnian question is not a matter any of us should take lightly. Nevertheless, I am still persuaded that the amendment is necessary. While the Bosnian crisis confronts us with extremely complex dilemmas, I believe the fundamental, underlying issue is simple—it is a matter of basic moral choice. America is not obligated to intervene militarily on the side of the Bosnians, or supply them with tanks and artillery. But if we are not going to defend the Bosnians from aggression and wanton killing, it is morally wrong to deny them the means to defend themselves.

Opponents of lifting the embargo argue that acting unilaterally will undermine America's leadership position in NATO. It may compromise other U.N.-sponsored sanctions and embargoes around the world which the United States supports; for example, in Iraq or Haiti. For us to act alone may make it difficult to go to our allies or the United Nations if we need to invoke sanctions against North Korea at some future point.

I realize we must balance the moral imperative against the political risks in acting unilaterally. Withdrawing from the current NATO operation may well place a severe strain on the Alliance. I can only hope that if the United States must act alone, we can find some way to reconcile this action with our leadership role in NATO.

Is such a reconciliation of competing interests possible? Douglas Hurd, the British Foreign Secretary, recently visited with the Armed Services Committee. While he opposed lifting the embargo, he conceded that NATO also wants to help the Bosnians, just as we who support this amendment. I remind my colleagues that NATO's first combat mission in its 45-year history was on behalf of the Bosnians, with air strikes against Serbian aggressors. Clearly it is NATO's policy to help the victims of aggression. The purpose of the Dole amendment is to help the victims of aggression. Since the supporters of this amendment and NATO members agree in principle, surely some way can be found to work out this difficulty.

If not, Mr. President, then we find ourselves caught between a rock and hard place. Americans want to preserve our standing and commitment to NATO, and we want to allow the victims of brutal aggression to defend themselves. Faced with such a dilemma, we must look for guidance in "first principles," principles which flow from our historic national norms and values.

I believe the first principle involved here is clear; it is the inherent right of self-defense. The Dole amendment bases termination of the embargo squarely on the right of self-defense, in this case as spelled out in article 2 and article 51 of the U.N. Charter. Natural law, most world religions, our own moral tradition, and plain common sense support the right of a people to defend themselves from attack. But, by enforcing the embargo, we violate our own historic moral and political norms. We allow U.N. resolutions to overturn the U.N. Charter, a blatant inconsistency that should never have happened in the first place.

Let the Bosnians acquire the arms they need to defend their villages, their women and children. Let us reaffirm the traditional American principle that every State has the right to defend itself. In today's violent and chaotic world, the inherent, fundamental right of self-defense must be protected.

Mr. President, the opponents of the amendment base their arguments on what might happen if we act unilaterally. They fear that lifting the embargo will only prolong the agony. Certainly no one can promise that lifting the embargo will bring about a lasting peace. But I base my support of the amendment on what has already happened. The current approach simply has not worked, and has only made the innocent vulnerable to slaughter. At one time I would have said indiscriminate slaughter. But after hearing the compelling testimony of Bosnian Vice-President Ganich and also the moving remarks on the floor of Senator BIDEN, I realize that the slaughter is not indiscriminate. The Serbs clearly have embarked on a policy of deliberate killing of women and children, the old and helpless, in order to terrorize the Bosnians into fleeing or submitting.

In my view, and in the view of the Bosnians themselves, the current military imbalance is what makes the policy of terror possible, and prolongs the war. Lifting the embargo may help bring peace. At least it will reduce the violence by making the Serbs pay a higher price for their aggression.

I concede that none of the options open to us are attractive. If we do nothing, we feel a sense of responsibility as we watch an ineffective U.N. peace operation falter, while the innocent suffer. If we act unilaterally, we jeopardize our relations with our allies. In the end I have to reach into my conscience and conclude that we must not continue forcing the Bosnian Muslims to remain defenseless against Serbian tanks and heavy artillery, with no means to protect themselves.

I wish it were not necessary for us to act alone, since the Bosnian crisis is not just an American responsibility—it affects Europe far more than us. Perhaps the Europeans can be persuaded to join with us. That may mean they will have to withdraw their peacekeeping troops. Yet, the Bosnians have made it very clear this is what they prefer. They would rather have the means to defend themselves than be forced to rely on foreign peacekeepers.

Mr. President, our current policy has proven to be neither practical nor moral. Something new is needed to change the dynamics of this one-sided war. We have to try something else. I believe that the Dole amendment is a proper and necessary step in that direction, and I urge its adoption.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that David W. Davis, a fellow in my office, be granted floor privileges throughout the remainder of consideration of S. 2182.

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

Mrs. HUTCHISON. I thank the Chair.

LIFTING OF THE BOSNIAN ARMS EMBARGO

Mrs. HUTCHISON. Mr. President, the most troubling aspect of this debate is that we are voting to take this action without our allies. We have stood in the field shoulder to shoulder with these same friends, wading ashore on the beaches of Normandy, slogging over the frozen mountains of Korea, bearing the searing heat of the Arabian Peninsula. In each of these cases, the United States was a reliable ally who paid her full share of the costs and individual self-sacrifice to accomplish a common goal.

This time, however, it seems that all of us are willing to fiddle while Rome burns. We have been debating lifting the arms embargo on Bosnia for over a year. We have attempted to bring our allies to this view. But it has not happened. And Rome still burns. More than 200 men, women, and children have been slaughtered during the time that we have been debating. There is genocide in Bosnia. Thus far, the United States has correctly, I believe, resisted armed intervention, and I will continue to oppose sending armed troops from the United States into Bosnia. Because we are unwilling to take on this mission, the time has come for Congress to stop the impediment to the Bosnians being able to defend themselves.

On June 23, Vice President Ganic came to the Senate Armed Services Committee. He is the Vice President of Bosnia. He made a poignant appeal to the Armed Services Committee. He said, apologetically, "I realize I am emotional about this issue."

I thought to myself this man is apologizing for being emotional while they are under armed assault and their families are being brutalized and murdered. He asked that we lift the arms embargo. He is one of their elected leaders. He is a spokesman for his country.

Mr. President, I think we must grant the request of the people of Bosnia.

We have a moral obligation to follow declared U.S. doctrine as enunciated by U.S. Presidents from John F. Kennedy to George Bush in that we will lend our support wherever we can to oppressed people who are willing to fight for their freedom. It is not always our responsibility to fight for others, but we must be willing to support them. The issue is American leadership and resolve.

Three years ago, the United States formed and led a coalition of diverse nations to a stunning victory in Operation Desert Storm. At that time, the United States was the unquestioned leader of the world. Are we now perceived as simply a member of the community of nations rather than leader? The danger lies in the false sense of security that leadership will somehow evolve from consensus.

Nothing could be further from the truth. Consensus follows leadership. Leadership does not, nor will it ever, follow consensus.

The coalition which met the challenge in the gulf war did not result from consensus. It came because of American leadership, and that is what is lacking today. It is up to us to provide that leadership. No other country can and no other country will.

A few weeks ago, we celebrated the 50th anniversary of the allied landings at Normandy. On that day, free people all through Europe commemorated the rollback of Nazi tyranny. It will be a bitter irony if the United States, which bore a tremendous amount of the burden in the defeat of Nazi Germany, may also be remembered in history for consigning the people of the cities of Gorazde to the same fate as the citizens of Guernica.

During the testimony before the Senate Armed Services Committee, Bosnian Vice President Ganic talked about our sacrifices on D-day, and he warned that 50 years after the defeat of fascism, unfortunately, in Europe fascism is again on the rise with genocide and repression against the non-Serbian population.

Dr. Ganic reminded us that the same European leaders who celebrated the D-day anniversary are now unable or unwilling to assume the task of confronting fascism. He asked that if the world is not prepared to act now to stop this tyranny as was done 50 years ago, at least let the Bosnians defend themselves.

There is an old adage that it is preferable to die fighting on your feet than to live begging on your knees. It is clear that the Bosnians have made their choice, and it is to fight on their feet, come what may. The Bosnians are not asking for troops to fight for them on the ground. Dr. Ganic told us he hopes the U.N. troops continue to do humanitarian missions in Bosnia, but if they feel they must withdraw, Bosnia is willing to accept that fate. He simply plead with us to no longer combine big words with small deeds but to lift the embargo because they need arms to survive.

In closing Mr. President, Richard Perle recently defined the stakes so well. He said,

> In considering finally whether to reverse the shameful policy of leaving Bosnia defenseless against a well armed Serbian aggression, we face a decision in which the right and moral course is also the course least likely to lead to adverse consequences for the United States and its allies. That is because it has the prospect of leading to a peace the Bosnians themselves can defend rather than a peace imposed on the vanquished that cannot last and which the United States would be obliged to defend.

The United States has acted unilaterally before and we will again. We must lift the arms embargo. Vice President Ganic said, "We are dying anyway. Let us die fighting—fighting for our country." Mr. President, I hope we hear their pleas and help them by lifting this arms embargo.

Thank you, Mr. President.

I yield the floor.

IN SUPPORT OF FITZSIMONS ARMY MEDICAL CENTER

Mr. CAMPBELL. Mr. President, I support keeping the authorization of appropriations for a planned replacement hospital at Fitzsimons Army Medical Center [FAMC] in Aurora, CO. In case anybody missed it, the Senate Armed Services Committee decided to deauthorize $390 million that Congress approved 2 years ago for this project.

The DOD medical system is split into several regions. FAMC is the lead agent for the provision of health care in the central region, and the major medical referral center for Army and Air Force hospitals in this region. That includes 12 States: Colorado, Utah, Illinois, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and Wisconsin.

This is the largest geographic region in the entire defense medical center system, and FAMC is the only such medical center in the U.S. heartland. In addition, FAMC is one of seven Army teaching hospitals, and provides medical and surgical care for all branches of the Armed Forces, their dependents, and retired personnel.

The FAMC region includes a beneficiary population of at least 735,000, and probably closer to 900,000, which makes it sixth out of the 12 DOD regions in terms of population. This region already has the fewest referral, tertiary care beds of any DOD medical region.

The Army desperately wants to build a replacement facility at FAMC. In fact, the hospital has been part of the Army's overall military construction plan since 1989. The reason this is such a priority is obvious to anyone who has ever been there: FAMC's buildings are by far the oldest in the DOD health care system, more than twice as old as any other defense medical center.

That is why Congress, in 1992, authorized $390 million for a 450-bed teaching hospital, and appropriated $57 million for design and site preparation. Last year, Congress appropriated $4 million for a telephone facility, and the Department of Defense released $30 million to finish the design phase of this project.

Because of changing needs due to military downsizing, in January of this year the Under Secretary of Defense, John Deutch, limited the scope of the project to 200 beds and $225 million, and set fiscal year 1996 to commence construction.

Granted, this project has its detractors within the Department of Defense. In March, the DOD discontinued efforts

to build a replacement facility. The IG argued that DOD should reduce graduate medical programs, and send local patients to civilian facilities, rather than refer them to FAMC.

The Army strongly disputed the IG's conclusions, noting that the IG failed to acknowledge FAMC's regional mission and medical training functions. The Army also contends that three separate economic analyses and the DOD's own COBRA model analysis all supported a replacement hospital at FAMC.

Despite the Army's arguments, and despite the obvious support for this project from the Under Secretary, the Senate Armed Services Committee decided to deauthorize the entire $390 million for this FAMC hospital. The committee report claimed that the Assistant Secretary of Health Affairs concurred with the IG's conclusions about the FAMC project. Well, that may have been true in January, when longtime Fitzsimons foe Dr. Edward Martin was acting as assistant secretary. I can assure the committee that the current, duly confirmed Assistant Secretary for Health Affairs, Dr. Stephen Joseph, does not share the committee's opinion. In fact, Dr. Joseph joined the Army in appealing to Secretary Perry and Under Secretary Deutch to make the retention of Fitzsimons authorization a DOD priority.

My office, and to my knowledge most other offices from the 12-State region, were caught completely by surprise. When my staff asked after the fact why the committee made this decision, the committee's majority staff director simply replied, "It was a good government thing to do." Well, I don't see it that way. This decision was not good government, and it certainly did not show a spirit of cooperation and consultation before making such controversial decisions.

I understand the Armed Services Committee has to consider all military construction projects very carefully, given tight budgets and changing military needs. I know that we all have to share the pain of budget cuts—Colorado already lost the Pueblo Depot Activity, which was a big part of the city of Pueblo's economy, and Lowry Air Force Base, which will be a great loss to the cities of Denver and Aurora. I've always told my constituents that I won't fight to keep a military facility open just as a jobs program.

But I also believe that we make these decisions in broad daylight, with much consultation and public debate. That's why we have public committee hearings, and why we set up a public process for making base closure decisions.

In the case of Fitzsimons, however, I never had the chance to even make a comment. There was one hearing, on April 28, in the Military Readiness Subcommittee hearing on the military construction budget. At that hearing, the subcommittee chair, Senator GLENN, asked several questions specifically about the IG report on Fitzsimons. Since FAMC was not an item in this year's budget and was not listed as a topic for discussion, in my mind this hardly constitutes a public hearing on the subject.

I also find it interesting that while slashing Fitzsimons, the committee let stand several other hospital replacement projects: at Portsmouth, VA, for $176 million; at Elmendorf, AK, for $160 million; at Fort Bragg, NC, for $240 million; and at Fort Sill, OK, for $68 million.

I was also surprised to learn that the DOD IG had issued an audit report on the Portsmouth project in September, 1993, which concluded that constructing this facility would "further aggravate an already excessive rate of empty beds in Government hospitals in the Norfolk area, and further divert patients from already underutilized nonfederal hospitals in the area." The IG recommended changes that would save $49 million on this project; apparently, the committee decided not to implement most of those recommendations.

I believe that if the IG did audits on every single hospital replacement project, that audit would draw similar conclusions. The IG says it would be cheaper to rely on civilian health facilities and reduce graduate military medical programs. That will be true of any defense medical facility. This is a policy question as well as an economics question: does the DOD and Congress want to take those steps? Are those steps in the best interests of our Nation's Armed Forces?

If members of the Armed Services Committee are going to allow the DOD Inspector General to make these policy decisions for them, then let's be fair about it—let's do IG reports on all military construction projects, and implement their recommendations without debate. If they won't do that, then the committee has a responsibility to the Senate to ensure that they make the decisionmaking process open and fair.

The House of Representatives did not adopt a similar provision regarding Fitzsimons, and I intend to work to ensure that House and Senate conferees keep authorization for the FAMC replacement hospital. I am more than willing to consider ways to save money on military facilities in my State, as long as I am part of the process. In this case, I was not, and I do not accept the committee's decision.

This decision leaves the entire middle of the country with one old, inadequate facility to handle its enormous mission. That's a big hole in the military medical system, and we need to fill it.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Georgia [Mr. NUNN], is recognized.

Mr. NUNN. Mr. President, we are still in the process of trying to get a unanimous consent agreement, which I believe is going to happen but has not yet happened. If that agreement is entered into, then it would mean we would be debating the B–2 tonight. Therefore, unless there is some other Senator that wants to be recognized now on one of the defense-related subjects, I will go ahead in the interest of time and start making a few comments on the B–2.

These comments basically relate to what the committee did, and everyone is going to need to understand that before voting on the amendment to strike what the committee did, which will be offered by the Senator from Michigan. So I believe the best use of time is for me to go ahead and make my presentation.

Mr. President, the Levin amendment will cut the $150 million the committee recommended for a bomber industrial fund. I want to begin by emphatically saying what the bomber industrial fund in this bill does not do. It is not an authorization for more B–2's. That is prohibited by the committee bill and by other existing laws that are unchanged by our bill. It is not a start or long lead for more B–2's. That is strictly prohibited by the committee bill. It is not a waste of money. Roughly $75 million of the $150 million will go to keep the vendor base supplying spare parts for the 20 B–2's already approved and which they will ultimately need. In other words, this is buying spare parts that will be consumed by these B–2's in the years ahead, ones we already have.

The other $75 million of the $150 million keeps the production facilities ready should the Department and the Congress conclude next year that, as part of an industrial based plan and the review of the overall bomber requirements, which our bill requires, there is need for more B–2's. We are giving the Department of Defense, the Air Force, the Congress, and the American people an option. That is what we are doing. That is what the $150 million does.

As I will make clear now, I do not think we are prepared, I certainly do not believe the Department of Defense is prepared, to make that decision at this time based on the information base.

I want to lay out for the Senators why the bomber industrial base is an integral part of the committee's overall bomber plan and why it should be retained. Years ago the Air Force's bomber road map, which was their detailed plan of what we needed in terms of bombers for the future, called for a force of 184 active bombers, virtually all the bombers the Air Force now owns or has on order, in order to deal with the opening phase of a Desert-Storm-type operation. This was based on an assumption of an operation in which the enemy did not allow us 6

months to build up our forces in the region, which of course we had in the Desert Storm-Iraqi war.

For these 184 bombers, the bomber road map called for the procurement of an array of smart precision weapons, both smart iron bombs for use by the B–2 and smart standoff weapons for the nonstealthy B–1's and B–52's which make up most of the bomber force.

Last fall the administration's Bottom-Up Review concluded that U.S. strategy should be based on, and U.S. military forces sized to prevail in, a two-regional scenario with the second contingency occurring nearly simultaneously. The MRC's, as they are called, would occur nearly simultaneously. That was the planning assumption on which the Clinton defense plan had been based.

The Bottom-Up Review established a new requirement of 100 bombers for each of these theaters with the assumption that the B–2 would be moved or swung from the first MRC theater to the second after attacking the tough targets that were heavily defended. So the Bottom-Up Review bomber force adds up to the same 184 bombers that the bomber road map previously had recommended, but allocated those 184 bombers to two separate theaters and two wars rather than one.

So it has been a matter of considerable amount of attention in our committee because there has been no real analytical explanation about how you move from the bomber road map of requiring 184 bombers for one war to the Bottom-Up Review which basically spreads that same force structure over two regional wars occurring simultaneously.

The fiscal year 1995 defense budget submitted to the Congress in February proposed to cut the number of active nonstealthy bombers from 168 to only 100. The budget also proposed to permanently retire 47 of the 95 B–52–H bombers—that has been a matter of considerable concern to our committee, and, I think, a matter of considerable concern to the Members of the Senate—and not to fund any of the conventional weapons upgrades for 23 of the 95 B–1B bombers, rendering these 23 useless for conventional nonnuclear combat missions.

Moreover, in the outyears, only 800 nonstealthy B–1's and B–52's would be retained as fully combat-capable aircraft. Thus, with an average of 16 combat-ready B–2's—and that is what we have now, only 16 available; once all the 20 bombers have been delivered, you get 16 that will be available—the total active bomber inventory in the outyears would be only 96 heavy bombers, even fewer than the 100 bombers that the Bottom-Up Review found to be the minimum number for one contingency.

Mr. President, someone listening to this debate might ask what the basis for this downsizing is, this dramatic downsizing of the bomber force. The answer is we do not know. We do not know on the Armed Services Committee, and neither, apparently, does the Defense Department at this stage.

Secretary Widnall suggested at a hearing that bombers might be swung from the first theater to the second. We have had other explanations, including an Assistant Secretary who claimed that the Bottom-Up Review was a misprint, that it always intended to say that 100 bombers were enough to cover both MRC's and that the text should have called for all bombers to swing through the second theater.

A classified briefing provided for the committee by the Office of the Secretary of Defense and the Joint Chiefs provided no—zero—analytical basis for DOD bomber proposals, either those in the Bottom-Up Review or those in the budget request.

In contrast to DOD's lack of any kind of real quantitative analysis on the bomber question, Mr. President, the committee has received no less than four very recent detailed, quantitative studies of bomber requirements from well-qualified analysis groups.

While each study uses slightly different scenarios and assumptions, their conclusions are unanimous. Two of them were done by people who have a stake in the game; they are defense contractors. Two of them were done by people who are basically independent and have no stake in the procurement of bombers. So it is interesting that they came to the same conclusions.

The force proposed by DOD of only 89 stealthy bombers plus 20 B–2's is grossly inadequate to meet a two MRC challenge. And bomber numbers as low as those proposed by the Department of Defense would substantially increase the probability of failure even if we had a single regional war. Those were the results of detailed analyses that have not been rebutted by the Department of Defense.

Moreover, Mr. President, a central finding of two of these studies is that a bomber force made up of mostly nonstealthy bombers—that would be B–52's or B–1's—requires very large numbers of expensive standoff precision munitions; that is, munitions that can be fired from a distance from the target so the bombers do not have to fly over the target where they are so exposed to enemy fire. That means that these expensive standoff precision munitions would enable the nonstealthy bombers that can be seen by radar to deliver early and massive attacks in from outside the reach of enemy defenses until the defenses are beat down by some other force. Some other force has to come in and suppress those defenses before we can take in B–52's and B–1's, which are vulnerable if they fly into heavily defended areas. Therefore, we have to have something else that goes in and does the job to suppress those defenses before those planes can come in and hit their targets.

What else is there that can do that? Well, I think the primary near-term options are stealth aircraft. These are the B–2 or the F–117's that have to be used in this regard. Both studies conclude that a few additional B–2's would greatly accelerate the destruction of these enemy defenses. And this is interesting for those who are interested in the B–52: If you can suppress those enemy defenses, then the B–52's have a much greater role in the future than is the case otherwise. They have to have some condition precedent to flying over these targets unless we are willing to risk very substantial lives in the process.

I will resume my comments on the B–2 later.

I yield to the majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the defense authorization bill; that the pending amendments be set aside; that Senator LEVIN be recognized to offer his B–2 amendment; that there be a time limitation for debate of 3 hours on his amendment, that upon the use or yielding back of 2 hours this evening of that time, the amendment be laid aside and Senator WARNER be recognized to offer his amendment regarding military COLA; that there be a time limitation for debate of 2 hours on his amendment; that upon the use or yielding back of time on that amendment this evening, the amendment be laid aside and Senator NUNN be recognized to offer a military COLA amendment; there be 30 minutes for debate on that amendment; that when the Senate completes its business tonight, it stand in recess until 8:30 a.m. on Friday, July 1; that following the prayer, the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the defense authorization bill; that Senator NUNN's amendment No. 1852 and Senator DOLE's amendment No. 1851 then be modified so that they are each free-standing first-degree amendments with both pending at the same time; that the time between 8:30 a.m. and 9:30 a.m. be for debate on the two Bosnia amendments; that at 9:30 a.m. the Senate resume consideration of Senator LEVIN's B–2 amendment; that there then be 1 hour remaining for debate on that amendment, with 40 minutes under Senator LEVIN's control and 20 minutes under Senator NUNN's control; that at 10:30 a.m. the Senate vote on or in relation to Senator LEVIN's B–2 amendment; that upon the disposition of that amendment, the Senate vote on Senator NUNN's Bosnia amendment; that upon the disposition of that amendment, the Senate vote on Senator

DOLE's amendment; that upon the disposition of that amendment the Senate vote on or in relation to Senator WARNER's COLA amendment; that upon the disposition of that amendment, the Senate vote on or in relation to Senator NUNN's COLA amendment; that upon the disposition of that amendment, the Senate vote on the conference report to accompany H.R. 4454; that no other amendments be in order prior to the disposition of the above amendments; that all times for debate be equally divided in the usual form, except where noted; and that these votes occur without any intervening debate.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, and I will not object.

Mr. WARNER. Mr. President, I also reserve the right to object.

Mr. MITCHELL. Mr. President, I yield to the Senator from Virginia. Did he have an inquiry?

Mr. WARNER. Yes. Reserving the right to object, I address the question both to the distinguished chairman and to the majority leader.

I have discussed from time to time with the chairman of the committee, the Senator from Georgia, that the Senator from Virginia would like an up-or-down vote on his COLA amendment, and it is not clear from this exactly what would be the procedure. At least I am not able to, to my satisfaction, determine just how this would be handled.

Mr. MITCHELL. Mr. President, pursuant to this agreement, a tabling motion would be in order, if offered, to the amendment.

Mr. WARNER. Mr. President, would the distinguished leadership, both the majority leader and the chairman, consider allowing the Senator from Virginia to have just an up-or-down vote?

Mr. NUNN. Yes. The Senator and I talked about not having a substitute amendment. The way this is stated, we would vote independently on our amendments. There would be no substitute. I would also be willing not to make a tabling motion.

Mr. WARNER. I thank the distinguished chairman.

Mr. President, it would be my understanding that in such places as appropriate in this time agreement, it would be amended to reflect that the Senator from Virginia would have——

Mr. MITCHELL. If the Senator will yield, I think I can take care of that by asking that with respect to the COLA amendments and the B–2 amendment, if agreeable to the distinguished manager, that the words "or in relation to" be stricken so that it would then be understood and required under the agreement that there would be votes on the amendments, and they would not be subject to a tabling motion.

Mr. WARNER. I thank the majority leader. I have a further question. Would it also be permissible that the vote on the amendment of the Senator from Virginia precede a vote on the amendment of the Senator from Georgia?

Mr. MITCHELL. I did not hear the last inquiry.

Mr. WARNER. I think the Senator from Georgia is prepared to respond.

Mr. NUNN. I believe the order of votes in the request reflects that we would vote on his first. I believe that is right. That was the intent, of course, to have your vote first.

Mr. WARNER. Then, Mr. President, if I might have the second question, the reference to the Bosnia section. Is the Senator Nunn amendment the one that the distinguished chairman from Georgia and I have worked on?

Mr. NUNN. Yes.

Mr. WARNER. It is the same basic amendment as changed pursuant to our agreement.

Mr. NUNN. It is the Nunn-Warner-Mitchell——

Mr. MITCHELL. Kassebaum.

Mr. NUNN. Kassebaum amendment.

Mr. MITCHELL. Mr. President, if I may comment, there have been some minor language changes, I believe, and we are trying to get a copy of those to give them to our colleagues on the other side. I was going to modify the agreement further to permit modification of both of the Bosnian amendments prior to the close of business this evening. So it is our intention to exchange the current status of the document at the close of business this evening.

Mr. WARNER. I thank the distinguished majority leader and the distinguished chairman.

The modification to the Nunn-Warner agreement that I have seen thus far is quite satisfactory, and I will most willingly participate in most other amendments that need be considered.

Mr. MITCHELL. Mr. President, I have to withhold for a moment on the agreement because we have another inquiry from someone not present to which I must respond. So I will for the moment withdraw the request and I will after dealing with the additional inquiry again propound the agreement.

Mr. WARNER. Mr. President, I wish to tell the distinguished majority leader the Senator from Virginia is satisfied.

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

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

Mr. WARNER. Mr. President, assuming the distinguished majority leader and others and Chairman NUNN of Georgia pursue the agreement along lines here, it calls upon the Warner COLA amendment for 2 hours.

I simply wish to assume that I would half of that, which would be 1 hour. I know the distinguished Senator from Maryland [Mr. SARBANES] is anxious to speak.

But I wish to tell the leadership I do not know at this moment of others. Therefore, I would like to put the Senate on notice that the Senator from Virginia may not require his full hour on his COLA amendment.

I know that the leadership is trying to expedite the bill tonight. So I wish other Senators who do wish to speak on the COLA proposition of the Senator from Virginia might come forward.

I see the distinguished Senator from South Carolina wishes to speak.

So, therefore, we may not require the full hour.

I think the Chair, and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

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

OPPOSITION TO THE LEVIN AMENDMENT TO S. 2182 TO DELETE FUNDS IN SUPPORT OF A B–2 INDUSTRIAL BASE

Mrs. HUTCHISON. Mr. President, I rise in opposition to the amendment offered by my distinguished colleague from Michigan. Supporting funds for a defense program to support the industrial base for that program is not a new idea. It is a sound one in many instances.

I support these initiatives because I believe they are critical to our future defense needs. We must keep a robust bomber industrial base for American security needs. If the Congress denies the $150 million recommended by the Senate Armed Services Committee for support of the B–2 bomber industrial base, we will be terminating our ability to build heavy bombers in the future. This is very shortsighted. The advantages of stealth aircraft were fully proven during Desert Storm when the F–117 aircraft flew more than 90 percent of the missions over Baghdad.

Stealth aircraft do not require fighter escorts and defense suppression aircraft and electronic warfare aircraft to reach their targets, which in turn cuts down on the tanker support necessary to support the mission. In a recent newspaper article, reference was made to a mission during Desert Storm that required 75 aircraft with a total crew

requirement of 135 to support the mission. Only two B–2 bombers would be required to fly the same mission with a total crew requirement of four personnel. Needless to say the potential force structure savings provided by stealth are very significant. Let me say a few things about what the $150 million recommended by the Senate Armed Services Committee does and what it does not do.

It would stop the planned shut down of key suppliers; reestablish key suppliers who have already shut down; plan and requalify key components that are becoming obsolescent; and produce limited components and material, some of which can be used as spares for existing B–2's. The $150 million would not buy any additional B–2's and does not obligate the Government to buy additional B–2's.

If the Congress does not approve the $150 million this year, and as a result of the ongoing review of roles and missions, the recommendation is made for fiscal year 1996 to reestablish the B–2 industrial base, the price tag will be $650 million. It is the prudent business decision to spend $150 million to preserve our options on the potential for more B–2 bombers. More than a prudent business decision, Mr. President, is the military requirement for more heavy bombers.

The Bottom Up Review calls for a bomber force of 184 aircraft to conduct two major regional contingencies. This is significant to note because one major regional contingency alone could call for 100 bombers in order for the United States to prevail with minimum risk to our personnel. If the United States were faced with two major regional contingencies, a bomber force of 80 aircraft could bring about a situation where we could be faced with defeat in one theater in order to prevail in another, or long and protracted combat in both theaters with the outcome in both theaters uncertain. These are not acceptable risks.

Mr. President, one of the keys to our success during Desert Storm was the use of the doctrine of "overwhelming force," whereby we brought to bear sufficient force against our adversary to conclude the conflict on our terms with as little loss of U.S. personnel as possible. During Desert Storm, we were fortunate that we had 6 months to prepare for the conflict. Saddam Hussein's mistake was not lost on our potential adversaries. Adequate readiness does not assume a long planning timeframe for future contingencies. Therefore, it is imperative to have the systems in our inventory that can deliver the most firepower with the least required support. The B–2 bomber is the only system that can provide that edge.

I ask my distinguished colleague from Michigan if he would consider not proposing his amendment since all of the arguments against it have already been made.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of the defense authorization bill; that the pending amendments be set aside; that Senator LEVIN be recognized to offer his B–2 amendment; that there be a time limitation for debate of 3 hours on his amendment; that upon the use or yielding back of 2 hours and 10 minutes of that time tonight, the amendment be laid aside and Senator WARNER be recognized to offer his amendment regarding military COLA; that there be a time limitation for debate of 2 hours on his amendment; that upon the use or yielding back of that time tonight on that amendment, the amendment be laid aside and Senator NUNN be recognized to offer a military COLA amendment; that there be 30 minutes for debate on that amendment; that when the Senate completes its business tonight, it stand in recess until 8:20 a.m. on Friday, July 1; that following the prayer, the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the defense authorization bill; and that Senator NUNN's amendment, No. 1852, as modified by the amendment I now send to the desk, and Senator DOLE's amendment, No. 1851, then be modified so that they are each free-standing first-degree amendments with both pending at the same time; that the time between 8:20 a.m. and 9:10 a.m. be for debate on the two Bosnia amendments; that at 9:10 a.m., the Senate resume consideration of Senator LEVIN's B–2 amendment; that there then be 50 minutes remaining for debate on that amendment, with 35 minutes under Senator LEVIN's control and 15 minutes under Senator NUNN's control; that at 10 a.m., there be 20 minutes for debate on the WARNER COLA amendment divided between Senators BYRD and WARNER; that at 10:20 a.m., Senator DOLE be recognized for 5 minutes and that at 10:25 a.m., I be recognized for 5 minutes; and that at 10:30 a.m., the Senate vote on Senator LEVIN's B–2 amendment; that upon the disposition of that amendment, the Senate vote on Senator NUNN's Bosnia amendment; that upon the disposition of that amendment, the Senate vote on Senator DOLE's amendment; that upon the disposition of that amendment, the Senate vote on Senator WARNER's COLA amendment; that upon the disposition of that amendment, the Senate vote on Senator NUNN's COLA amendment; that upon the disposition of that amendment, the Senate vote on the conference report to accompany H.R. 4454; that no other amendments be in order prior to the disposition of the above amendments; that all time for debate be equally divided in the usual form, except where noted; and that these votes occur without any intervening debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1852, AS MODIFIED

Mr. MITCHELL. Mr. President, in behalf of Senators NUNN and WARNER, I send a modification of the Nunn-Warner amendment No. 1852 to the desk, as stated in my proposal and agreed to.

The amendment, with its modification, is as follows:

At the appropriate place, insert:

(a) PURPOSE.—To express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Hercegovina.

(b) STATEMENTS.—The Congress makes the following statements of support:

(1) The Congress supports the use of international sanctions in the form of arms and economic embargoes imposed by the United Nations Security Council in appropriate circumstances.

(2) The Congress supports the imposition of an arms and economic embargo on the Government of Iraq by United Nations Security Council resolution 661 of August 6, 1990 to bring about compliance with a number of conditions, including in particular an end to Iraq's nuclear weapons program.

(3) The Congress supports the imposition of an arms, petroleum and economic embargo on Haiti by United Nations Security Council resolutions 875 of October 16, 1993 and 917 of May 17, 1994 to bring about compliance with the Governors Island Agreement.

(4) The Congress supports the imposition of an arms and civil aircraft embargo on Libya pursuant to United Nations Security Council resolution 748 of March 31, 1992 in order to convince Libya to renounce terrorism.

(c) FINDINGS.—The Congress makes the following findings:

(1) The United States took the lead in the United Nations Security Council to impose international sanctions in the form of arms and economic embargoes on Iraq, Haiti, and Libya.

(2) The security of the Republic of Korea with whom the United States has a mutual defense treaty and on whose territory there are more than 38,000 members of the United States Armed Forces is a vital interest of the United States.

(3) Should negotiations fail, the imposition of sanctions by the United Nations Security Council on North Korea, which would require the affirmative vote or abstention of China, Russia, Britain, and France, may be essential to stop North Korea's nuclear weapons development program and to end a nuclear threat to the Republic of Korea and Southeast Asia.

(4) The effective enforcement of sanctions on North Korea, once imposed by the United Nations Security Council, would require the cooperation of China, Russia, and Japan as well as other allies, including Britain and

France, both permanent members of the United Nations Security Council.

(5) The United States voted for the international arms embargo imposed by United Nations Security Council resolution 713 of September 25, 1991 that was imposed on Yugoslavia.

(6) The imposition of the United Nations arms embargo on September 25, 1991 has not served to end the conflict in Bosnia and Hercegovina, has provided a battlefield advantage to the Bosnian Serbs, who possess artillery, tanks, and other weapons left behind by the former Yugoslav Army or provided by Serbia and Montenegro, and has deprived the Government of Bosnia and Hercegovina from acquiring the adequate means of defending itself and its citizens.

(7) Our NATO allies have committed ground forces to the United Nations Protection Force (UNPROFOR) in former Yugoslavia. At the present time France has 5,518 troops, Britain 3,435, the Netherlands 2,073, Canada 2,037, Turkey 1,696, Spain 1,417, and Belgium 1,000. Our NATO allies have thus far sustained 49 deaths and 936 wounded as a result of their participation in UNPROFOR.

(8) For the first time the so-called "contact group" composed of representatives of the United States, Russia, France and Britain is moving toward a unified position of using an incentives and disincentives "carrot and stick" strategy to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina.

(d) It is the sense of the Congress—

That the United States should work with the NATO Member nations and the other permanent members of the United Nations Security Council to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia Hercegovina, including the following:

a. the preservation of an economically, politically and militarily viable Bosnian state capable of exercising its rights under the United Nations Charter.

(i) as part of a peaceful settlement, the lifting of the United Nations arms embargo on the Government of Bosnia and Hercegovina so that it can exercise the inherent right of a sovereign state to self-defense.

b. if the Bosnian Serbs, while the contact group's peace proposal is being considered and discussed, attack the safe areas designated by the United Nations Security Council, the partial lifting of the arms embargo on the Government of Bosnia and Hercegovina and the provision to that Government of defensive weapons and equipment appropriate and necessary to defend those safe areas.

c. if the Bosnian Serbs do not respond constructively to the peace negotiations, the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the intentional arms embargo on Bosnia and Hercegovina (and the orderly withdrawal of the United Nationals Protection Force and humanitarian relief personnel). If the Security Council fails to pass such a resolution, the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Hercegovina.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, having obtained this agreement, there will be no further rollcall votes this evening. I thank all of the Senators involved in the process by which this agreement was reached. This is the product of several hours of discussion involving a large number of Senators.

I wish now to state so that all Senators will be aware, either those who are present in the Senate or watching in their offices, or hopefully their staffs are watching, there will be six votes in the Senate beginning at 10:30 a.m. tomorrow. I repeat, there will be six votes in the Senate beginning at 10:30 a.m.: The first on the B–2 amendment, then there will be two votes on the Bosnia amendments, then there will be two votes on the military COLA amendments, then there will be one vote on the conference report accompanying the legislative appropriations bill.

Thereafter, we will remain in session until we complete action on the bill, and there will be other votes during the day as necessary to complete action on this bill.

I repeat that we will stay in session this week until we finish this bill. I hope it can be done tomorrow and I know the managers will do all they can to see that it is completed tomorrow.

Senators should be aware, and I encourage all offices to notify the Senators immediately, that there will be six recorded votes beginning at 10:30 a.m. tomorrow and there will be further votes during the day as necessary to complete action on this bill.

I hope it is not necessary, but I repeat what I said earlier several times and want to make clear, if we cannot finish this bill tomorrow, we will be back in session on Saturday in an effort to finish it on that day.

So I, again, thank my colleagues, especially the distinguished chairman of the committee, the Senator from Georgia, and the distinguished ranking member, the Senator from South Carolina, and all concerned, for their cooperation in enabling us to reach this agreement.

Mr. President, I now yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank the leader. I want everyone to know how hard it is to work out these unanimous consent agreements. Truly the majority leader's work is a very, very difficult job. I am grateful to him every time I manage a bill. It is extremely difficult to get these matters done. So I thank the majority leader and thank all my colleagues for letting us at least move this far.

I think this will be a major part of the bill. There will be some other important amendments, and I think no one should believe that after the six votes tomorrow that is the end of it. We will have other votes. It is my hope, though, that we can expedite the process after those six votes and have other agreements that will compress the time and yet still give people a chance to discuss these items.

Mr. President, I believe the Senator from Michigan is now entitled to be recognized to send his amendment to the desk. I had started my remarks on this and I certainly will wait until the Senator makes his remarks to complete my remarks on the B–2. The Senator from South Carolina would like to be able to make a few remarks.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The PRESIDING OFFICER. The clerk will first report the pending bill.

The legislative clerk read as follows:

A bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Johnston amendment No. 1840, to restore funding for the National Defense Sealift Fund and reduce funding for the LHD–7 Amphibious Ship.

Dole-Lieberman amendment No. 1851, to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

Nunn/Warner amendment No. 1852 (as modified), to express the sense of the Congress that the United States should work with NATO member nations and members of the United Nations Security Council to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 2142

(Purpose: To strike out the funds for a B–2 Bomber Industrial Base program and make available such funds for environmental restoration activities at military installations approved for closure)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senators COHEN, GLENN, MCCAIN, LEAHY, HATFIELD, and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. COHEN, Mr. GLENN, Mr. MCCAIN, Mr. LEAHY and Mr. HATFIELD, proposes an amendment numbered 2142.

On page 25, beginning with line 4, strike out all through page 26, line 13.

On page 272, line 16, strike out "$2,189,858,000" and insert in lieu thereof "$2,339,858.000".

Mr. LEVIN. Mr. President, I yield myself 1 minute to describe the amendment and then, if my friend, Senator THURMOND, wishes to go at this point, I will be happy to yield to him and then come back to my remarks. So I will just yield myself 2 minutes, Mr. President.

This amendment would strike the $150 million for the B–2 bomber which

was added by the Armed Services Committee to the bill. It was not requested by the Pentagon. As a matter of fact, the Secretary of Defense has indicated that he does not wish this money, that there is a better use for this money.

What the amendment does is to transfer this money to the base closing cleanup fund, which has been reduced by $500 million because of the earthquake emergency in California. We have shorted that base closing cleanup fund by one-half billion dollars. We made a commitment to the communities where bases are closed that we would make it possible to close these bases quickly and to pay quickly for the environmentally required cleanups.

What we did when the earthquake hit us was to remove $500 million from that fund, and we must replace it if we are going to keep our commitment to the communities which have been impacted by base closings and help the environment in this country.

What this amendment does is take the $150 million, which the Pentagon did not ask for, for this B–2 industrial base fund and transfer it back into the fund from which $500 million was taken during the California earthquake emergency.

Mr. President, I understand that the Senator from South Carolina, the ranking member on the Armed Services Committee, may wish to proceed at this time. I will be happy to yield to him, and I ask unanimous consent that I yield to him at this point and that I then be recognized to complete my statement after his statement is completed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I thank the distinguished Senator. I will make very brief remarks.

Mr. President, I rise to oppose the Levin amendment to cancel the provision to maintain the bomber industrial base. The Defense Department has not presented a coherent explanation of their intentions for providing bomber capability. This measure provides a year's insurance policy by keeping the B–2 production option open.

This is a prudent measure to preserve capacity and reduce the cost of future acquisitions if we find them necessary during next year's hearings on bomber requirements.

Again, I say I oppose the Levin amendment and favor the B–2 plane.

I yield the floor. I thank the Senator very much.

EXTENSION OF THE EXPORT ADMINISTRATION ACT OF 1979

Mr. NUNN. If the Senator will withhold, I have another matter I would like to handle very quickly here.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NUNN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. R. 4635, a bill to provide for a temporary extension of the Export Administration Act just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

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

So the bill (H.R. 4635) was deemed to have been considered, read three times, and passed.

Mr. NUNN. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I yield myself as much time as I might need.

Mr. President, as I indicated, this amendment would strike the money which the committee added for the B–2 bombers, money which was not requested by the Pentagon, and the money would be used by the Pentagon, according to the committee add-on, to really open the door to future production of B–2 planes that we do not need and cannot afford. That was the purpose of the committee add-on. Although technically it does not fund the production of the plane, the purpose of it is to allow for future production of planes that again we cannot afford and we decided to terminate at 20.

Congress has capped the B–2 program at 20 planes twice. In both 1992 and 1993, Congress mandated in law that no more than 20 B–2 bombers could be produced. The Senate and the House supported that cap. Presidents Bush and Clinton both supported it. The House last month reaffirmed its support for the existing cap on B–2 bombers and on its total program cost and provided no unrequested funds for the B–2 bomber.

But, Mr. President, like that energizer bunny, this B–2 debate just keeps going and going and going. Now the committee wants to add $150 million to keep it going, a warm production base for a bomber that we have twice decided to cap and terminate at 20 planes.

If this amendment fails, Senators can expect to just keep getting a bigger and bigger bill for B–2 bombers each year for the foreseeable future, and we are going to be getting into a debate each year over the cost of that bill as well.

Two years ago, we had an extensive floor debate on whether to stop the B–2 program after building 20 planes or 15 planes. That was the issue. The Senate voted to stop the program at 20. And as the distinguished chairman of the Armed Services Committee, Senator NUNN, said during that debate:

> I therefore urge my colleagues to agree to conclude the B–2 program at 20 as requested and to put this divisive issue finally behind us.

"Put this divisive issue finally behind us" is what the chairman of the Armed Services Committee told us a couple years ago, cap it at 20 and end it there.

My good friend, another good friend, this time the Senator from Nebraska [Mr. EXON] who is chairman of the subcommittee of jurisdiction, said during that same debate 2 years ago:

> We should put the B–2 program to rest and give it a decent burial as far as new procurement is concerned by cutting it off at 20.

The distinguished ranking member of the Armed Services Committee, Senator THURMOND, said at that time, we should: "Complete the B–2 bomber program at a total of 20 operational B–2 bombers." He said: "It is time to make a final commitment to the B–2 and cease this annual debate."

Well, following those pleas, the Senate, 2 years ago, agreed to build 20 bombers and to cap it, to complete it at 20 bombers. The House agreed. President Bush signed that bill into law. President Bush and then Secretary of Defense Dick Cheney decided to terminate the bomber program at 20. And then last year we reaffirmed that cap on the program at 20 planes, agreeing unanimously to an amendment by Senator LEAHY. The House agreed. President Clinton signed that bill into law with its B–2 legislative cap.

What has happened in the last 2 years that justifies the new fund that this bill would establish to reopen the option of buying more B–2 bombers? What has happened to justify this down payment of $150 million to give ourselves the chance to spend untold billions of dollars on more B–2 bombers? Has the Soviet Union reestablished itself and begun a massive high-technology buildup? Have our national spending priorities changed, yielding new resources for the Defense Department? Have our military spending priorities changed, suggesting more B–2 bombers are more urgently needed now than the Bush administration determined that they were 2 years ago?

The only thing that has changed is that certain members of the B–2 bomber production team have finished producing their parts of the B–2 bomber that we agreed to buy and have prevailed on some in Congress to establish what section 141 of this bill calls an "industrial base preservation fund." This fund will provide $150 million, a good part of which is to pay subcontractors to stay on standby for another year awaiting orders for additional B–2 production, and next year the argument is going to be the same.

But there is no justification for expanding the B–2 program beyond the 20 planes which this Congress twice, and this body twice, has said would be the cap on the B–2 bomber. And it is difficult to understand why, with so many

Senators deeply concerned about defense budget shortages, that we should even contemplate spending $150 million just to keep the door remaining open for more B–2 bombers which we decided 2 years ago we did not need.

Senator after Senator speaks about shortfalls in defense spending, shortfalls which they allege threaten morale and readiness, and then suddenly $150 million is found to add to the Pentagon request. The Pentagon has not requested the $150 million. The Pentagon does not want the $150 million. But despite all the protestations about shortfalls in defense, boom, there it is and the B–2 debate now continues. Something which was supposed to be put to rest, which we were told would be put to rest 2 years ago, now suddenly again is with us.

Mr. President, I was an original supporter of the B–2. I voted for the B–2 originally; cast a key vote for it; felt we should have gone directly to the B–2 bomber without building both a B–1 bomber and a B–2 bomber.

I supported it until the management of the program by the Air Force raised serious concerns the taxpayers would not be getting the plane that they paid for. Some other of the cosponsors on this amendment are long time B–2 opponents unlike me. But the vote on this amendment is not a repeat of previous votes on a 20-plane force. Senators who voted for 20 planes or against 20 planes should understand that we have already committed to buying 20 planes. The issue today, the issue tomorrow when we vote, is whether to start spending more money so that we can buy more than the 20 bombers that have been agreed to by Presidents Bush and Clinton, Defense Secretaries Cheney, Aspin, and Perry, and the Congress for the last 2 years.

So this is a vote on whether to start down a new road that may lead to tens of billions of dollars for more B–2 bombers. This is a vote on whether to lift the tent and invite the camel in nose first.

What our amendment would do, instead of spending the money for something the Pentagon says it does not need and cannot afford, is to spend the money on something the Pentagon says it does need and does not have the money for instead of spending it on an item which is not validated, there is no military requirement for more than 20 B–2 bombers or this so-called B–2 industrial; no validated military requirement whatsoever. But there is a critically important validated program from which we took $500 million to pay for the emergency earthquake assistance. That is the base closing cleanup fund.

So if what we do in this amendment is take the $150 million and apply it to restore some of the funding, I emphasize just some—because we took $500 million, this would just restore $150 million—it would restore some of the funding for military base reuse that was taken to pay for that emergency earthquake relief earlier this year.

The swift cleanup and reuse of military bases that have been ordered closed through the base closure process is a top priority of this Congress, and it is a top priority of the administration.

We made a commitment to the people of this country. We said we have to close some bases. But we will have the funds available for prompt reuse and prompt cleanup. That was a commitment which this Congress solemnly made, and which we have not been able to live up to because we borrowed that $500 million from that fund.

The Pentagon, as I said, Mr. President, opposes the additional B–2 funding as unnecessary and unaffordable. The Pentagon supports restoring this previously borrowed money from the base reuse fund. So we have a situation where the Pentagon does not support the $150 million added by the committee but does support the restoration of funding to this base reuse and cleanup fund.

The Defense Department and the Air Force officials have testified over and over again that the new B–2 funding would rob defense dollars from higher priority. The top Defense Department officials, Secretary of Defense, and the Deputy Secretary of Defense are on record saying they do not support the additional funds for the B–2, and they do support the restoration of funds to that account for base reuse.

On June 22, Deputy Secretary John Deutch sent a letter which states in clear terms that the Department of Defense does not support funds added in the committee bill for a so-called defense industrial base and does not want the option of buying more B–2's. Here is what Deputy Secretary Deutch said.

Based on a careful analysis of the industrial base, warfighting, and budgetary implications of an enlarged B–2 fleet the Department cannot support further purchases of B–2 aircraft or actions that would contribute to that end.

Deputy Secretary Deutch makes clear in this letter that this conclusion is based on a careful look at our security need for more B–2's.

This is what his letter goes on to say:

The Department has taken the necessary steps to deal with the B–2 industrial base and programmatic issue. The Department has continuously examined the role of the B–2 from a warfighting perspective within the context of our ongoing analysis of the bomber force.

And Secretary Deutch says finally:

No requirement has emerged from this analysis that changes the recommendation in the Bottom-Up Review for 20 B–2 aircraft.

This letter from Dr. Deutch makes clear also that the Department has examined the budget environment and found that more B–2's are unaffordable. This is what he wrote:

Finally, absent an unlikely budget windfall for Defense or a radical shift in our budget priorities, we simply can't afford additional B–2 aircraft. The billions of dollars that would be needed to sustain such an effort are not affordable. Funds for additional aircraft would have to be taken from higher priority Defense needs that support the readiness and modernization of our forces in a viable support infrastructure.

So I repeat, as recently as just a week ago, Dr. Deutch said that based on careful analysis of the industrial base, war fighting and budgetary implications of an enlarged B–2 fleet, the Department cannot support further purchases of B–2 aircraft or actions that would contribute to that end.

Mr. President, I ask unanimous consent that the letter of Deputy Secretary Deutch dated June 22 of this year be printed in the RECORD at this point.

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

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 22, 1994.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This is in response to your recent inquiry about the Department's possible interest in additional B–2 aircraft beyond the 20 currently authorized. Based on a careful analysis of the industrial base, warfighting, and budgetary implications of an enlarged B–2 fleet the Department cannot support further purchases of B–2 aircraft or actions that would contribute to that end.

The Department has taken the necessary steps to deal with B–2 industrial base and programmatic issues. As you know, the Department is committed to completing successfully the 20 B–2 program agreed to in 1992 by the Congress and President Bush and endorsed by President Clinton. Even in these difficult budgetary times we have included nearly $900 million in our fiscal year 1995 request to produce an aircraft with superior military capabilities, as well as to provide us with a wealth of manufacturing technology and experience that our defense industry will draw on in our development and procurement of other systems, even after the B–2 line closes down.

Working with the Congress the Department has been making every effort to stabilize the program from both a management and financial perspective. The Department's certification of the sound management of the program—as required by the National Defense Authorization Act for Fiscal Year 1994—was a major step in settling outstanding issues in this regard. Therefore, the introduction of additional funding uncertainty in the future of the B–2 program would be an unfortunate return to a period that we have put behind us.

The Department has continuously examined the role of the B–2 from a warfighting perspective within the context of our ongoing analysis of the bomber force. No requirement has emerged from this analysis to change the recommendation in the Bottom Up Review for 20 B–2 aircraft.

Finally, absent an unlikely budget windfall for Defense or a radical shift in our budget priorities, we simply can't afford additional B–2 aircraft. The billions of dollars that would be needed to sustain such an effort are not affordable. Funds for additional aircraft would have to be taken from higher priority Defense needs that support the readiness and

modernization of our forces and a viable support infrastructure.

When fielded, the authorized force of 20 B–2s will make a substantial contribution to our nation's defense. The Department's careful stewardship of this program—working in harmony with the Congress—ensures that essential industrial base tasks will be completed.

I trust this letter responds to your questions and stand ready to provide further details if needed.

JOHN M. DEUTCH.

Mr. LEVIN. Mr. President, Dr. Deutch's comments do not represent a new position for the Department of Defense. The Pentagon has been telling us all year that we should not be buying more B–2's or preparing to buy more B–2's. Secretary of Defense Bill Perry on February 23 of this year in a letter to Senator FEINSTEIN wrote the following:

Since we don't have enough money to protect all our traditional industrial base, we could jeopardize our more critical assets unless we invest strategically. This means we must carefully and freshly define the most essential and fragile segments of our defense industry, and then find the resolve to discipline our defense budgets accordingly. Last year we took a major step—

This is Dr. Perry's letter, continuing:

Last year we took a major step toward an investment strategy when we defined our post-cold-war military requirements in the Bottom-Up Review. This effort produced a solid basis for the investment choices we are proposing to protect our industrial base over the next 5 years and especially in the FY '95 budget.

Secretary Perry continues:

One of the most difficult questions we have thus far faced in our strategic planning about our defense industrial base is the one about our stealth bomber production capacity.

Then he goes on to say something we should all focus on:

Given my deep personal convictions about the military importance of stealth for nearly two decades, you can well imagine why I have wanted to make sure we get this one right, and I believe we have.

That is the father of stealth talking. He goes on to say:

First, we have fully budgeted the funds necessary to complete the $44 billion B–2 program agreed upon in 1992 by the Congress and President Bush, and endorsed by President Clinton. This year alone, we requested $891 million for the B–2 Program, one of the largest requests in DOD's 1995 budget, even though the competition for funds is extraordinarily fierce. The program we are fully funding will not only produce the superior military capabilities of 20 operational B–2 bombers, but it will also provide us with a wealth of manufacturing technology and experience that our defense industries will draw on in our development and procurement of other systems, even after the B–2 line closes down.

I have carefully considered your suggestion that we should have also added money to support the B–2 production line beyond what would be needed to complete the 20 authorized planes. For several reasons, I still believe our decision not to do so is still the right one. We should recognize now that any additional money added next year to sustain the B–2 line would only be the tip of a budget wedge.

Again, I am quoting from Dr. Perry's letter:

The large amounts required either to buy more B–2's or to sustain the B–2 production line, without producing more planes, would have to be taken from more pressing military priorities. Our investment strategy over the next few years quite deliberately protects military readiness by limiting weapon modernization, and more B–2's, as desirable as they might be, should not come into the cost of readiness. Among defense modernization programs, we have placed more immediate priority on airlift, rather than additional bombers.

Secretary Perry went further in that letter, warning that to reopen the debate on the B–2 could actually damage the program.

This is what he said later on in that letter:

We should also be aware of the possible consequences of reopening the debate on the B–2. One of the most devilish threats to any weapons program is instability, financial and political. For years, the B–2 program has been plagued by not knowing how many planes we were going to build or how much money would be available. Whatever one's personal views on the substance of the 1992 B–2 agreement, it has given the program an essential stability so that now we are able to get the job done.

Mr. President, what Secretary Perry warned against in that last paragraph I read is introducing instability into this program, and that is precisely what the proponents of the B–2 so-called "industrial base fund" are doing. With this huge funding wedge, it is a wedge for untold billions of dollars. It sounds like $150 million in the defense budget. Maybe that does not sound like such a big number to some, but it does to me.

It is the wedge into the spending of billions of dollars for more B–2 bombers that is the issue. Whether we are going to open that door that we closed twice, that two Presidents have closed, and three Secretaries of Defense have closed, and whether we are going to open that door based on no military requirement, with no idea of what should be cut out of future years' defense budgets to pay for more B–2's, Bill Perry, the Secretary of Defense, is one of the strongest proponents of stealth technology. He is one of the fathers of stealth technology. That is why his opposition to the B–2 add-on by the committee is so powerful.

Mr. President, I would like to take a few more minutes at this time to look at the other purpose of the amendment, which is to restore part of the $508 million that were in effect borrowed from the base realignment and closure account last February to pay some emergency costs from the earthquake in California. The earthquake was a sudden tragedy, and it created immediate need for emergency assistance. We responded to it, as we should have. One of the sources for the funds used for that assistance was an account which pays for costs associated with preparing for the closure and the transfer of facilities that were ordered closed through the Base Closure Commission process, including environmental cleanup, which is a big part of the closure cost.

Congress and the President have promised that the Department of Defense would complete environmental restoration of closing bases quickly and release property for reuse by local communities struggling to rebuild their economies and to attract new jobs. Mine is not the only State where communities that have been excellent neighbors to the military for generations are struggling to adjust to the loss of the military facility. As we downsize the military, we must make reductions in military facilities to save operating costs. But the impact on local communities, especially smaller communities where a military base has dominated the local economy, can be very great.

The key to recovering from a base closure and to rebuilding new economic strength in a community is preparing a closing base for rapid reuse. That includes cleaning up environmental damage caused by the military while it was a tenant. We made that promise to help affected communities by completing environmental cleanup quickly, to speed reuse by local communities trying to rebuild their economies and to attract new jobs.

The use of the base closing fund to pay for part of the earthquake emergency supplemental in February represented nearly half of the current year appropriated funds for the so-called BRAC account, and created a serious accounting shortfall in that account. That funding shortfall still exists, because the fiscal year 1994 rescission for earthquake relief became law after the Department of Defense had submitted its fiscal year 1995 budget. The Department of Defense took interim measures to cushion the most immediate shortfalls by reallocating 1994 funds for base closing and cleanup from the other services to the Navy, which had the most urgent projects at the time. Those interim measures do not solve the funding shortfall problem. They just defer the funding shortfall to fiscal year 1995.

The Department and individual service officials have testified that the rescission of $508 million in fiscal year 1994 funds from that BRAC–3 account will have a negative impact on reuse of closing bases unless we redress it.

That is why the Defense Department supports the second goal of this amendment, which is to restore some of the base closing and cleanup funds used for the emergency earthquake relief by adding to the BRAC-III account the $150 million made available by striking the so-called B–2 industrial base fund that was added by the Armed Services Committee.

As a matter of fact, the Department of Defense would like us to be able to restore all of the $508 million rescinded from that BRAC-III account as Deputy Defense Secretary Deutch says in this June 8, 1994, letter. And this is what he wrote, the key line being:

Restoration of the amount rescinded would ensure that the President's plan to speed economic recovery of closure communities is achieved.

Mr. President, I ask unanimous consent that the full June 8, 1994, letter supporting restoration of the amount rescinded from that BRAC account be printed in the RECORD at this point.

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

WASHINGTON, DC, *June 8, 1994.*

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This responds to your June 7, letter expressing concern about funding shortfalls in the Base Realignment and Closure (BRAC) accounts that pay for environmental restoration and remediation at closing or realigning bases.

You asked whether the requirement to promptly clean closing military bases requires additional funding beyond what is currently appropriated? The recent FY 1994 rescission of $508 million could have had a serious impact on the FY 1994 BRAC program; however, we have reallocated unobligated BRAC funds to minimize the impact of the rescission on the FY 1994 realignment and closure schedule.

In response to your question concerning the need for additional BRAC funding above the amount requested in the FY 1995 President's Budget, it is essential that Congress approve the $2.7 billion requested in FY 1995. Congress should also restore the amount rescinded since the FY 1995 request was prepared assuming the unobligated funds used to offset the rescission would be available in FY 1995. Restoration of the amount rescinded would ensure that the President's plan to speed economic recovery of closure communities is achieved.

I would appreciate your support and assistance in this matter.

Sincerely,

JOHN DEUTCH,
Deputy Secretary of Defense.

Mr. LEVIN. Mr. President, the Secretary of the Air Force in her March 8, 1994, appearance before the Senate Armed Services Committee summed it up this way.

I cannot think of anything more shortsighted than to not fund or to rescind environmental cleanup money for BRAC bases.

As you know, I have visited all the BRAC bases on the 1993 list. It is absolutely an impediment and stumbling block to transitions of those properties to the community so I am very concerned about it.

The "it" being the rescission of those funds from that BRAC–III account.

This amendment again would use that $150 million not requested for this new B–2 fund and add it to a base closure account which already is in existence from which we in effect borrow $500 million. It would thereby help to keep a solemn commitment which this Congress made to communities that have closing military facilities, help them to recover from those economic shocks quickly, and to be able to develop new uses for those facilities without prolonged delays for environmental cleanup.

That is why, Mr. President, this amendment is strongly supported by the leading national environmental organizations.

Mr. President, I ask unanimous consent at this point to print in the RECORD a letter supporting this amendment signed by 10 national environmental organizations, including Friends of the Earth, National Wildlife Federation, and the League of Conservation Voters.

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

JUNE 23, 1994.

SUPPORT LEVIN BASE CLOSURE CLEANUP/B–2 AMENDMENT—SPEED CLEANUP OF CLOSING MILITARY BASES, REDEVELOPMENT, AND JOBS

DEAR SENATOR: When the Senate considers the fiscal 1995 Defense Authorization bill this week, we urge you to support an amendment by Senators Levin, Cohen, Glenn, McCain and Leahy that would transfer $150 million in Department of Defense (DOD) funds from the B–2 Bomber program to the cleanup of closing military bases. Base closure cleanup funding was badly cut earlier this year, leaving a serious shortfall.

This is a reasonable amendment that protects both our nation's defense capabilities and its environment. The amendment is also important for jobs, because speeding cleanup of closing military bases is the best way to ensure that defense-dependent communities can quickly redevelop the bases to attract new jobs.

The additional funds for the base realignment and closure (BRAC) account are badly needed. This account pays for the costs of closing military bases, including the cleanup of toxic contamination. Unfortunately, in a little-noticed provision of the Earthquake Emergency Supplemental Appropriations bill enacted in February, $508 million of previously-appropriated BRAC funds (some of which were intended for cleanup) were rescinded, and the legislative "floor" for cleanup funding was lowered. DOD officials have testified to Congress that the serious shortfall in the BRAC account "will delay the closure of some bases" and that funds "will need to be restored to keep the BRAC process on schedule and to realize full savings from infrastructure reductions." Deputy Secretary of Defense John Deutch wrote on June 7 in support of restoring rescinded BRAC funds to "ensure that the President's plan to speed economic recovery of closure communities is achieved."

There is no military requirement for more B–2 Stealth Bombers. President Bush terminated the B–2 bomber program, and Congress passed a law capping the program at 20 planes. Yet, the Committee-reported bill adds $150 million in funds as a down payment on more B–2's beyond the maximum 20 already funded. President Clinton did not request these extra funds and the Pentagon explicitly opposes more B–2 funding as unnecessary and unaffordable.

The League of Conservation Voters may consider including this vote on the Levin-Cohen amendment when compiling the 1994 "National Environmental Scorecard."

Please vote for a strong defense, clean environment and jobs. Support the Levin amendment.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth; Margaret Morgan-Hubbard, Executive Director, Environmental Action Foundation; Sharon Newsome, Vice President, Resources Conservation, National Wildlife Federation; Peter Tyler, Associate Director of Policy, Physicians for Social Responsibility; Lenny Siegel, Director, Pacific Studies Center; Drew Caputo, Attorney, Natural Resources Defense Council; Betsy Loyless, Political Director, League of Conservation Voters; A. Blakeman Early, Washington Director, Environmental Quality Program, Sierra Club; Don Gray, Director, Water Program, Environmental and Energy Study Institute; Lara Levison, Field Coordinator, National Legislation, Union of Concerned Scientists.

Mr. LEVIN. Mr. President, this amendment allows us to keep two commitments at one time, the commitment we made twice to terminate the B–2 line at 20 and a commitment that we made to fund the cleanup of closing bases. Both those commitments are commitments that were on record as having been made. They are both important. They both have a history in this body and they both should be kept.

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

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield such time as the Senator from Hawaii may desire.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I thank my friend from Georgia.

Mr. President, I rise to speak in opposition to the amendment just offered by my distinguished friend from Michigan.

The Senator's amendment seeks to take $150 million which is in the bill for the expressed purpose for preserving the industrial base for the production of the modern bomber aircraft.

Mr. President, his amendment would take that money, zero that line in the budget, dismantle the tools and assembly facilities on the last American line for bomber production and instead authorize an increase in funding for base closures.

Mr. President, I have no quarrel with the Senator from Michigan on the need to fund base closure activities. I agree that the Congress needs to support funding for base closure. The Congress and the administration have agreed to close 100 bases in 3 rounds of the base closure process, and clearly we must provide funds to meet the cost of closure, and we are doing just that.

In point of fact, if we should examine the bill before the Senate, we are struck by the fact that the bill already

includes $2.676 billion for base closure activities.

Mr. President, the Committee on Armed Services did not cut one penny from the amount requested for base closures. In fact, the amount the committee recommends for base closure funding is more than half the total that the committee recommends for all military construction programs worldwide.

Base closure funding is fully authorized in the bill before us and increased authorization is not needed. On the other hand, if the amendment of the Senator from Michigan is adopted, it will terminate the Nation's industrial base for bombers by eliminating any funds to preserve the production of the B–2. I think that my colleagues need to consider the ramifications of this decision very, very carefully.

Secretary of Defense Perry has been mentioned several times in this debate. The Secretary testified to the Defense Appropriations Subcommittee earlier this year on the bomber industrial base. He told us quite frankly that his budget did not address this need. He said the following:

We do not have anything in our program to sustain a bomber industrial base. That is a weakness of this program that we are presenting to you and you may rightly challenge and criticize that assumption.

He went on to say:

The most logical way of maintaining a bomber industrial base was to continue to build more B–2's. That is not only because that is the best, the most cost-effective bomber we can describe for you right now, but because we could make a very good use of the extra B–2's if we had them.

Mr. President, that is the testimony of the Secretary of Defense, the man who most would agree knows more about the U.S. industrial base than anyone else. Because of him the budget provides funding to maintain the submarine industrial base. Because of Secretary Perry, the budget contains funding to maintain the tank industrial base, a matter I know to be of great importance to the Senator from Michigan.

The testimony of the Secretary of Defense is that there is a weakness in the budget presented to the Congress because it fails to protect the bomber industrial base, and it is the Secretary who says that the best way to sustain the industrial base is to build more B–2 bombers because DOD could make very good use of extra B–2's.

Mr. President, as my colleagues know, I am a strong supporter of the B–2. I recognize that the B–2 is the best bomber ever produced and, though it is expensive, I think we should purchase more.

The country learned many lessons from Desert Storm, and one of the most significant lessons learned is that stealth works. The success of the F–117 in that war demonstrated to the entire world the advantages of stealth technology in military aircraft. And the B–2 is the next technological leap. It is the Stealth bomber.

Mr. President, as we debate this issue, I would ask my colleagues to bear in mind that the American public is increasingly reluctant to support U.S. interests abroad, if that means intervention and the possible loss of American life.

It is self-evident that the best way to protect those who must go into harm's way is to provide them with the best equipment to reduce casualties and deaths. Improved survivability is the term employed by the experts, and in my generation, it was known as returning home alive.

Mr. President, the millennium has not arrived. From time to time we may find it necessary to project power in a hostile environment. If the Nation must project power, attack multiple targets in heavily defended areas, the best approach is to use the B–2. It will have the best chance of completing its mission and bringing the crews back safely.

It is also clear that as we further reduce our forces it is absolutely essential that our personnel have the best equipment in the world. If we are to prevail in all future conflicts, it will be because we enabled our forces to outfight our opponents. We will not be able to achieve a decisive victory through numbers or the quantity of our forces. We are reducing and downsizing to about as half as many military personnel as we had during the cold war. So we must retain a clear and decisive capability through the quality of our forces.

Mr. President, our forces should not be marginally better than those of our opponents—Americans die when they fight for a margin of victory—we must, in our constitutional responsibility to "provide for the common defense" ensure that our forces have a decisive capability. This means we must have the best trained and best equipped military in the world. One sure way to guarantee that our forces will be the best equipped is to continue to buy systems such as the B–2 bomber.

This bomber is a marvel of American technology. It has the capability to take off from bases in the United States and fly anywhere in the world, penetrate virtually any airspace, deliver a devastating blow, and return to the United States without stopping. In this era, when the United States is deploying fewer troops overseas at fewer locations, the global reach of the B–2 is essential to deterrence and to war fighting.

Mr. President, the B–2 is essential. No other system in the U.S. inventory can make the same claim; no other weapon can do the job. With mid-air refueling, the B–1B and B–52 can fly long ranges, but they cannot penetrate heavily defended airspace. Even the F–117 does not have the capability of the B–2 in that arena.

There are many of my colleagues who recognize that the B–2 is a marvel of American technology. But, they say, they are concerned about the cost. They argue that the B–2 is simply too expensive. I ask my colleagues, where is the study, the documented evidence, to support this point? Who has done a comparison between the operational cost effectiveness of buying more B–2 bombers and the costs of maintaining the force structure to allow the B–1's and B–5's to provide the Nation's attack capability?

No one. That is the answer. The Defense Department did a study on the cost effectiveness of the new attack submarine versus the *Seawolf*. It compared the value of the V–22 *Osprey* to that of conventional helicopters. It contracted for a study comparing the cost effectiveness of buying more C–17's or other airlift aircraft. The Department, however, has not done an analysis which compares the total life cycle costs and effectiveness of the B–2 and its required support, to that of the other bomber and support aircraft alternatives.

The decision to curtail the B–2 bomber from 132—and we should remind ourselves that that is how many we ordered—to 75 to 40 all the way down to 20 bombers was done for purely political purposes. The force structure requirements for other aircraft types were determined after the decision was made to cut the B–2 program, and the cost effectiveness of this approach was never determined.

Many of my colleagues are probably not aware that the Rand Corp. has been examining the war fighting effectiveness of the bomber force structure. Among its conclusions, Rand notes that a fleet of 38 B–2 bombers and 40 B–52's would be as effective as a fleet of 20 B–2's, 40 B–52's and 60 B–1 bombers. That means that 18 additional B–2's could do the job of 60 B–1's. Millions of dollars could be saved through reduced military personnel and operations and maintenance costs; hundreds of lives would no longer be put at risk.

The Rand study also said the larger B–2 fleet would have more flexibility to meet the two MRC strategies and would be easier to employ operationally. The B–2 does not need the electronic warfare and fighter escort support required for conventional operations. This, too, can lower overall life-cycle costs.

Does this, by itself, mean that we should rush out to buy more B–2's and retire the B–1's? Not necessarily, and that is not the position recommended in this authorization bill. The analysis which compares the life-cycle cost of 18 additional B–2's and 60 existing B–1B's has not been done. What the Rand results demonstrate, however, is that DOD should examine the cost effectiveness of each alternative, before it

makes a decision to invest substantially more money into either. The amendment offered by the Senator from Michigan would preclude DOD from reviewing this matter, because it would eliminate the possibility of ever purchasing more B–2 bombers.

The Institute for Defense Analyses is also conducting reviews on Air Force bombers; however, its focus is on the B–1. Among its results, it is likely to conclude that previous Air Force plans to fix the electronic countermeasures system on the B–1B were not the most cost-effective solution. It is also likely to suggest other alternatives to the Air Force plan for "fixing" the B–1B might make more sense. Even in this study though, the Air Force and DOD will not get the complete analysis which would be required to determine the most cost-effective bomber force structure.

Furthermore, the Roles and Missions Commission is reviewing DOD's needs for long-range bombing. It, too, could conclude that additional B–2 bombers might make sense. I think we should consider these points:

It is far less expensive for a potential adversary to acquire the capability to shoot down a conventional bomber than to invest in any potential method to defeat a Stealthy platform;

The number of Stealth aircraft in the U.S. inventory is minimal, because the navy has canceled its only Stealthy attack aircraft program and the Air Force is not buying any more F–117 Stealth fighters; and;

[Maintaining the force structure to ensure that conventional aircraft can attack heavily defended targets is both manpower and cost intensive.]

So it seems clear to me, Mr. President, that we should insist that we stop and get a complete accounting of the cost of each alternative before precluding the B–2 option.

Mr. President, I do not make my argument on costs alone. In addition to not knowing which force structure would be the most cost effective, there is also great uncertainty over the total force structure that is required. The bottom up review concluded that 100 bombers are required to handle one major regional conflict. It also assumed a force structure of 184 bombers. However, the Air Force plans to retain only 107 total bombers in its inventory, and of that number not more than 80 will be ready for combat.

And I think, as a matter of a footnote, of during the recent Desert Storm conflict. In that one conflict, we employed nearly 200 bombers.

Exactly how this force structure will fulfill the requirements for fighting two nearly simultaneous major regional contingencies has not been answered to my satisfaction by any DOD official. In any case, as is clear from the results of the Rand analysis, if a small force structure is to be agreed upon, it should include more B–2's.

Considering the uncertainties of the force structure and its cost effectiveness, I believe all my colleagues should agree it makes great sense to maintain the capacity to build additional B–2 bombers.

The Congress needs to know what option makes the most sense. It should not mandate the end of the B–2 or the retirement of the B–1 or B–52, until it knows the answers to these questions. The recommendations in this bill safeguard all three bombers until DOD and the Congress ascertain what is the best option.

I am convinced the results of a comprehensive cost and operational effectiveness analysis will show that, in the long run, it would be more cost effective to purchase more B–2 bombers than to continue to fix and upgrade the existing conventional bombers and maintain the fighter escorts and electronic warfare capability which is required to support conventional bombers. But, we don't know the answer yet. The Levin amendment would force DOD to eliminate this option. It would do so before all the necessary information has been gathered.

Mr. President, the Levin amendment presents us with clarity and confusion; with what we know and with what we do not know. We know that, if the amendment is adopted, the last bomber production line in the United States will be terminated—a key element of the Defense industrial base will be irretrievably lost. What we do not know is how much do alternative force structures cost and how do these costs compare—in life-cycle operations and maintenance costs—to the acquisition and operation of more B–2 bombers.

On both of these counts, I urge my colleagues to defeat the Levin amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, before the Senator from Hawaii leaves, I want to say that I appreciate very much his remarks. He has listened to this testimony and he is an expert in defense. He has been a student of the experiences of Desert Storm and a student, of course, of other wars including the war in which he himself made great sacrifices. So he has great expertise in this area and I want to compliment him on his presentation.

Before he leaves, I would like to have the Senator from Hawaii, if I can switch microphones here, take a look at this chart, because he talked about the tradeoffs and the cost effectiveness.

Mr. President, one of the problems we have in debating the B–2, and I think it is going to be an increasing problem in the years ahead, is that we are thinking in terms of evolutions in warfare. We are thinking in terms of evolutions in weapons systems. We are not thinking in terms of revolutions in weapons systems and that is what the B–2 is. This is revolutionary technology. If people would follow this chart—particularly those who talk so much about the cost of the B–2 and compare it to a normal aircraft—and take a look at an actual event, not a war game but actual event that happened in Iraq.

This is basically the Air Force chart presented by Secretary of Air Force Don Rice. Right up to this line right here represents what happened in Iraq. This is, of course, a projection based on Air Force analysis of the capability of the B–2. During the Persian Gulf conflict, there was an Iraqi nuclear weapon research center that we wanted to target and destroy. That was one of the early targets.

So what did we do? We sent this group of aircraft after that target. These were the bomb droppers. These were the F–16's. These were the air escort—that is 16 F–16's that actually were to deliver the package of bombs. The air escorts were the F–15's. These were the suppression vehicles, the F–15's. There were also 16. The suppression of air defenses, enemy air defenses—these are the Wild Weasel aircraft, the F–4's. There are a number of them, as we can see here. And these are the tankers, the K–135 tankers. This was the package of aircraft sent after that high priority target.

It was a high priority defense for the Iraqis also. They put up everything they had, in terms of that area, to try to suppress this kind of attack. What happened in that actual experience? They did not hit the target. They did not get the target because they were so diverted by the enemy air defenses. They were not able to deliver the bombs on target and they could not destroy the target.

Then what we did, instead of that, we said, let us try another way. And we came back. This tells us something about revolutionary warfare. We came back with the F–117's. These are the Stealth bombers that we have out there now, nowhere nearly as capable as the B–2. The technology was developed back under Secretary Perry when he was in the Carter administration. This is the F–117. There were eight of these aircraft, eight of them plus two tankers. That group of aircraft delivered the weapon to the target and destroyed the target.

The first group did not. That does not mean that these aircraft are not good aircraft. It means that what we have is a revolution in stealth technology, and when people are trying to compare an older bomber with a B–2, in terms of cost, you are really making comparison between apples and oranges. There is no comparison in capability.

Just to give an example, this package of aircraft, 55 aircraft—just the operational cost of those aircraft over 20 years is $3.4 billion. That does not

count the procurement cost. We have already bought the aircraft so we are not talking about procurement. The procurement cost of this aircraft would be vast compared to this aircraft here, but just look at operational cost. Fifty-five aircraft. Here there are 10 aircraft. This package cost $3.4 million to maintain and operate over 20 years. This package cost $740 million. If you had two B–2's, the Air Force projects they could have done the same job. Of course, we did not have B–2's then during that conflict. Their 20-year cost for operation is $308 million. The difference in this package and this package is $3.1 billion—just in operational costs.

The crew members at risk. This is the important thing. For everyone who cares about the military lives that we risk, for everyone who wants to minimize the life at risk in any kind of conflict, this is enormously important. The crew members at risk in this scenario with this group of aircraft were 116. The crew members at risk when they succeeded in hitting the target were 16. There were 100 fewer people at risk; 100 less American men—and increasingly women—would have been at risk in these two situations.

If you have the B–2 aircraft, two of those, with the same kind of mission to be performed, you would have four people at risk; four people at risk. How much are lives worth? They are worth a great deal to us. They are worth a great deal to the American people. They are worth a great deal, in terms of the brave and courageous people who defend our country.

When you look at the other comparison here, forward base support—there is a huge difference in what is required for forward base support. There is a huge difference in what is required for consumed fuel—413,000 gallons here, 110,000 here, and 54,000 here.

Look at the difference in the airlift required to be able to make this kind of attack. The Senator from Hawaii talked about the importance of getting the aircraft in the area. That is enormously important. It takes a long time to get these aircraft positioned because these are short-range aircraft. These aircraft, as the Senator from Hawaii made clear—the B–2 can fly from the United States. They can deliver a load. They have tankers that back them up. They have very few tankers that are even required in most situations, but they can be backed up by tankers. To deploy this load right here takes 30 loads of C–141's to get the equipment for these aircraft to be able to fly their mission. Eleven C–5's and 30 C–141's. In this actual situation there were eight C–141's, and three C–5's.

Here, if you notice, there is zero airlift required for the Stealth. Zero airlift required for this situation here. And the total aircraft is two.

So any way you look at this technology, it is revolutionary technology. The mistake that is made over and over again—and people do not listen to the debate and therefore when they think about a B–2 aircraft they compare that to a B–1 or B–52—there is no comparison. This aircraft can fly to a mission without having protection because it is stealthy. It does not have to have the F–15's and the F–16's, and all the suppression of enemy aircraft. It does not have to have the Wild Weasels that have the ECM, the electronic countermeasures. These can fly by themselves. That is enormous in terms of difference in money. It is enormous in terms of savings.

There is another thing I think people should concentrate on. We have B–52 aircraft. That is one of the best aircraft that has ever been built. Those aircraft have many years of life left. I am amazed at how many years they have left.

Some of the B–52's will be flying until the year 2015; some people say even beyond that. But the B–52 aircraft is like the F–16. It cannot fly directly over a heavily defended target without being in an enormous risk situation.

Therefore, what we are going to have to do in the future, if we have targets that are heavily defended—and we will face that—we are going to have to fly the B–2's in first. We have to use them wisely, go in at the beginning, take out the hard targets, take out the enemy air defenses, and then you can fly over the targets with the B–52's.

It really extends the life of the B–52. It allows the B–52 to go over the target after the B–2 has destroyed the defenses.

There is another way to approach this problem, and that way also has to be done. It is not either/or. That is, to put on standoff munitions, munitions that can be fired from a long distance from the B–52's. And those standoff munitions are going to be needed. We are developing them. Unfortunately, most of them will not be available until around the turn of the century.

The other thing that we have to keep in mind, though, is we want to fire as few of those as we can, and we will have to have a number of them. But they are enormously expensive.

What we have not done in the Department of Defense, the Department of Defense has not measured the cost of these standoff, precision-guided weapons versus the B–2. Later in my presentation, I am going to be showing that to suppress enemy air defenses from a long distance—and it would take in most situations 1 week to do that—if you use the conventional bombers without the B–2 going in first or the 117 going in first, if you do that, then you are going to spend enormous amounts of money in using up those precision guided, standoff munitions.

They are not finished yet. They are being developed now. They are one of our most important developments. But we have to use those in an economical fashion. The rough calculations that my staff has done in connection with the Air Force is that 1 week of using those weapons, 1 week of that kind of firing at the normal sortie rate for the Air Force, would cost about $15.2 billion—$15.2 billion. Is that the best way to spend the money? I do not think we ought to rely on that alone.

But what we are doing if we kill the B–2 program is we are making it absolutely inevitable that we are going to spend far more money either in standoff munitions or in some new bomber down the road. At some point, this country will come to the realization that we have to develop a stealthy bomber. We will go out and have R&D, we will have procurement, we will have all sorts of money invested in a new bomber because we have given up on the B–2 when we have only 20 aircraft.

Mr. President, I know the Senator from Hawaii has to leave, but I want to make one other point and ask him to make any comments he would like before he leaves, because he has followed this subject with a great deal of care; and that is the effectiveness of the money we have already spent.

People read about how much the B–2 costs, and it does cost a lot of money. Actually, the cost from this point on is not very much more than what a C–17 cost. A C–17 is about $450 million from this point forward. Every B–2 we buy is about $550 million to $600 million. That is a lot of money. But it is not a lot of money when you consider it is revolutionary technology, and when you consider the tradeoffs in terms of procurement, as well as operational costs.

I want to ask the Senator from Hawaii to comment on this: The B–2 costs, when people read about it in the paper, they read $1.5 billion, $2 billion an aircraft. The reason for that is because you have a huge front end of research and development. That front end of research and development is spread through all of our Stealth technologies. We are going to use it in everything we do on Stealth, so it is not simply applicable to the B–2. But it is about $25 billion.

So if you build more than the 20 which we have paid for, no matter what it costs you per aircraft from here on, which is about $600 million, the writers all write it up by dividing 20 into $25 billion and you get approximately $1.5 billion apiece, just in allocating the research and development.

But if you build another 10 aircraft or another 20 aircraft, it cuts down tremendously on that, and what it costs from this point forward is what we have to look at. If you build 20 more B–2 aircraft, we can do it for about $12 billion. The first 20 aircraft, amortized into that $25 billion, costs something like $1.5 billion apiece. We are looking at a false kind of analogy because we have already sunk that money. That

$25 billion is now expended. It is now developed. It is already in place in terms of the results. We have a B–2 aircraft.

The point is that we can build another 20 aircraft for about $10 billion or $12 billion less than it would cost for standoff munitions if you do not have the Stealth aircraft in place to fire those munitions for about 1 week in a scenario where we would have to do so. And I am sure that scenario would apply in the Middle East, it would apply in North Korea, it would apply anywhere else.

So people are beginning, I hope, to focus on the economics of this situation which means that they have to focus on the fact that this is not simply another aircraft, it is a revolutionary aircraft that saves lots of money, it saves lots of time, it enables us to move from this country to almost anywhere in the world, from these shores, and it does so risking about, in comparison, 116 lives under the present kind of scenario to four lives under the B–2.

I will say to my friend—that is a lot for him to comment on —but before he leaves, I want to get his reaction particularly to the economics of that.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Hawaii.

Mr. INOUYE. Mr. President, the distinguished chairman of the Armed Services Committee, I think, has more than adequately responded to that question. If I may, I would like to add a historical footnote to the debate that is going on.

I think all of us should recall that Desert Shield began in August 1991. That is 3 years ago. In January 1991, it was the consensus of the intelligence community of the United States that the Middle East was at peace. Some of my colleagues in this body visited Saddam Hussein and came home singing his praises, telling us that he is the future of the Middle East; that he has the secret to peace. That was earlier in 1991.

In January 1991, I received a telephone call at the same time the chairman of the Armed Services Committee had a call, and the call was one of great surprise. General Schwarzkopf was about to be retired. The great hero of Desert Storm was about to be retired because we were at peace in the Middle East.

The central command was to be dismantled because we were at peace in the Middle East, and all of us know what we had to go through.

I bring this up just to respond to those of my colleagues who have been saying, "Why are we still debating the B–2? Why are we insisting on spending money? Don't you know that the wall in Berlin is down? Don't you know that the Soviets have been dismantled?"

January 1, 1991, our intelligence community said we have peace in the Middle East. That is the uncertainty that we face in this world today. And, Mr. President, I would rather spend a few more and sleep a bit more soundly, than save money and risk the lives of these men on the chart. That is the difference.

Mr. NUNN. Mr. President, if I could say one other point before my friend from Hawaii leaves, and I want to yield to the Senator from Virginia.

Mr. President, the 116 people that are directly involved in the running of these aircraft, 1,124 labeled "Forward Base Support," these are people who have to be in the theater, these are people who are in harm's way when you count theater ballistic missiles and Scud missiles, so forth. The biggest loss we had in the gulf war was from people in the rear areas, in the barracks hit by a Scud missile.

So we have 116 and 1,124 people with this package of aircraft that are exposed and in harm's way, 16 and 179 people, in this package of aircraft, which we actually use; in this package of aircraft, which we are advocating to protect the option of building next year, we would have 4 people exposed—4 people in harm's way. Here you have a total of about 1,400 people in harm's way.

I yield to my friend from Virginia.

Mr. WARNER. Mr. President, I just wish to associate myself with the remarks of our distinguished colleague from Hawaii, and indeed the chairman of the committee. Our colleague from Hawaii served with great distinction in World War II, and as I sat here listening to him I thought back to that period. I served for a very brief period, inconsequential compared to the Senator's distinguished record, in the war in some aviation units. Planes in World War II were $25,000, $30,000, $40,000, $50,000 apiece. At one time, Mr. President, the United States of America was turning out several thousand planes every month to meet the needs of that conflict. And here we are talking about but a few airplanes, projecting into a future which is most uncertain.

A few days ago, when this bill was first put on the floor, I brought in the charts from the Defense Intelligence Agency which showed the trouble spots in the world today, June 1994—about 60 trouble spots where there is some type of armed conflict taking place, civil insurrection and otherwise. Just 6 years before, in another chart which I had prepared, there were but 32 trouble spots.

So in a period of 6 years they have doubled throughout the world. This is not a safe world, as the Senator pointed out, and as has the chairman. I think this is a very prudent investment for our country, not for ourselves but for our children and our grandchildren into the year 2000, when we cannot predict the world in which we will live.

I yield the floor.

Mr. NUNN. I thank my friend from Virginia.

Mr. President, I yield such time as the Senator from California may require.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Presiding Officer very much.

I would like to thank the chairman of the Armed Services Committee for his remarks and also the distinguished Senator from Hawaii. I think they crystallized the arguments as well as I have heard.

I also wish to thank my respected colleague from Michigan, who takes a dissenting view. I wish to share with the Senate how this California woman came really to believe in the Stealth technology of the B–2 bomber. I first went to see the B–2 a few years ago, and I thought, well, this is pretty nice, very expensive, but I did not pay much attention to it.

In August of 1991, as the Senator from Hawaii said, I watched on television as the Stealth fighter, the F–117, conducted 90 percent of the bombing missions in Baghdad, and I watched the laser-directed ordnance fly; I watched on my television set how very precise it was. I thought, my goodness, this is the technology of the future.

Since that time, I went back twice to where the B–2 is being made. I had the privilege of naming No. 2 the "Spirit of California." And I learned another fact which the chairman of the Armed Services Committee indicated. This plane is capable of taking off from Whiteman Air Force Base with two people aboard, refueling in midair, striking anywhere in the world, and returning home safely with very few people in harm's way, and with very little commitment of other aircraft or assets. And it can deliver a large payload, precision or carpet. It is truly a plane of the future.

I spoke earlier with Secretary Perry in my office, prior to receiving the letter that Senator Levin read. Secretary Perry, in fact, indicated his commitment to Stealth technology and to the B–2. Of course, he had made an agreement with the Congress and in particular the House Armed Services Committee, an agreement of 20 total B–2's. Who would know how the world would change? As Senator INOUYE said, who would have thought that we would be in a war with Iraq 3 years ago? Who knows what will happen with North Korea in the future?

So I rise today to oppose the Levin amendment and in support of the Armed Services Committee's recommendation to preserve the bomber industrial base of the B–2. Let me say that I am not opposed to funding for base closure and reuse. My own State is the heaviest State hurt in the Nation by base closures, and BRAC funds are needed to ensure the timely and effective reuse and redevelopment of military bases.

I understand, however, that there are large unobligated balances in the BRAC accounts that can be used to meet any near-term shortfall in funding and, moreover, that they roll over and are added to as the years go on. The Defense Department has yet to supply me or the Congress with a base-by-base plan with specific spending for BRAC-related needs.

Nevertheless, I strongly support BRAC funding. This bill fully authorizes the President's budget request of $2.7 billion for BRAC funding. Are additional funds necessary? Probably. And I would support other efforts to increase base closure and reuse funding if necessary. But, I cannot support cutting funds to preserve the B–2 industrial base.

As many of my colleagues know, the recent Bottom-Up Review, conducted by the Department of Defense to review United States military requirements and strategy in the post-cold-war world, endorsed a force of up to 184 long-range bombers with 100 bombers needed for a single major regional conflict.

Some Pentagon officials are now planning on a force of only 100 total bombers. With a stated military requirement of fighting and winning two nearly simultaneous major regional conflicts, a force of only 100 long-range bombers could be inadequate to meet U.S. national security needs.

In fact, in recent testimony before the Senate Armed Services Committee, General Loh, Commander of Air Combat Command, stated that the Nation needs to decide how many long-range bombers we need. He said that to complete the required mission, he needs 184. General Loh, the officer who must command our war-fighting aircraft in times of national emergency, has concluded that 100 bombers is not sufficient to meet our military needs. As he stated in congressional testimony, the United States, under current plans, has "a gap in our bomber capabilities."

In addition, a recent Rand study that I hold here determined that Stealth bombers may be the only practical option for countering a sudden armored invasion in a distant part of the world during the critical early days of a future conventional conflict. The Rand study goes on to suggest that an increased B–2 force may be necessary.

If additional B–2 aircraft are needed in the future, the prime contractor will be able to take advantage of the substantial investment in the program to date. The flyaway cost of each additional B–2 can be reduced to less than $600 million under a fixed-price contract. That is substantially less than the $2 billion figure that some people cite as the cost of each B–2 bomber.

But, this debate right now is not about authorizing additional B–2 bombers. It is about preserving the option to purchase additional long-range bombers in the future if the congressionally mandated Roles and Missions study, which is still ongoing, endorses a larger bomber force. This study will not be complete until next year and will carefully scrutinize this important issue.

As the Pentagon's Roles and Missions study continues, one issue of immediate concern is the dissolution of the only bomber production facility in the United States. As many of my colleagues know, the first operational B–2 bomber was delivered to the Air Force on December 17, 1993. By the end of this year, five B–2 aircraft, including the "Spirit of California" will be operational and the last B–2 will be well into final fabrication at the assemble facility in Palmdale, CA.

Unless action is taken now, in fiscal year 1995, to preserve the uniqueness of the B–2 industrial base, the only bomber production facility in the Nation will virtually evaporate within a few years. Once the B–2 industrial base disappears—including all the facilities, skilled work force, key suppliers and management capability—it is unlikely that the budget resources will be available in the future to recreate the more than $20 billion already invested in the program.

Funding in fiscal year 1995 will halt further dismantling of the production infrastructure and preserve the ability to restart the B–2 program at the lowest possible cost. Let me quote from the Senate Armed Services Committee report:

> Funds * * * are to preserve tooling in ready status, preserve a production capability for spare parts within the lower tier vendor structure, and develop detailed production plans for conventional capability-only B–2 bombers.

Here are some specific examples of what the funds will be used for:

Halt the planned shutdown of key suppliers needed to build additional bombers. For example, the cathode ray tubes for multipurpose display units are going out of production unless action is taken soon; similarly, the ACES–2 ejection seat will soon be unavailable.

Reestablish key suppliers who are already shut down, if they are on the critical path for first delivery of additional B–2s in the future.

Begin requalification of hardware affected by obsolescence. For example, several replacement integrated circuit cards must be qualified for the Hughes radar; six parts of a ZSR item made by Loral Federal Systems are obsolescent and must be replaced.

And, provide for inspection, repair and maintenance of tooling at Northrop, Boeing, and Vought facilities.

The concept of preserving the industrial base is not new. Last year it was not new. This year it is not new. The Bottom-Up Review endorsed the concept of sustained low rate production of submarines, tanks, and aircraft carriers to ensure the industrial capability to meet future inventory requirements. The same logic would seem to apply to the unique capability to produce long-range stealth bombers as well.

As General Loh said, "the bomber industrial base provides this Nation with a unique capability". The materials, processes, tolerances, and skill-mixes required for other fighter and commercial aircraft cannot sustain the B–2 industrial base. The very large composite structures, the manufacturing and materials processes that are used, and the special instruments used to measure low observable performance, are all unique to the B–2 bomber.

$150 million is needed in fiscal year 1995 to maintain the unique capabilities of the B–2 industrial base until further consideration can be given to our long-range bomber force. This, in essence, is a holding pattern—it will preserve our options for the future.

For this country to cut off like that the major stealth production our technology has created with no way in a cost-effective manner to recreate it, should the "Roles and Missions" study show that more are needed, I think is extraordinarily shortsighted and foolish.

We have all talked about the world situation. Nobody should believe there is a safer world today. No one. As a matter of fact, it is a less safe world because more irresponsible people are obtaining sophisticated weapons and are willing to use them. And therefore, the use of a deep-penetrating, low-manpower, stealth, precision-guided delivery system bomber is truly the state of the art for the future.

This Nation is now developing a strategy of conventional deterrence rather than the nuclear deterrence of the cold war. The Defense Department's recent review of military requirements concluded that stealth aircraft carrying precision guided munitions—so-called smart bombs—are the key to dealing with future contingencies anywhere in the world, whether in the Middle East, North Korea, or other international hot spots.

And the B–2 bomber will play a key role in this new conventional deterrence mission.

With the B–2 bomber, dictators like Saddam Hussein must worry about more than just what U.S. ships are off his coast or what NATO air bases are nearby. With a long-range Stealth bomber capable of striking any target anywhere in the world with precision guided bombs within hours, the Saddams of the future will now have to worry about the capacity of our Air Force to launch a strike from Whiteman Air Force Base and other domestic installations throughout the continental United States.

Far from being a relic of the cold war, the B–2 bomber, with its enormous

range, stealth technology, and ability to deliver large amounts of conventional smart bombs, stands in the vanguard of our ability to respond swiftly and effectively to any threat to our national security anywhere in the world.

In fact, Secretary of the Air Force Sheila Widnall recently reaffirmed the importance of the B–2 bomber, saying that it will be the U.S. military's "silver bullet" capable of penetrating deep into enemy territory—unescorted and undetected—and dropping precision guided conventional weapons right on target.

The B–2 is the most technological advanced aircraft in existence. Its long range and large payload project the power and weight of this Nation worldwide. In fact, the B–2 can strike any target anywhere in the world with just one mid-air refueling.

I am absolutely confident that stealth technology makes military and fiscal sense.

As the Senator from Georgia, the distinguished chairman of the Armed Services Committee, pointed out, because you need fewer unescorted B–2 bombers to do the job of scores of other bombers, fighters, and tankers, stealth technology puts fewer lives at risk and is, in the long run, cost effective.

I make no bones about being a supporter of the B–2. It is important, first of all, to our national security. It is also important to the State of California—22,000 jobs in my State depend on the B–2 program. For California, the B–2 means $2.5 billion in contracts, and more than 4,500 active subcontractors and suppliers.

At a time when California is being so hard hit by defense downsizing and military base closure—250,000 jobs lost just in the last 2 years alone—the B–2 is extremely important to the well-being and economic health of our State and to the national security of our entire Nation.

The debate on whether to continue B–2 production beyond the 20 aircraft already authorized will occur sometime in the future. The B–52 force—which, by the way, is fully authorized and protected in this bill—is aging. While I also support the B–1B program, its bomber force may not be sufficient in number to meet U.S. needs, and it confronts some developmental challenges before it can be fully operational for conventional missions.

At some point in the future, the administration and Congress will need to address the requirements of the Air Force's long-range bomber force. However, sustainment of the bomber industrial base must be addressed in fiscal year 1995.

A modest investment in fiscal year 1995—not requiring a commitment to new aircraft—would hold the B–2 industrial team together until the Roles and Missions study is complete and further consideration can be given to the future of our long-range bomber force.

Hence, I fully support the Senate Armed Services Committee's action to recommend the authorization of $150 million in fiscal year 1995 to preserve the bomber industrial base. I urge my colleagues to oppose the Levin amendment.

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

Mr. NUNN. Mr. President, I thank the Senator from California, because she has mastered this subject in a very short period of time. She has been very interested in the B–2 from the day she arrived here. She has been enormously helpful in our committee deliberations on the B–2, and she is enormously helpful on the floor.

So I cannot think of a better ally in this important fight for our security than the Senator from California. I might also say that it is not always true, but in this case it is true, that what is in the best interest of jobs in the very important State of California is also very much in the best interest of our Nation's security. That is a happy merger between economic effect and also national security interests. I am not supporting this program because of the job effects in California. I welcome those effects, because I think it is important. But the value of this program is the national security of the United States. In years to come, people will recognize that, however this vote goes.

I remember very well when the Department of Defense wanted to stop building F–117's, which were the first stealth aircraft we had. At that time, that program was a black program; it was not a program that was even out in the open. We had about 26 of those aircraft. Some of us, a few of us, insisted we go ahead and continue producing those aircraft. We produced up to 44 aircraft. Every single one of those aircraft they could get in the Persian Gulf was there. That was the most valuable asset they had in the Persian Gulf.

So we now have a Department of Defense saying they do not want any more B–2's. But I can assure you, Mr. President, if they see the Senate of the United States standing up for B–2, I think we will have a little more courageous position from the Department of Defense on the B–2. This aircraft is enormously important, and there are plenty of people in the Department of Defense, including the Secretary of Defense himself, who understand that very well.

I know the Senator from Nebraska, who is the chairman of the subcommittee and a leader on the Armed Services Committee, wishes to speak. I am delighted that he is here on the floor.

I yield whatever time I have remaining to the Senator from Nebraska.

Mr. EXON. Mr. President, I made a lengthy talk on the whole defense authorization bill last Friday, and I will try to not repeat too much of that tonight in my remarks.

Let me start out by saying that the decision which was reached in the subcommittee I chair, which has jurisdiction over our whole strategic force program and nuclear defense, was not made on where jobs would be located or whether or not it would be a good investment to have jobs in a certain place. We did not make this decision, Mr. President, on the basis of how good the B–2 is, how stealthy it is, what it could do in a certain situation, although we were thoroughly familiar with that. I was, rather, interested in the debate tonight, to see a rehash and re-explanation of the critical role that the B–2 bomber is going to play in the future national defense posture and in the defense of the United States of America.

Mr. President, I find myself at odds with some of my closest friends and associates in the U.S. Senate. I have listened to their remarks in opposition to the very limited amount of money—considering the $270 billion defense budget—to protect the interests of the United States of America should we be faced with a challenge in the immediate future and to give this administration and this Pentagon a chance to better explain what their bomber program is for now and in the future.

My good friend, Senator Carl LEVIN, from Michigan, and I came to the Senate together. We sat side by side on the Armed Services Committee. He has made some very interesting points and, from his perspective, I think a good case as to why the limited amount of money that we are providing to buy the insurance policy for the future should be transferred to some worthy cause like helping out on the base closing expenses. As important as that help might be, I have been convinced that we are taking the right course of action, and I would like to briefly map, if I might, the scenario that we find ourselves in.

It is true that we had previously agreed to not buy more than 20 B–2's. It is true, as my friend and colleague from Michigan said and as I have said in debate, when we finally closed off the B–2 bomber program at 20—Senator LEVIN, I think, quoted me correctly when he said that the Senator from Nebraska said, "We should put the B–2 bomber to rest, we should give it a decent burial."

I said that, Mr. President, because over the objections and best judgment of this Senator, the then Bush administration, in my opinion, caved in far too early and surrendered what I thought was an unfortunate, tragic decision: To limit the B–2 bomber purchase to only 20. Originally, all we were talking about were 132 of those, and they cut that in half down to 75, and I was prepared at that particular time, if necessary, to come down to 50 or even 30 or 40. I objected.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. LEVIN. I am happy to yield to my friend some of the remaining time I have. How much time will the Senator need?

Mr. EXON. I am sorry. May I have another 5 minutes?

Mr. LEVIN. I will be happy to yield the Senator another 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 5 minutes.

Mr. EXON. Mr. President, I am trying to put this in perspective and not be too repetitious. I thought it was a bad move to cut it off at 20. But then we had an argument on the floor of the Senate, whose words I have been quoted as using, even to get 20 bombers, and that is what I was talking about.

I was simply saying, Mr. President, that at that time, however, I had no idea, I had no inclination that this administration and this Pentagon would come up with a Bottom-Up Review that makes absolutely no sense whatsoever with regard to the inventory of bombers to meet a two-front war in the future.

I simply point out, Mr. President, that the figures we should keep in mind when we decide which way we should vote on this is that we are spending $150 million in the next fiscal year if the recommendations of the committee follow—$150 million. But half of that, $75 million of it, is for an advanced purchase of parts for the B–2 bomber that we would be required to purchase at some later date whether or not we cut off the production at 20, which we still might do.

So $75 million of the $150 million, or roughly half of it, is an expenditure that we are obligated to spend anyway. What about the other $75 million? The other $75 million for the B–2 program is an insurance policy. The insurance policy is simply this:

Mr. President, I do not believe that my house is going to burn down next year, but that does not mean that I am going to cancel the policy and save the money and transfer it to a Base Closure Commission.

I am simply saying that the $75 million that we have in this program, as I have outlined, is to keep that line warm so that if, within the next year, we should have a serious conflict or be threatened with a serious conflict in Korea, if things should turn around in the Soviet Union and the Soviet Union would become a real threat again, which they are not now, if either one or both of those things should happen, or if we would become involved in combat somewhere else, I can hear the cry across America, "What are we going to do to arm ourselves?" And the Members of the U.S. Senate on both sides of the aisle will be falling all over themselves to improve our bomber program.

I do not know whether that is going to happen. I do not know whether we are going to build any more B–2's or not. I simply say with the inefficient Bottom-Up Review, with the fact that the administration did not make a case or an explanation of what they were doing, I do not happen to believe that 100 bombers is a sufficient force.

Senator NUNN and others have shown clearly the capacity of the B–2. So I say this decision was made, Mr. President, after careful consideration, after this Senator rejected earlier plans and programs to spend up to $700 million and $750 million to keep that line open. We have come down to what I think is a bargain of an insurance policy for $75 million, to give this administration a chance to straighten out their thinking on what the bombers are and to explain that in terms that we can understand in the Armed Services Committee, which has jurisdiction.

I hope we will not accept the amendment offered by Senator LEVIN, and I may have a little more to say on this in the morning.

I thank my colleagues, and I thank my friend from Michigan for yielding me time from his side. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan has 25 minutes and 40 seconds.

Mr. LEVIN. I thank the Chair.

Mr. President, earlier tonight I quoted from some letters from the Defense Department. These are important letters because they come from people who are stealth supporters.

These are important letters because the father of stealth is Secretary Perry. If anyone is aware of the use of stealth technology, it is the person who probably did more than any other single person to bring stealth technology to this country: The Secretary of Defense. The Secretary of Defense says we do not need more and we cannot afford more.

There has to be an end to programs, and this end of 20 was with two Presidents and three Secretaries of Defense, and Congress twice has determined this is where it should end.

Perhaps of all of the quotes from this lengthy letter of the Secretary of Defense, the most compelling is the following. He says:

> One of the most difficult questions we have thus far to face in our strategic planning about our defense industrial base is the one about our Stealth bomber production capacity.

Then he says:

> Given my deep personal conviction about the military importance of Stealth for nearly two decades, you can well imagine why I have wanted to make sure we get this one right, and I believe we have.

Then he goes on for about 2 pages to explain why we should not be adding money for this so-called industrial base.

Even more recently than that letter, which was dated in February, is a letter from the Deputy Secretary, John Deutch, who says that the Department has taken the necessary steps to deal with the B–2 industrial base and programmatic issues. He said that based on a careful analysis of the industrial base, war fighting—the kind of chart we just saw—and budgetary implications of an enlarged B–2 fleet, the Department cannot support further purchases of B–2 aircraft or actions that would contribute to that end.

Mr. President, in addition to the fact that the Defense Department, which is led by Stealth supporters, has said that it is right, that we have stability in the program, and that we end it, we have the fact that we have tremendous capability not reflected on the chart we just saw, which is important capability.

It has to be added to the capability that we consider that goes into the decision that Congress made, three Secretaries of Defense, and two Presidents to terminate B–2 production.

As the Bottom-Up Review stated, the Defense Department says that "theater air forces"—not the long-range bombers, but theater air forces—"will undoubtedly play an even greater role in any future conflict in which the United States is engaged."

Mr. President, these forces include the Navy forward-deployed aircraft carrier forces, which can respond quickly to crises around the world. The Navy and the Marine Corps today have some 1,600 strike aircraft, many of which carry highly accurate guided weapons that can attack critical ground targets early in a conflict.

The Air Force has an even larger inventory of theater strike aircraft, some 2,300.

So all told, the Defense Department today has about 3,900 theater aircraft with precision or very accurate weapons that can be used to attack critical ground targets.

By the way, the 20 B–2 bombers that we have will not have conventional capability until the end of the decade. The 3,900 strike aircraft have precision capability now. And these 3,900 aircraft are in addition to our other long-range bombers and the other accurate ground attack weapons like the Tomahawk sea-launched cruise missile, which are not even counted in this figure.

A few more details on the numbers: On the chart, Navy and Marine Corps now have 1,600 strike aircraft, most of which can deliver precision guided munitions. These include the following aircraft: The A–6E, FA–18A, FA–18C/D, the FA–14A/B, armed with a variety of precision weapons. These weapons include the stand-off land-attack missile, the SLAM, the Walleye I and Walleye II, LGB–10, LGB–12, LGB–16, GBU–24, the IR Maverick, and the Laser Maverick.

And, by the way, after the turn of the decade, the Navy expects to have 1,300

strike aircraft, all with precision strike capability, including the FA-18E/F multiroll fighter and the new weapons now being developed.

Future weapons: Future weapons that we are now paying for for these aircraft include the joint direct attack munition, the joint stand-off weapons, the triservice stand-off attack weapon, and the SLAM expanded response missile, in addition to all the weapons that are already in the inventory.

So today, we have 1,600 Navy strike aircraft, with 10 types of highly accurate strike weapons. And, by the way, the green dots are the ones with stand-off capability, the ones with precision munitions that can stand away from the target and still hit the target. The Air Force has 2,300 strike aircraft of 10 varieties that can carry precision or highly accurate weapons.

And none of these capabilities include our bomber forces in the totals, and none of them include the long-range sea launch cruise missiles that can be fired from all of our attack submarines and many of our surface ships from hundreds of miles away from the target, as they did in Desert Storm.

So we have to take all of our capability into account. Each one of these weapons systems has a capability that another weapons system does not have. The Tomahawk cruise missile has a capability that the B-2 does not have; that is, to hit a target without any pilot and with greater accuracy than anything.

Mr. President, we have to terminate some weapons systems. We have to make some choices in terms of dollars.

At one point, we finally terminated the Stealth fighter, the F-117. We made a decision to terminate it. The same argument, I am sure, was made: How can we possibly terminate the F-117 at 50 when you compare the Stealth capability of the F-117 to all the other aircraft we have, the F-16, F-15?

On that same chart we just saw, we saw that the Stealth fighters were the fighters we used the most in Iraq. We terminated that at 50, approximately.

At some point you terminate a system, when you balance it with all the other systems that you have, even though the system may have a unique capability, such as the F-117 and the B-2. You have to terminate systems when simply a decision is made in the total overall balance of weaponry that you have enough as part of an overall inventory which, together with all the other capability that you have, gives you enough to meet potential threats.

We cannot afford more B-2's. The Congress has decided it twice, as have two Presidents. That is why the Chief of Staff of the Air Force, General McPeak, stated just this year: "We are not asking for more B-2's." This is the head of the Air Force.

We are not asking for more B-2's. Quite frankly, the real problem with the B-2 is the price, the cost. It is very expensive. So on the forward financial planning assumptions that we are making, we do not see the headroom to drive more B-2's in there.

Mr. President, the chart that we saw earlier is a chart that has been used many, many times before. It shows us the capability of the B-2, which we do not doubt. What it does not show is what else is in our inventory which has tremendous capability, standoff capability, capability with no pilots at risk whatsoever, capability which was used, by the way, in the war against Iraq with tremendous success.

You have to look at the whole picture; not just one piece and compare it to two other pieces, at the whole picture. And when you look at the whole picture, I think you reach the conclusion that what Congress twice has voted to do, and what the Secretary of Defense urges us to stick with, is a program of 20 B-2 bombers.

Now I said a little earlier tonight that I supported the B-2 bomber when we decided to produce the B-2. I did it because it provided a capability which other equipment, other bombers, other planes, did not have.

But we also made, I believe, a decision which gave some stability to this program to terminate the B-2 at 20. And one of the things which I think is important to all of us that have to budget these defense dollars is the consequences of opening, reopening, terminating, reopening, keeping an option open, keeping a door open for programs. What does that do to the program?

And this is where Secretary Perry again urges us to stick with the decision that we have made, when he writes: "We should also be aware of the possible consequences of reopening the debate on the B-2." This is Secretary Perry speaking. "One of the most devilish threats to any weapons program is instability, financial and political. For years, the B-2 program was plagued by not knowing how many planes we were going to build or how much money would be available. Whatever one's personal views on the substance of the 1992 B-2 agreement"—that is the one that says terminate it at 20—"it has given the program an essential stability so that we are now able to get the job done."

Let us not destabilize this program again. As everybody said, just about—B-2 supporters and B-2 opponents—back in 1992, when the decision was made to terminate this at 20, let us agree to end this program at 20 and not keep opening, closing, opening, closing this program.

It is a statement which John Deutch has also made to us in recent days. And that is that, "The introduction of additional funding uncertainty in the future of the B-2 program would be an unfortunate return to a period that we have put behind us."

I believe we ought to listen Secretary Perry, Secretary Deutch, the Chief of Staff of Air Force, and listen to our own judgment that we have made twice when we looked at the same chart which we saw earlier tonight and decided that we would terminate this program—an important program—at 20.

This is not an issue over whether or not the B-2 is an important part of our overall program. We already decided that. We decided to build 20 B-2's at tremendous expense.

The issue that we are going to decide is whether or not we are going to add $150 million, which the Defense Department did not ask for, to keep alive the possibility of building more of these, when we have previously made a decision based on the same arguments and balances that were shown on that chart we saw earlier tonight. The same chart was presented to us a year ago. Based on those arguments and those balances, Congress decided unanimously, I believe, in the Senate, by a vote on the Leahy amendment last year, to end this program at 20 B-2's.

We should stick to that and use the money, instead of adding it to the budget in a way that the Defense Department is not requesting, instead of doing that, we should use it for something which the Department is requesting and which we need, which is to restore money to the base closing fund and the cleanup fund for bases that are being closed, which we, in effect, borrowed from that fund earlier this year when we had a California earthquake.

We took $500 million from that cleanup and reuse fund. We are $500 million short of carrying out a commitment that we have made to the American people that when we vote to close bases we are going to promptly provide for the reuse and the environmental cleanup.

We can keep two commitments if we adopt this amendment. One that we made to cap the program, the B-2 program, at 20; the second commitment we can keep is to the American people relative to what we are going to do when we vote to close bases.

We have voted to close those bases. We promised that we would have a prompt reuse and environmental cleanup. We have now not carried out that commitment when we effectively borrowed $500 million from the fund for that purpose.

We should restore the $150 million to that fund instead of using it for a purpose that the Defense Department does not seek and which will again bring instability to a program which we stabilized twice in the Congress of the United States.

I yield the floor and reserve the remainder of my time, if any. I do not know if there is any time remaining.

The PRESIDING OFFICER (Mr. SIMON). The Senator has 9 minutes remaining.

Mr. LEVIN. I reserve the remainder of it.

Mr. NUNN. If the Senator will yield to me about 5 minutes I think I can wrap up.

Mr. LEVIN. I will be happy to yield to my friend from Georgia, 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 5 minutes.

Mr. NUNN. Mr. President, I have to say any case the Senator from Michigan makes is always a strong case because he is a student of the defense programs. And any time I am on the different side of a question from him I know there is going to be a very good argument here. But I must say I was a little bit amused—if the Senator can move that chart so I can communicate with him? I think I have it memorized now.

I was a little amused when the Senator from Michigan has an amendment which would basically bury this program and end it forever and he says this is bad for a program to be destabilized. He is saying, if we do not pass the Levin amendment this program is destabilized. I would view the program as dead if we do pass the Levin amendment. I think the choice between being destabilized and dead is a pretty interesting choice.

I am reminded of the story about the man who had the heart attack and was being taken in for burial in a coffin—his wife was right behind—and the pallbearers let the coffin slip and it hit the ground. As they were picking it up, all of a sudden they realized there was movement inside. They opened up the coffin and to their great shock the man was still alive. They rushed him to the hospital, he was revived and lived for another 3 years in a very healthy fashion. Then the same thing happened to him; he had another heart attack and died.

The same wife was there the next time. She told the pallbearers, "Please be a little more careful with the coffin this time."

I say to the Senator, the choice between being buried and dead, and destabilized is an easy choice. So I say the amendment of the Senator would basically bury this program.

Mr. President, this program may end up getting buried. We may do it tomorrow in a vote. We may do it by not having any renewal of the program, even if this amendment passes and goes through the conference and is funded. But what this effort is, is a good faith effort to tell the Congress of the United States and the American people it will be a mistake if we do not build more than 20 B–2's. It will be a fundamental national security mistake that this country will regret. I do not have any doubt about that. It is just a question of when we realize it.

I hope we do not have to have a war to realize it. I hope we do not have to have a war in Korea or a war in the Middle East or anywhere else to realize it. But at some point it will become abundantly clear this Defense Department and this administration does not have a bomber program that can sustain the Bottom-Up Review scenarios in the future. It just cannot do it.

Mr. President, one of my good friends in this town—I have known him for a long time—is Deputy Secretary John Deutch. He is a great guy and he is a great Deputy Secretary of Defense. I have been restrained in my criticism of the DOD leadership on the bomber question because I not only like both Secretary Perry and Secretary Deutch personally, but I think they are outstanding defense leaders. I would have to say, though, on the bomber question they have bombed. This is an area of the budget where they have not done a good job. I think they realize it. That is the reason we have three studies going on now. They have not done their analytical homework on the bomber question. They may come to the same conclusion, but it would be based on a real analysis. So far we do not have one.

I had assumed with all four defense committees being critical of the bomber program that they would take an objective relook at that program. However, Secretary Deutch sent a letter out, which Senator LEVIN has already read. It looks like he is sticking by what anyone who has analyzed this program knows is a seriously flawed kind of bomber proposal put forward by the administration—not simply on the question of the B–2 but far beyond that. They were planning, before our bill, to retire a large number of B–52's and not to put any conventional capability really on a large number of B–1's, making the situation even more flawed.

I think it needs to be pointed out that Mr. Deutch's letter is simply in contradiction to the Secretary of Defense himself, Secretary Perry. There is no way you can fully credit Secretary Perry's testimony before the Inouye committee and also believe that the Deutch letter is an accurate, sound letter. Mr. Deutch has been consistent on bombers but he has been consistently wrong on bombers this year. I hope he will take another look at his position. For example, in his letter to Senator LEVIN he writes, quoting from the Deutch letter: "The Department has taken the necessary steps to deal with the B–2 industrial base and programmatic issues."

"The necessary steps," is what he says.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, may I have another 3 minutes?

Mr. LEVIN. I would like to reserve at least 4 or 5 to myself to answer the Senator.

The PRESIDING OFFICER. The Senator from Michigan yields how much time?

Mr. LEVIN. How much time do I have left?

The PRESIDING OFFICER. You have 3 minutes 10 seconds left.

Mr. NUNN. Mr. President, if I could get maybe 30 seconds here?

Mr. LEVIN. I would be happy to yield 30 seconds.

Mr. NUNN. Mr. President, Secretary Perry says, quoting him—this is his testimony, "We don't have anything in our program to sustain a bomber industrial base." He goes on to say, without quoting his whole letter, "* * * so I would say this is a weakness in the budget proposal."

He makes it very clear that he is unhappy with the Department of Defense's own proposal and they have a long way to go.

I thank the Senator from Michigan. I will rest the case on the fact the Deutch letter is simply not a credible position based on the Secretary of Defense's own testimony.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I quoted at greater length from the Secretary of Defense's letter and I will repeat that since there has been a suggestion that Secretary Deutch's position is different from Secretary Perry's.

Secretary Perry said in a letter earlier this year that one of the most difficult questions we have faced thus far in our strategic planning about our defense industrial base is the one about Stealth bomber production capacities.

Given now-Secretary Perry's personal convictions about the military importance of Stealth for nearly two decades, "You can imagine why I have wanted to make sure we get this one right. And I believe we have." That is Secretary Perry. And then he tells us how he has done it, in two paragraphs which I have already put into the RECORD. So there is no conflict whatsoever between Deputy Secretary Deutch and Secretary Perry. Quite the opposite. Secretary Perry's letter is a very lengthy statement as to why we should not be adding $150 million or any other sum to this program to keep alive the possibility that we are going to build more B–2 bombers that we cannot afford and do not need.

As far as the question of keeping this program going, again raising the possibility that more B–2's will be built: We have already decided not to build more B–2's. It was Senator NUNN, a great chairman and a good friend, who said when we stopped the program at 20, "I urge my colleagues to agree to conclude the B–2 program at 20 as requested, and to put this divisive issue finally behind us."

That is what Senator NUNN said when we thought we put the divisive issue finally behind us: Buried, done, finished at 20.

Now the Armed Services Committee has added $150 million to now reraise this issue. It is a mistake for all the reasons that Secretary Perry and Secretary Deutch told us. It adds instability to the program. This amendment of mine does not kill the program. We capped the program at 20, twice—2 years ago and 1 year ago.

I thank the Chair and again I thank my good friends from Georgia and Virginia, for the quality of this debate. We differ on it. I also do not like differing with either one of them but once in a while it happens. When it does, it happens. So be it. I thank the Chair.

The PRESIDING OFFICER. All time on this amendment tonight has expired.

Under the previous order the amendment is set aside in order for the Senator from Virginia [Mr. WARNER] to offer an amendment regarding military COLA's.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am going to ask unanimous consent at this time that the Senate lay aside the pending bill and proceed as in morning business for not to exceed 5 minutes.

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

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. GRAHAM pertaining to the introduction of S. 2258 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I ask unanimous consent that the Senate return to the bill for the Defense Department authorization.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I am pleased to support S. 2182, the National Defense Authorization Act for fiscal year 1995. I want to take a few moments today to summarize for my colleagues the portions of the bill dealing with issues under the jurisdiction of the Subcommittee on Military Readiness and Defense Infrastructure which I chair, and then offer my observations and comments on other portions of this important bill, including two issues falling within the jurisdiction of the Governmental Affairs Committee which I chair also.

Mr. President, before I turn to the specifics of the bill, I would like to offer a few comments about my views on the impact continued defense spending reductions are having on our ability to meet our national security requirements and our ability to fulfill the objectives laid out in our defense planning guidance.

Like most of my colleagues, I would very much like to shift funding from defense into other vitally important programs and work on eliminating our deficit. Unfortunately, I am not persuaded that peace has broken out throughout the world and that the United States can simply shed its military capability.

I have a chart here, Mr. President, using data from the Historical Statistics of the United States which depicts the history of our defense outlays for the past 100 or so years, measured as a percentage of our Gross National Product. Superimposed on the line depicting our actual defense outlays is a dotted line depicting what our spending would look like on a hypothetical 17-year cycle.

The interesting pattern over this 100-year period, going back as far as the Spanish-American War, is that our actual defense outlays come pretty close to following that hypothetical 17-year cycle with peaks and valleys showing a 7-year period of buildup followed by a 10-year period of drawdown. The only exception occurs in World War II which increased our defense outlays a few years after the 17-year cycle would have.

If the 17-year cycle is applied to the present day and carried forward into the future, we are just about at the low point of the valley and can expect to start the 7-year buildup in the next couple of years.

I'm not trying to be melodramatic, but when I look at that chart, Mr. President, I can't help but think about the fact that in 1917 my father went off to fight in the war to end all wars. Yet, I fought in two wars after that and the United States participated in two more major conflicts after those, in Vietnam and in the Persian Gulf.

Having won the cold war, we have entered a period of relative peace, a period in which we have found ourselves to be the world's only remaining superpower. It is critical that we retain our superpower status because, while the world may be different, it is still a dangerous place. We must be able to protect our vital interests around the globe and the vital interests of our allies. In addition, superpower status preserves our ability to help keep peace and support the spread of freedom and democracy worldwide.

In order to keep that superpower status, I believe we have to maintain the two kinds of power, Mr. President, that allowed us to win the cold war—economic power and military power.

Congress and the administration are working to retain and increase our economic power and global competitiveness by trying to tackle the deficit problem, by investing in productivity programs, and by reinventing government—these are all important to maintaining our superpower status through economic strength and I wholeheartedly support these efforts.

At the same time, I am very concerned that we may be slowly eroding our military power through unabated downsizing. The Armed Services Committee's bill approves the administration's glidepath which will bring our active duty end strength down from our current level of about 1.6 million active duty personnel to 1.45 million.

My preference, Mr. President, would be to level out at 1.6 million. Our current worldwide commitments and high operating tempo, which are straining our existing force, argue against making further cuts. But, notwithstanding my concerns, I supported the committee's action because I recognize that fielding a force of 1.6 million active duty personnel cannot be accommodated within the current budget without hollowing out the force either in the near term by paying for the additional personnel out of operation and maintenance funds or by hollowing out the force in the long term by supporting the additional personnel at the expense of the investment accounts that pay for equipment and weapons modernization and research and development.

I certainly do not believe that we can go below the 1.45 million proposed by the administration and I will resist efforts to do so. Moreover, fielding a smaller force with an end strength of 1.45 million means that that force has to be more capable and must maintain extremely high levels of readiness—especially if they are called upon to conduct the two nearly simultaneous major regional conflicts contemplated by our defense planning guidance, the Bottom-Up Review.

Consequently, I urge my colleagues to resist the temptation to reduce personnel in order to pay other defense costs as others in Congress have proposed. Certainly, I urge my colleagues not to view the defense budget as the funding source for programs outside of defense.

Mr. President, I would now like to comment on the work we've done on the Readiness Subcommittee, which I chair. The primary focus of the Subcommittee on Military Readiness and Defense Infrastructure is on the combat readiness and combat capability of our military forces. Other very important areas under our jurisdiction include base closings, environmental cleanup, and military construction—but combat readiness remains the bottom line for our work on the subcommittee.

In my judgment, the recommendations in this bill under the subcommittee's jurisdiction include important enhancements to maintain the readiness and capability of the military services in fiscal year 1995.

This year the full committee heard testimony from the service chiefs and

from the unified combatant commanders on readiness issues. Our subcommittee followed up these full committee hearings with five hearings that focused on maintaining the readiness and combat capability of our military forces as we reduce the defense budget and draw down the size of our defense establishment.

The subcommittee also visited the Norfolk naval complex to discuss readiness concerns with front-line operating units. This field visit was very helpful and informative, and I hope we can follow up this first field visit with other ones throughout the year.

Secretary Perry and General Shalikashvili testified before the committee that readiness programs had received the highest priority of any area in preparing the fiscal year 1995 budget. O&M funding grows by approximately $5 billion, or 2 percent in real terms, in the fiscal year 1995 budget request, compared to an overall negative growth rate of 1 percent in the defense budget as a whole.

Although a portion of this $5 billion increase is budgeted to cover inflation and the fiscal year 1995 civilian pay raise, it is important to recognize that these costs represent must-pay bills. If the costs of these must-pay bills are not fully reflected in the budget, the result is that funds are often reprogrammed during the fiscal year from other areas of the O&M budget—including readiness activities—to meet these costs.

The testimony before the committee this year indicates that the readiness of our military forces remains high, but all of the services expressed concern about their ability to sustain current readiness levels in the future at current funding levels.

For example, each of the services will continue to have large backlogs of equipment for depot maintenance at the end of fiscal year 1995. Under this budget the Army funds only 62 percent of its annual depot maintenance requirement; the Navy only 85 percent; and the Air Force only 80 percent. The Marine Corps funds only 26 percent of its total depot maintenance requirement in fiscal year 1995, but this figure is somewhat distorted by the large backlog from prior years. Overall, this is better than last year, but still below where we should be.

Another area of concern is real property maintenance—the repair and maintenance of facilities and bases. The Defense Department's own figures show that, even with the continued closure of unneeded bases, the backlog of real property maintenance and repair will reach $12.6 billion in fiscal year 1995, an increase of 12 percent over the fiscal year 1994 level and an increase of 50 percent over the fiscal year 1993 level.

Finally, I am concerned about the increasingly difficult recruiting environment facing all of the military services. Recruiting sufficient numbers of high quality people to serve in the Nation's armed forces is a critical component of current and future readiness.

In both full committee and subcommittee hearings this year, DOD witnesses testified that the overall level of O&M funding requested for fiscal year 1995 is the minimum adequate to maintain current readiness. In light of this testimony, we did our best to preserve the O&M funding level in the fiscal year 1995 budget request to the maximum extent possible.

At the same time, we also looked for savings that could be applied to some of the readiness programs identified by the military services as areas of concern that could lead to readiness problems in the near future.

Overall, Mr. President, the subcommittee made reductions of approximately $1.5 billion in the programs under the jurisdiction of the Readiness Subcommittee. The largest area of savings—approximately $1.2 billion—is in the area of civilian personnel. These savings are available because the drawdown of DOD's civilian workforce in the current fiscal year has occurred much faster than DOD anticipated when they put their budget together last January. This entire $1.5 billion in savings was redirected by the committee toward high priority readiness programs.

We used almost $800 million of the savings to increase some of the high priority readiness areas that we identified in our hearings: depot maintenance; support for Marine Corps' operating tempo; real property maintenance; and recruiting.

Another $300 million of these savings went to high priority readiness and quality of life military construction projects.

The balance of the savings—approximately $400 million—was applied toward the cost of increasing the military pay raise next year from the 1.6 percent requested by DOD to 2.6 percent. In my view, this increased pay raise is important to maintain the morale and quality of life—and the readiness—of the men and women in the armed forces.

Mr. President, I want to reassure the Senate that the Readiness Subcommittee has continued to monitor the implementation problems with the Defense Business Operation Fund, or DBOF. This bill includes provisions to: Make permanent the authority to operate the DBOF, as GAO and DOD recommended; maintain the requirement for DOD and GAO to report on the implementation of the DBOF Management Improvement Plan; and address problems in the management of capital investment projects in the DBOF.

In addition, the bill continues the current cap on obligations from DBOF for purchases of new inventory at 65 percent of sales in fiscal year 1995. This cap was put in place 4 years ago in response to long-standing, pervasive problems in inventory management throughout the Defense Department.

Although some services indicated during our hearings that it was time to lift this cap, none of the services has asked the Secretary of Defense to use his authority to waive this cap in the current fiscal year. I am a little tired of the services complaining about this cap but refusing to provide any justification for removing it and refusing to ask for a waiver from the Secretary of Defense.

I even wrote Deputy Secretary Deutch after one of our hearings this year and urged him to grant a waiver from this cap if any of the services demonstrated that the cap was hurting readiness.

This year we have included a provision in the bill specifically addressing the problem of the services complaining to us about this limitation while refusing to ask the Secretary of Defense to waive it: within 60 days of enactment of this act, each of the military services will be required to report to the Secretary of Defense on the readiness impact of this cap. If the Secretary of Defense determines that the cap is hurting readiness, he can waive it.

We are not keeping the cap on just to be obstinate. We are keeping the cap on because for too many years inventory management received scant attention, and billions of dollars went into unneeded new procurement largely because the services didn't know what was already on the shelf, in spite of repeated requests to do something about it. We do believe there has been much improvement in inventory management, and hope it continues to the point where we can eliminate the 65-percent cap. For now, we retain the 65-percent cap with a DOD waiver where justified.

Mr. President, I want to take this opportunity to commend the Comptroller of the Defense Department, Dr. John Hamre, for his efforts to improve financial management in DOD. We have had hearing after hearing in the Governmental Affairs Committee and in the Armed Services Committee in past years that highlighted major weaknesses in DOD's financial management systems. John understands the importance of addressing these problems.

He has the strong support of Secretary Perry and Deputy Secretary Deutch, and he is consulting with GAO and with the Congress. There is a great deal of work to be done in this area, but John Hamre is doing an excellent job and I look forward to working closely with him in the future on these matters.

In the depot maintenance area, the bill includes a provision that would require DOD to continue the practice of

competing depot maintenance workload between DOD depots and between DOD depots and the private sector. Deputy Secretary Deutch issued a directive to the military services recently that canceled all public-public competitions—competitions between DOD depots and all public-private competitions—competitions in which DOD depots and the private sector compete, for depot maintenance workload.

The committee does not really understand why DOD is trying to eliminate competition for depot maintenance workload when GAO and DOD's own internal studies show that competition has saved money and made DOD depots and the private sector more efficient.

The bill also contains a provision to put the finances of the Armed Forces Retirement Home on a sound financial footing. Currently, the two retirement homes that make up the Armed Forces Retirement Home are financed with fines and forfeitures in the military services, a monthly assessment of 50 cents on all enlisted personnel and warrant officers, and residents' fees. As we reduce the size of the military services, these sources of funds are inadequate to support the operations of the home.

Based on the recommendation of DOD and the Armed Forces Retirement Home Board, we have given the Secretary of Defense the discretionary authority to increase the monthly assessment up to $2 over a 3-year period, and to raise the fees charged to residents of the home. At the same time, we have urged the Secretary to look at alternative methods of financing the operations of the home so that the full increase in the assessment will not be necessary.

Mr. President, I want to take a few minutes to talk about the committee's recommendations in the military construction portion of the bill. The bill makes some important changes which I recommended in the way the committee deals with military construction projects and with disposal of excess DOD property.

This year, in the final stages of preparing the fiscal year 1995 budget, OSD reduced the military construction accounts by approximately $1 billion to meet the final budget targets. As a result, the fiscal year 1995 military construction request is almost $1.1 billion below last year's level, a reduction of almost 15 percent in real terms. OSD officials told the committee that the only reason for this large reduction in military construction in fiscal year 1995 was the need "to absorb a departmentwide inflation increase" in fiscal year 1995.

All of the military services have complained this year that the sharp cut in military construction funding in the fiscal year 1995 budget would make it increasingly difficult to meet their facility modernization goals.

This year the committee received a large number of requests to authorize military construction projects that were not included in the Defense Department's budget, approximately $1.3 billion. For some time I have been concerned about the process of adding military construction projects to the budget. I know that Senator MCCAIN, the ranking minority member of the Readiness Subcommittee, shares my concerns on this point. We should not authorize any military construction project that does not meet a military requirement and is not needed by the military services, whether it is in the Pentagon's budget request or requested by a Member of Congress.

This year the committee adopted very stringent criteria for adding military construction projects to the budget. The committee reviewed each project proposed to be added to the budget request based on the following criteria: the project had to be consistent with past base closure actions; the project had to be a valid military requirement; the project had to be in the military service's current 5-year program; and the military service had to be able to execute the project in fiscal year 1995 if authorized.

Mr. President, every military construction project recommended as an addition to the fiscal year 1995 budget in the markup package meets these criteria.

Let me turn briefly now to the subject of land transfers.

For many years, Congress has authorized the Secretary of Defense and the Service Secretaries to transfer surplus DOD land or facilitate to specific recipients, generally State or local governments. The Armed Services Committee acted on these transfers on a case-by-case basis, after consulting with the Defense Department. However, these land transfers were never subjected to the Federal real estate disposal process run by GSA to make sure that there were not alternate Federal requirements outside of DOD for the land or facilities involved in these transactions.

This bill contains a provision that establishes expedited procedures for GSA to review all but one of the specific land transfers contained in this bill under which land would be turned over to a non-Federal entity. GSA will subject these transfers to screening for alternate Federal uses as well as State and local uses. This screening process must be concluded with 125 days after enactment of this bill.

I believe that this new process represents an important model for the future to ensure that conveyances of surplus DOD land and property are made in a way that fully protects the interests of the Federal Government as a whole and follows the general procedures for disposal of Federal property required of every other department of government.

Mr. President, the final issue I want to mention under the Readiness Subcommittee's jurisdiction involves the Fitzsimons Army Medical Center in Denver.

Two years ago Congress authorized the Army to construct a replacement hospital at Fitzsimons. The total cost of this 400-bed facility was $390 million, of which $32 million has been appropriated for design and site work. Earlier this year, DOD notified Congress of their decision to downsize this facility to a 200-bed hospital, which the DOD IG estimates would cost approximately $300 million.

In March of this year, the DOD IG issued a very strong report that found the construction of this new hospital was no longer justified for the following reasons: the new hospital was too expensive; the new hospital would serve only a small percentage of active duty personnel; the local civilian hospitals in the Denver area are underutilized; and other military medical facilities in the area could accommodate the active duty medical needs.

The DOD IG recommended the termination of this construction project, and the Acting Assistant Secretary of Defense for Health Affairs at the time agreed with the findings of the DOD IG.

At a time when we are reducing infrastructure throughout the Defense establishment, we need to find ways to eliminate marginal projects and programs. This new hospital clearly falls in that category. After careful review, the committee decided to follow the recommendation of the DOD IG, and this bill includes a provision that would terminate the construction authorization for a new hospital at the Fitzsimons Army Medical Center.

Now, Mr. President, I would like to turn to an issue that falls within the jurisdiction of the Governmental Affairs Committee and to which I object involving the issue of so-called "COLA equity."

In the process of marking up this bill, the Armed Services Committee voted 13 to 8 to recommend that a committee amendment be offered during floor consideration of this act that would equalize COLA dates for military and civil service retirees by moving the dates for military retiree COLA's forward and the dates for civil service COLA's back in each fiscal year from 1995 through 1998. Adoption of such a proposal, would completely rewrite last year's budget reconciliation bill by—in effect—increasing instructions to the Governmental Affairs Committee and decreasing instructions to the Senate Armed Services Committee.

I strongly support treating military retirees fairly. But the proposed committee amendment would be unprecedented in that it would rob one retirement system to pay for a completely different retirement system. I believe we have to find another way to approach this problem if we are to eliminate the difference in the way civil

service and military retiree COLA's are treated as a consequence of last year's budget reconciliation. I'm sure that we will have a full discussion of this issue when the committee amendment is offered and I will make more extensive comments at that time.

Mr. President, let me turn briefly now to some other major areas of this important bill.

Mr. President, I would also like to express my strong support for a provision contained in the bill that would restore an SR–71 surveillance aircraft contingency capability. The Committee recommended the authorization of $100 million in fiscal year 1995 for an SR–71 contingency capability, and directed the Defense Airborne Reconnaissance Office Program manager to report to the congressional defense and intelligence committees prior to the DOD authorization conference on his estimate of the costs and benefits of such a capability.

The primary rationale for the restoration of the SR–71 is the committee's concern about the adequacy of warning and surveillance capabilities on the Korean Peninsula.

As a member of both the Senate Select Committee on Intelligence as well as the Senate Armed Services Committee, I have always been a supporter of the SR–71. And I was strongly opposed to the Bush administration's decision to terminate further operations of this outstanding reconnaissance asset in fiscal year 1990.

Mr. President, the SR–71 was a proven reconnaissance asset that brought a truly unique capability to America's Intelligence Community. The SR–71 was a high-altitude, high-speed, long-range airborne reconnaissance platform that served our Nation well since it first flew in the mid-1960's. The SR–71 provided coverage on demand with little or no warning to the reconnaissance target; it was a highly flexible system.

Because it is the world's fastest and highest flying aircraft, the SR–71 is able to penetrate hostile territory with comparatively little vulnerability to attack unlike other reconnaissance platforms. This would make it particularly useful in crisis situations such as in a conflict on the Korean Peninsula. While opponents of the SR–71 used to argue that national technical means were capable of performing the same mission, these systems are far less flexible and survivable than the SR–71.

Mr. President, intelligence systems such as the SR–71 are the eyes and ears for our Nation's defense and are therefore true force multipliers. The decision to cancel the SR–71 was a grave mistake. I am delighted that the Senate Armed Services Committee is taking the lead in restoring this important capability.

I am also pleased that the committee bill fully funds the bomber program request. I have come to the Senate floor on many occasions in the past to fight to include funding for the B–1 bomber, the aircraft the Air Force now calls the "backbone" and "workhorse" of the bomber fleet. I am pleased that this program is receiving the full funding it needs.

On the other hand, I opposed the committee's initiative that provides $150 million to keep the B–2 production line ready to produce additional B–2's. I do not believe we need additional B–2's, and working with Senators LEVIN, LEAHY, COHEN and MCCAIN, I will move to eliminate that funding during this debate.

Mr. President, that concludes my general remarks on the bill. I would like to take one last minute to recognize the committee staff who worked so hard in this past year. I'd like to thank David Lyles, Madelyn Creedon, Julie Kemp, Frank Norton, and Shelley Gough of the committee staff. Their expertise and assistance have been invaluable to me.

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

Mr. WARNER. Mr. President, may I inquire of the Chair as to the time limitation for the Senator from Virginia?

The PRESIDING OFFICER. The 2 hours are to be equally divided.

Mr. WARNER. I thank the Chair. I shall yield to myself such time as I may require, and following that, I shall yield to my distinguished colleague, the senior Senator from Maryland [Mr. SARBANES], such time as he may require.

AMENDMENT NO. 2143

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for himself, Mr. SARBANES, Mr. HARKIN, Mr. COCHRAN, Mr. GORTON, Mr. D'AMATO, and Mr. BINGAMAN, proposes an amendment numbered 2143.

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

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

The amendment is as follows:

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

SEC. . ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

(c) LIMITATION.—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of $376,000,000 to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

Mr. WARNER. Mr. President, I know the Senator from Arizona [Mr. MCCAIN] likewise expressed an interest earlier this evening to address the body with respect to his interest in this legislation. Should he still be available, I assure him time will be available to him.

The 1993 budget reconciliation bill delayed the COLA's for Federal civil service retirees and for military retirees. But there was a clear distinction. We understand a COLA to be that adjustment to the monthly and, indeed, the cumulative annual return on retirements earned by both civil retirees and military retirees, to help them partially—underline partially—offset the hidden tax of inflation.

These men and women dedicated their careers, indeed, often the most productive years of their life, to public service of the United States of America. And in the case of military retirees, often much of that career was in farflung stations, posts, and ships throughout the world.

During my career in the Senate, I have fought to restore COLA cuts, and where full restoration could not be achieved, both for civil and military, then I have tried with others to protect the military retirees so that they would be treated the same as the civil and the entire class of retirees receive such equitable treatment as the Congress will accord them with respect to their COLA's.

But this time, Mr. President, in a very drastic manner, the military retirees were treated, in my judgment, very unfairly because of the disparity of their COLA adjustments with that of the civil service.

This amendment seeks to restore just part of that COLA in but 1 fiscal year. As much as I would like to correct it for the entire period of the fiscal year covered by the 1993 Budget Act, I have to recognize that that is not achievable. I confess with regret to the retirees that we cannot in this Congress at this time make that correction. So I set forth in this amendment that goal which I believe is achievable here and now in connection with this bill.

What we have done is establish in this amendment an equality between the COLA date for the civil service retiree and the COLA date for the military retiree absolutely the same.

The amendment would make the effective month, and that would be April 1995, for the COLA and again that would be the same effective date as now in the 1993 Budget Act for the civil service retiree.

The amendment treats both, as I say, the same for 1995. And to put it very simply that is being, in my judgment, simply fair—one word, "fair"—to both. These two classes of retirees should never be put in a position where they are competing head on for what is owed them legally in my respects and, indeed, in every respect morally for their service. That competition should never take place.

This amendment corrects the COLA disparity in the 1995 act and allows the administration and Congress time to resolve the outyear inequity. This is in line with the language in this year's budget resolution. If I may read that, it reads:

Recognizes the existing discrepancy between the cost-of-living delay schedule for the military and the civilian Federal retirees and urges the Department of Defense and other appropriate executive branch agencies to cooperate with Congress in identifying budgetary savings necessary to offset the costs of equalizing the delay schedules.

The House of Representatives, upon learning that I and the Senator from Maryland and others were going to introduce legislation like this, took into consideration what we intended to do and what we are doing tonight, and put the identical provision of this amendment in House legislation. So therefore, if this body supports this amendment, it will then go into our bill and be a nonconferenceable item at such time as the conference may take place.

I yield such time as my distinguished friend and colleague may need. I wish to express to my colleague from Maryland appreciation for his hard work. From the very first day that I indicated a desire to work on this, the Senator stepped forward to be a full and equal partner and I appreciate that.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Virginia for his very generous comments. I must say it has been a pleasure to work closely with him on this very important issue, and I have been pleased to be aligned with him throughout this effort.

Mr. President, I am very pleased to join with the distinguished Senator from Virginia in offering this amendment. It is a very simple amendment. It would shift the 1995 cost-of-living adjustment for military retirees forward from October 1 to April 1.

This problem arose because at the time the COLA schedules were adjusted pursuant to the budget resolution in fiscal 1994, different target dates were achieved within the Governmental Affairs Committee for civilian COLA's and in the Armed Services Committee for military COLA's. Both COLA's were delayed until April of 1994. So instead of being paid on January 1, as had been scheduled prior to last year's budget resolution, they were paid on April 1 of this year.

The first point I wish to make that a delay has taken place; a sacrifice has already been made by these retirees. It was made this year. However, when the authorizing committees scheduled the COLA for 1995 and beyond, the military COLA was delayed not until April 1, as was done with civilian retirees, but until October 1. We now are seeking for the next fiscal year only—which would give us some time to address the longer-range problem—to shift the military COLA forward from October 1 to April 1 and thereby reestablish equity with civilian retirees. It is to address this problem that Senator WARNER and I have joined in proposing this amendment which corresponds with legislation that we introduced earlier this year and which some 40 Members of this body have joined in cosponsoring.

As the distinguished Senator from Virginia has indicated, an identical measure has been included in the defense authorization bill passed by the other body with very strong bipartisan support.

Mr. President, the next point I wish to make is that retirement benefits are perhaps better viewed as deferred income. I think that needs to be clearly understood. Employers provide a compensation package for their employees, and one of the common elements of that package is retirement benefits. If no retirement benefits were provided, clearly the immediate payment to employees would be higher because I assume the argument would be that employees would then have to provide for their retirement out of their immediate earnings.

But this is not the usual practice. Rather, employers typically provide a retirement program. Some people participate, others do not. However, Federal retirement is best considered an earned benefit which represents the deferred compensation of the employee.

The second point with respect to the military is that retirement benefits are also used as a means to attract people into the military. The military is not unique in this regard. Many companies in the private sector highlight their retirement programs in recruiting employees. The Federal Government also holds out retirement benefits as an attraction to the Federal service.

It is also important to understand that the COLA adjustment is a catch-up adjustment. It does not put the employee ahead. It is an effort to catch up with increases in prices that have already occurred. It is designed to protect a retiree's pension from losing value over time. COLA's do not increase the value of the annuity but, rather, hold it constant against inflation. If we fail to make the COLA adjustments, we are consigning our retirees to a lesser standard of living. And it is for that reason that I have long been a strong supporter of COLA's, particularly for those who are already dependent upon them.

What happened in last year's budget process is that we severed a linkage between civilian and military COLA's which has existed for the past 25 years. Since 1969, military and Federal civilian retirees have received an identical COLA on the same date. With military recruitment in decline, career stability affected by force drawdown, and even more intense operational requirements on the remaining forces, I think it is very important that we not send the message that military retirees will receive disparate and unequal treatment. These benefits have been used to induce military members to complete full military careers, to stay in the service, and it really comes down to honoring commitments that have already been made. I assume later an argument is going to be raised between discretionary and mandatory spending, but, in my view, you have to look at your total resources and make a judgment as to the best application of them.

There are some who may say that the people affected by this have retired. They are no longer in the military. Therefore, cutting their retirement benefits does not affect the operations of the military. I believe that is a very shortsighted view. I submit that breaking these commitments will have an obvious impact on people still in the military who are considering sustaining that career, or people thinking of going into the military in order to make it a career. If they look beyond and say to themselves, what will happen to me at the end of my working life when I participate in the retirement program? And what sort of treatment will I then receive and what will happen to me in terms of meeting my needs and the needs of my family? If they ask these questions in light of the recent actions taken against their COLA's, they are, in my view, less likely to begin or sustain a career in military service.

Mr. WARNER. Mr. President, will the Senator yield on that point?

Mr. SARBANES. Certainly.

Mr. WARNER. That is a very important point. Although the COLA's are not written into a service person's contract, since 1963 COLA's have been

promised in nearly every military publication that discusses the military retirement system. Military retirees receive their COLA on April 1, 1994, and are scheduled to receive their next COLA on October 1, 1995.

Mr. SARBANES. That is right. So if it is included as part of the benefit package that is presented to people, then naturally there is a reliance placed upon it.

The military retirees are not saying they should not make any sacrifice. In fact, the amendment would shift their COLA forward. However, they would still be taking a delay in their COLA from what the law has heretofore provided. They would not receive it on the 1st of January, which has been the past practice. In fact, they would receive it, if our amendment is accepted, on the 1st of April. If this amendment is not accepted, the military retirees who just received a COLA adjustment on April 1, 1994, would not receive the next adjustment until the fall of 1995.

Of course, there are calculations of what this cumulative 5-year COLA delay that is now provided for would cost the average military retiree. It varies according to what their earnings have been as either an average enlisted retiree or an average retired officer. But, in any event, it is clear that an extra heavy, and I think therefore unjust, burden is being placed on our military retirees who have made significant sacrifices for their country in the course of serving in the military.

I think it is not the right message to send to active-duty personnel or people considering going into the military, that they are going to be treated this way in their retirement years. It has potentially serious implications for troop morale, as well as for recruitment and retention. In fact, as the Senator from Virginia pointed out, in numerous publications directed at military personnel, the mention of retirement benefits, and specifically annual COLA adjustments, is explicit.

This amendment offers us an opportunity to correct that for 1 year, for 1995, and shift the military COLA forward to April 1, thereby providing the protection against inflation which I believe our retirees are entitled to have.

Of course, there is a very strong coalition in support of this measure. They are not arguing that they make no COLA sacrifice. I think it is very important to underscore that. This is not an effort by military retirees to be held totally immune to making a sacrifice with respect to last year's budget package. Rather, this is an effort to bring military COLA's forward and thereby to put military retirees and civilian retirees on the same COLA schedule.

We may experience an effort to try to move the civilian COLA's back in order to move military COLA's forward. I, of course, am very much in opposition to that approach. In fact, all of the organizations of the military coalition that seek to move their COLA forward have taken a very strong and equitable position, much to their credit I would assert, on that particular issue.

So I join the distinguished Senator from Virginia in urging the adoption of this amendment. I believe it will correct an inequity that needs to be corrected. The opportunity is before us now to do this. I very much hope our colleagues will support this effort.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, I am supporting the correction of a gross inequity that directly affects the welfare of our Nation's military retirees. I have been involved for over a year now in attempting to fashion a much-needed solution to the inequity between the delays in cost of living adjustments (COLA's) for military and civil service retirees that resulted from the Omnibus Budget Reconciliation Act of 1993. Certainly, those men and women who dedicated their careers to the defense of this country deserve a resolution of this disparity, a disparity that has placed the well being of our military retirees below that of other Federal retirees.

Mr. President, resolving this disparity has not been easy. Military retired pay has been adjusted for inflation since 1963, with military and civilian retirees receiving COLA's of identical percentages on identical dates since 1969. Last year, however, the Budget Resolution adopted by the House of Representatives contained reconciliation instructions that assumed savings of $4 billion over 5 years from both military and civilian retirement. The Senate Budget Resolution contained no such instructions. However, in conference, the managers of the bill assumed $2.4 billion in savings from military retirement accounts, while only $350 million was provided from civilian retirement.

As the chairman of the Subcommittee on Force Requirements and Personnel of the Armed Services Committee I was saddled with finding a way to achieve these savings. Since we needed to find these savings from entitlement accounts we were presented with very few alternatives. The formula that had been presented by the report accompanying the House Budget Resolution was altogether unworkable. It called for one COLA formula for those under 62 and another formula for those over 62. There was discussion of providing half COLA's and a maximum COLA of $400 per year.

Instead, the Armed Services Committee achieved the required savings from military retirement by delaying the COLA's for military retirees for 3 months in 1994 and for 9 months in 1995, 1996, 1997, and 1998. The Governmental Affairs Committee, needing to meet much small spending targets, delayed COLA's for civil service retires by 3 months in 1994, 1995, and 1996 and did not delay COLA's at all in 1997 or 1998. This action left military retirees with a 6-month inequity in 1995 and 1996 and a 9-month inequity in 1997 and 1998. I maintained that this discrepancy was unjust and inequitable, and joined with my colleagues on the Armed Service Committee in recommending that this injustice be corrected in the Budget Reconciliation bill. No such action was taken last year.

Mr. President, the amendment offered by Senator WARNER would address the inequity between military and civilian retiree COLA's for fiscal year 1995 through the transfer of $376 million from Department of Defense funding to the military retirement trust fund. I believe this amendment to be identical to S. 1805, which was introduced by Senator WARNER this year and to a provision in H.R. 4301, the House version of the National Defense Authorization Act for fiscal year 1995.

I have strongly supported the thrust of Senator WARNER's amendment, but have been concerned about the transfer of funds from discretionary accounts to direct spending accounts. That is why I have examined a number of alternative methods of funding; including delaying civil service retirement COLA's to offset the cost of advancing military retirement COLA's and equalizing COLA's by adding to the deficit. I have come to the conclusion that these alternatives would also, in the end, be inequitable and unworkable. I say this because we should not try to aid one group while hurting another and must not further add to the deficit.

Mr. President, I support the Warner amendment because it provides the Senate with the best method available to provide equity between military and civilian retirees in fiscal year 1995. Furthermore, it is budget neutral and therefore does not violate the Budget Act. It is my sincere hope that in the future the executive branch will work with Congress to identify the necessary savings to offset the cost of equalizing the COLA's in 1996, 1997 and 1998 and thus, eliminating the need to revisit this issue again next year.

Mr. President, our military retirees provided the most productive years of their lives to the defense of this great nation—always prepared to give their lives to ensure the preservation of the freedoms that we enjoy as Americans. To treat them as second class Federal employees is nothing less than a failure to honor the debt that we owe these men and women. I urge my colleagues to join me in correcting this inequity and thereby honoring this obligation.

Mr. INOUYE. Mr. President, the amendment offered by the Senator from Virginia is one that I wish I could support. The Senator's amendment would advance the cost of living adjustment for our military retirees by 6

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months, making it available in April rather than October. The goal of the Senator is to have our military retirees receive the COLA adjustment at the same time as retired civil servants. The Senator argues that our military retirees should not be treated any differently than our civilian retirees, and I agree.

The problem with the amendment offered by the Senator is that it does not actually change the COLA, it merely would allow for the increase. Somebody else would have to pay for it. That somebody is the Senate Appropriations Committee—specifically, the DOD Appropriations Subcommittee.

As my colleagues are aware, COLA payments are part of the mandatory budget, and are the jurisdiction of authorizing committees. The appropriations committee has no budget allocation to pay for increased COLA's.

Had the Senator proposed to increase the COLA as an entitlement, then, despite the resulting increase in the deficit, I would have supported his amendment. Had the Senator proposed increasing the COLA by cutting another entitlement, then I may have been inclined to endorse his efforts.

However, the Senator's amendment does not provide for mandatory entitlement funding. The amendment allows for an increase, so long as the appropriations committee cuts defense programs to pay for it. This is not acceptable. The Senator knows that we have cut defense spending too deeply already. Adding additional requirements for COLA's would only exacerbate problems which have resulted from the sharp reductions in defense discretionary spending over the past 5 years.

In addition, I think all my colleagues should consider the precedent which would be set by the Warner amendment. This amendment would break down the barrier between entitlement and discretionary programs. It says that we should pay for unfunded entitlement increases by cutting discretionary spending.

Mr. President, many of my colleagues have spoken frequently on the floor on the need to hold down entitlement spending. It was not my impression that they meant to hold down mandatory payments for entitlements by using discretionary funds to pay these bills.

If we adopt this amendment today, tomorrow there will be—I predict—other very worthy unfunded entitlement programs that many Members will want to increase. Those proponents will turn to the appropriations committee to pay the bill.

Mr. President, discretionary spending is already too low to fund all of the discretionary requirements and legitimate interests of the Members of this body. I would urge my colleagues not to add unfunded mandatory payments to our list of necessary discretionary funding requirements. I suggest that all my colleagues consider these points and vote against this amendment.

Mr. GLENN. Mr. President, I rise today regarding the current inequity in the Cost-of-Living-Adjustment [COLA] delay schedules for military versus Federal civilian retirees. As chairman of the Committee on Governmental Affairs and joined in these views by Senator Roth, the Ranking Minority Member, we have long supported equity between the retirement systems of military and Federal civilian retirees.

However, there is one issue related to so-called COLA equity which we must object to. In the process of making up S. 2182, the Department of Defense Authorization Act, the Armed Services Committee voted 13 to 8 to recommend that a committee amendment be offered during floor consideration of this Act that would equalize COLA dates for military and civil service retirees by moving the dates for military retiree COLA's forward and the dates for civil service COLA's back in each fiscal year from 1995 through 1998.

Adoption of such a proposal, would completely rewrite last year's budget reconciliation bill by—in effect—increasing instructions to the Governmental Affairs Committee and decreasing instructions to the Senate Armed Services Committee.

Such an amendment would be unprecedented. Robbing one retirement system to pay for another retirement system is simply wrong. To propose increasing military retiree COLA's at the expense of civilian retiree COLA's is not equitable.

If we are to correct the COLA inequity between military and Federal civilian retirees, we believe that the proper course of action is that suggested by Senators JOHN WARNER and PAUL SARBANES. The Federal and military committees are unanimous in their opposition to Senator NUNN'S proposal, or any alternative that would provide COLA's to one group of retirees at the expense of another. This is why military, Federal employee and postal associations and unions are supporting the Warner/Sarbanes amendment. Attached is a list of these groups. The Warner/Sarbanes amendment would rectify the COLA disparity in 1995 by shifting the COLA for military retirees to April through a reduction in the nonreadiness accounts in the defense budget. As you may know, the Warner/Sarbanes amendment was included in the House-passed DOD reauthorization bill.

For many years, Social Security, the civil service, and the military retirement systems have used the same adjustments for inflation. Last year's budget reconciliation bill changed COLA's for Federal civilian retirees in one way and military in another. Social Security was left untouched. We have consistently supported equitable COLA treatment between the three systems, and we favor raising the COLA for military retirees. However, we do not believe that the proposal being recommended by the distinguished chairman of the Armed Services Committee is the appropriate solution to COLA equity. In the interest of restoring equity and fairness, we urge you to support the Warner/Sarbanes amendment.

FEDERAL CIVILIAN AND MILITARY ORGANIZATIONS THAT OPPOSE THE NUNN SUBSTITUTE OR ANY AMENDMENT THAT WILL REDUCE CIVILIAN COLA'S

The Retired Officers Association.
Non Commissioned Officers Association.
Air Force Sergeants Association.
National Association for Uniformed Services.
The Retired Enlisted Association.
Enlisted Association of the National Guard Association of the U.S.
Marine Corps Reserve Officers Association.
National Military Family Association.
Commissioned Officers Association.
Marine Corps League.
CWO and WO Association, U.S. Coast Guard.
Jewish War Veterans of the U.S.
United Armed Forces Association.
Naval Enlisted Reserve Association.
Navy League of the U.S.
The Military Chaplains Association.
U.S. Army Warrant Officers Association.
U.S. Coast Guard CPO Association.
National Guard Association of the U.S.
Naval Reserve Association.
Reserve Officers Association.
Air Force Association.
Association of Military Surgeons.
Fleet Reserve Association.
Association of the U.S. Army.
American Federation of Government Employees.
American Federation of State, County and Municipal Employees, AFL-CIO.
American Postal Workers Union.
Federal Managers Association.
International Association of Fire Fighters.
National Postal Mailhandlers Union.
National Association of Letter Carriers.
National Association of Postal Supervisors.
National Association of Postmasters of the United States.
National Association of Retired Federal Employees.
National Federation of Federal Employees.
National Rural Letter Carriers Association.
National Treasury Employees Union.
Senior Executives Association.

Mr. WARNER. Mr. President, I yield such time as I may require.

I thank my distinguished colleague. He pointed out the importance to the men and women on active duty today. Here is a publication entitled "Wifeline," which helps families. This is the Chief of Naval Operations addressing the active duty, and pointing out the importance of the career retention program, and how the COLA's are instrumental in the career retention program.

I would just like to read from another military publication entitled "Retirement: Family Matter."

The purpose of the retired person's cost-of-living adjustment is to maintain military retirees' purchasing

power. In other words, military retirees should be able to buy the same amount of goods and services in the future as when they retire; no more, no less. Cost-of-living adjustments are the mechanisms used to accomplish this.

Mr. SARBANES. Mr. President, will the Senator yield on that?

Mr. WARNER. Yes.

Mr. SARBANES. I want to point out that the COLA adjustment is made at the end of the time period during which prices are rising. So, for the period of time before the COLA adjustment is made, the retiree is absorbing those price increases. COLA's never put them ahead. In strict terms, the COLA adjustment does not even hold them even, since the adjustment comes at the end of the period during which prices had already risen.

Therefore, retirees must absorb out of their existing retirement pay the increase in prices that takes place until they actually receive their COLA adjustment.

To that extent, they are making even that much more of a sacrifice over time. We provide our retirees with a COLA to bring their purchasing power back up. But they never get ahead of the game. That is very important to understand.

Mr. WARNER. Mr. President, the Senator is quite correct. To be precise, they get nothing in January, nothing in February or March. It is not until April when they begin to get a very modest—2.6 percent in the current rate—a very modest compensation for a lifetime in their most productive years.

It is my hope and expectation that the Senate will accept this amendment.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Virginia yield his time?

Mr. WARNER. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. For what purpose does the Senator from Georgia rise?

Mr. NUNN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NUNN. Mr. President, it is a late hour of the night to be debating this issue. I am not under any illusion that our colleagues are all around the television sets beaming in on C–SPAN in anticipation of what we are going to say next. I hope there are a few people listening. Perhaps I do not want too many people listening because I am on the unpopular side of this debate. I doubt if there are many constituents out there who are interested in this issue except the ones who are going to benefit by the Warner amendment, the military retiree community that would benefit. I agree with the Senator from Virginia that this problem needs to be solved. But the Warner amendment involves more than just COLA equity.

Mr. President, this simple-sounding amendment is really a direct cut to the defense budget. It does not address the COLA equity problem after 1995. And it would set what I think is a very dangerous and unfortunate precedent of bypassing the pay-as-you-go system by raiding discretionary spending programs to fund entitlement programs.

Mr. President, I support the goal of my friend from Virginia, which is to ensure that military retirees are treated fairly. But I believe the method proposed in the amendment by the Senator from Virginia and the Senator from Maryland is so seriously flawed that its cure is worse than the disease.

But, Mr. President, I think the military retirement community has not been told by their representatives, the people who are here in Washington, that this money is coming directly out of the defense budget. So we are curing one problem, and it is an inequity. I do not think there should be a disparity between military retirement COLA's and civilian COLA's. They ought to all be the same. From my point of view, all COLA's ought to be the same. If we are going to reduce one, we ought to reduce them all. If we are going to make one whole, we ought to basically take care of them all.

But what the military retirees out there that are corresponding with me do not really recognize, until I write them and then they recognize it, is that this money is coming right out of the defense budget. And because of the outlay implications of this cut in the defense budget to restore COLA equity, it is going to have to come out of, in all likelihood, military readiness.

So I do not think anybody should make any mistake about it. In order to correct an inequity, in my view, this cure is worse than the disease. We cannot afford to continue to bleed the military budget. This is a direct cut in the defense budget.

I share the view of my colleagues from Maryland and Virginia on the inequity here. I will not rebut anything they have said, because they are essentially correct that the civil service retirement has not been treated the same as the military retirement, and they ought to be treated the same. The inequity is there and there is no denying that. I wish it had not happened. Our committee warned last year it was going to happen, but at that stage we could not get anyone's attention, and it appeared there was no other way to carry out our responsibilities. We have only one little tiny bit of so-called mandatory accounts in our whole jurisdiction.

We were mandated by the budget resolution to make a cut that amounts to about $2 billion over 4 years. We had nowhere else to get it. It had to come out of the mandatory jurisdiction —not the 050 function; it had to come out of the function 600 budget. We worked with the military retirement community, and they worked cooperatively. They did not want to be treated inequitably, and we worked with them. Instead of cutting more out of people retiring before age 62, we chose a way so it would be across the board. Of course, they do not like what happened, and that is the realization that they are being treated differently from civil service retirees.

WHAT IS THE DISCREPANCY?

Mr. President, the COLA equity problem was created by the fiscal year 1994 budget resolution and the Omnibus Budget Reconciliation Act of 1993.

The conference report on the concurrent resolution on the budget for fiscal year 1994 contained reconciliation instructions requiring savings in both military and civil service retirement. To carry out these reconciliation instructions, the budget resolution assigned deficit reduction targets for military retirement to the Armed Services Committee, and deficit reduction targets for civil service retirement to the Governmental Affairs Committee.

The Armed Services Committee achieved our required savings from military retirement by delaying COLA's for military retirees for 3 months in 1994 and for 9 months in 1995, 1996, 1997, and 1998. The total 5-year savings from military retirement was $2.358 billion.

COLA's for civil service retirees were only delayed by 3 months for 1994, 1995, and 1996 and were not delayed at all in 1997 or 1998. The total 5-year savings from delaying civil service retirement COLA's was $788 million. This was twice the amount that had been assumed in the Budget Resolution, but only one-third the amount of savings required from military retirement, even though annual civil service retirement outlays exceed military retirement outlays.

The result is that the Omnibus Budget Reconciliation Act of 1993 delays COLA's for military retirees for 6 months beyond the date on which civil service retiree COLA's are paid in 1995 and 1996. In 1997 and 1998, the additional delay for military retirees grows to 9 months. In 1999, both military and civil service COLA's will once again be paid in January.

Before this 1993 act, permanent law called for COLA's to be paid to military and civil service retirees on January 1 of each year. Military and civil service retirees have received COLA's of identical percentages on identical dates since 1969.

The discrepancy in COLA delays in the Reconciliation Act does not result from the failure of any committee of jurisdiction to achieve its deficit reduction target. The discrepancy was inherent in the targets themselves.

HOW DID THIS DISCREPANCY COME ABOUT?

There appears to be some confusion about how this discrepancy was created. An article in the Washington Post of June 22 stated that "The Problem has its roots in a decision by Congress last year to halve the cost-of-living increases for federal civilian and military pensioners under age 62."

Mr. President, this is not correct. Congress never decided to reduce COLA's for retirees under 62 and exempt retirees over 62. In fact, when presented with instructions to save money from military and civil service retirement, all four committees of jurisdiction, and the Congress as a whole in the reconciliation bill, decided exactly the opposite. We decided to apply one COLA delay to all civil service retirees, regardless of age, and one COLA delay policy to all military retirees, regardless of age.

Unfortunately, as we all know, the problem was the delay for civil service retirees was not the same as the delay for military retirees. The reason for this goes back to the assumptions the Budget Committees made in setting the numbers.

The whole idea of COLA reductions originated in the House Budget Committee last year. The House version of the fiscal year 1994 budget resolution assumed equal savings of $4 billion over 5 years from military retirement and $4 billion from civil service retirement. The report language accompanying the House budget resolution was the only place where any assumptions about how savings in COLA's would be achieved were stated in any budget resolution last year. These assumptions were basically to give COLA's equal to one-half the inflation rate to retirees under 62, and COLA's 1 percentage point below the inflation rate to retirees over age 62.

This was the House Budget Committee assumption—not to make savings only from retirees under 62, but to require savings from all retirees. The Senate version of the fiscal year 1994 budget resolution had no such provision on COLA savings—none whatsoever.

Now when the conference report came to the Senate, the compromise between the House version with COLA savings and the Senate version with no COLA savings was to come out in between. The budget resolution conference required COLA savings of about one-third the amount the House had originally proposed.

This kind of thing happens on almost any bill. There is a provision in one bill but not the other, you go to conference, it comes out somewhere in the middle, it's one item among a large number of provisions in a non-amendable conference report that you have to vote up or down on taking it as a whole.

That's how this COLA discrepancy came about, Mr. President. The first and only time the Senate had a chance to vote on saving money from COLA's was as one item in the entire nonamendable conference report on the fiscal year 1994 budget resolution.

And this conference report did not contain one word about how these savings would be made—that's not what budget resolutions do. The conference report merely stated how much money had to be saved. Neither the bill language nor the report made any statement that it was congressional policy to make the savings from retirees over 62 or retirees under 62 or anything else. So it is incorrect to say Congress "decided" to make savings only from retirees under 62.

That may be what the budget committees assumed. But Congress never specifically endorsed differential treatment of retirees based on their age. Nor did the budget resolution endorse treating military retirees worse than civil service retirees.

What the budget resolution conference did say was that the savings expected from military retirement COLA's were now assumed to be greater than the savings from civil service COLA's. That numerical difference is consistent with a policy of taking all the savings from retirees under 62, since more military retirees than civilian retirees are under 62.

When it got the reconciliation process where the actual legislation was written to achieve the savings, the Congress rejected the policy, the assumption, of treating retirees differently based on their age. But rejecting that assumption did nothing to change the inequality of the savings required from military and civil service retiree COLA's. That is how we ended up with the unequal delays, Mr. President.

The Armed Services Committee recognized this discrepancy last year and recommended that the Congress correct this inequity. In our report of June 10, 1993, transmitting our legislation to delay military retirement COLA's to the Budget Committee, the committee stated:

> The members of the Armed Services Committee are concerned that the required reductions in military retirement spending will result in greater COLA delays for military retirees than for other federal retirees. COLA equity for all federal retirees should be a basic principle and we urge the full Senate and the conferees on the Reconciliation Bill to take this into consideration.

Unfortunately, no such correction was made last year, which is why we are here today debating this issue.

I am not going to talk a lot about it tonight, but there is another alternative to the Warner amendment, and perhaps it is even more unpopular than leaving the situation at the status quo. We will have to make that judgment before we vote. I will have an amendment, and I will decide after we see the vote on the Warner amendment whether to push that amendment to a vote or not. I would like to cure the problem by equalizing civil service and military retirement, so there is equal sacrifice on both accounts, rather than taking it out of the defense budget.

If the Warner amendment passes, though, I see no need to propose that amendment, because the Senate will have spoken, and it will have taken basically what is an entitlement cut from last year and made it whole out of a discretionary account. That, to me, is not only a mistake, but it is setting a very dangerous precedent. One thing about military retirees, they are the most patriotic people in the United States, in my view, without disparaging any other group. They have dedicated their lives to the security of our Nation, and they have risked their lives for the security of our Nation, and they have sacrificed family time over the years for the security of our Nation, and they have served in remote locations, and they have served in periods of war, and they have served in periods of grave danger, and they have indeed enabled our Nation to remain free.

The one thing that I think most of them would agree with is that they would rather continue to make sacrifices, if required, than to deplete the readiness of our military forces to fight a war today. Yet, in their name, in good faith, the readiness of the U.S. military forces, if this amendment passes, is going to be decreased because of this restoration of what is a mandatory program out of a discretionary account.

I must add this also: It is not the intent of the authors of this amendment, but it will be here as a precedent, if we get into a squeeze on the health care budget, if people are having to take cuts there. As the occupant of the chair knows, the entitlement programs are growing like mad in this overall budget, and I am going to show a chart on that. This is the precedent, make no mistake about it. We will have set precedent for the first time, as far as I know, that you can take an entitlement program and make it whole, or add to it, or prevent it from being depleted, by taking discretionary funds.

The problem with our budget situation now is that the entitlement programs are eating up the overall Federal budget. I would like for my staff, if they would, to bring a chart in on the entitlement programs, because it shows very vividly what has happened.

What we really ought to be doing is restraining the growth of entitlement programs. It is not the military or civil service retirement that is causing the main problem. Everyone ought to be aware of what is on this chart. This is basically the heart of our fiscal problem, and we are going to make it worse. Mr. President, this chart represents the difference between the cumulative spending over the previous 5

years and what we are going to spend over the next 5 years. This shows it very vividly. This is the zero line. This would mean—if you were on the zero line—there is no difference in the future 5 years, from the previous 5 years. Here is what is happening. The defense budget of the United States, which is being cut by this amendment, is going down $190 billion compared to the previous 5-year period. This is the only part of our budget going down. These are actual dollars.

The domestic discretionary accounts are going up $250 billion over the next 5 years compared to the previous 5 years. Social Security is going up about $440 billion. That is funded by the Social Security taxes, and so this is not increasing the deficit; this is more than funded. In future years we are going to have big problems with this account; after people leave from here and are sitting back and pointing their fingers at someone else, that is when we are going to have problems on that account. Right now it is in surplus.

Health care, which we are debating now, over the next 5 years compared to the previous 5 years—and this is just the increase, not the total—it is going up almost $800 billion. Other entitlement programs—and this gets into the civil service retirement, military retirement, and it also has other accounts in it, food stamps are in that account, and there are a number of other accounts. This is going up approximately $100 billion.

Remember, defense and foreign affairs is going down $190 billion. And then this is just a coincidence, but it tells us what our problem is in this country. Interest on the debt in the next 5 years goes up by $190 billion. It just so happens that is the same number as defense is going down. People ask where the peace dividend is going, and you can wipe it out right here, an increase of $190 billion in interest on debt, and a decrease of $190 billion in defense. This amendment is not the main problem we have. I do not want to pretend that it is. I say that what we are doing here is decreasing the defense line more, and we are increasing entitlement spending, or at least making it whole.

So what is happening is we are taking the part of the budget that is basically being eroded very rapidly—some of it for good reason because the world situation has changed. But in my opinion we are going much too far and too fast in our defense cuts. This amendment is going to make it worse.

Mr. President, everything the Senator from Virginia said about the equity of the situation, I agree with. Sometimes, however, you have to recognize that sometimes in trying to cure a problem, the way you cure it can make the situation in other areas worse.

The delay—I will not go into tonight as to why it happened, but I will say that our committee had no choice whatsoever but to cut military retirement. I think the Senator from Virginia would agree with that. We had no other place to get the money under the mandate of the Budget Committee last year. So we recommended the delay in COLA because that was the only choice we had.

Mr. President, the defense budget is discretionary spending. It must fit within the discretionary caps. Military retirement is not part of the defense budget. It is not part of the 050 function. It is under function 600, military retirement, what we call mandatory or entitlement spending. Unless the law is changed, it goes up every year; it is automatic. It is not in a pot the appropriators make decisions on. It is in the income security function of the budget; as I mentioned, it is function 600 of the budget. Under the rules of the Budget Enforcement Act, increases or decreases in military retirement are supposed to operate under the pay-as-you-go system as with any other entitlement program.

Military retirement has nothing more to do with the defense budget than the retired pay of civil servants does with the budgets of their former agencies. The Warner amendment proposes to start mixing the funding of discretionary programs constrained by the discretionary caps with the funding for mandatory programs which are under the pay-as-you-go system.

Mr. President, there is another alternative here, and again, I do not know whether we will vote on it or not; but we would have an alternative of taking the overall cut that had been required last year and equalizing it between the civil service retirees and the military retirees so everybody is on one playing field.

That means the civil servants who are retired would sacrifice some more. They would have a little less increase in their COLA over the next few years because of this approach, and the military people would be better off than they are now under the current law, because of last year's restraint on COLA's. But they would certainly still be making some sacrifice.

If you did it that way, the total amount of the average military retiree's cut over the next 4 or 5 years would be about $650 instead of about $1,300 under the current law.

Each civil service retiree's average sacrifice would be about $650 spread over 4 years. We are not talking about a huge amount of money, although I know to some people it represents a very substantial amount.

That is another alternative. As I said, I am going to have to decide whether to propose that if the Warner amendment passes. Frankly, I see no need to propose it. I think everyone here who votes tomorrow ought to be aware of the issue. I hope everyone recognizes the implication of what this is going to do.

The Senator from West Virginia, Senator BYRD, will be making a very brief talk tomorrow morning. He is going to make it abundantly clear that this money is going to have to come out of the defense budget. There is no place else from which it is going to come. It is going to come out of the defense budget. As chairman of the Appropriations Committee, he is going to say that the appropriators will decide this. I think my friend from West Virginia will answer this question. This money is subject to approval. This does not cure the problem unless there is an appropriations bill that funds it.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. NUNN. Mr. President, let me just give the people who may be interested in this a little rundown on the implications of the Warner amendment. I also want to make it clear this solves the COLA inequity problem for only 1 year. This does not take care of the next 3 years. If you take care of those, you are going to have to cut the defense budget $2.1 billion. If you take care of all the inequity problems it is $2.1 billion.

So the numbers I am dealing with now only represent this year's cut in the defense budget, which is $376 million. I am talking about $376 million in this amendment for this year. But make no mistake, that axe is going to have to be $2.2 billion if we are going to cure this inequity problem over the next 3 or 4 years.

In my opinion, in addition to all the other problems in the defense budget, this would be a serious blow. I believe tomorrow we will be hearing from the Department of Defense. I am not going to speak for them, and I never presume to make announcements on what they are going to say unless I actually see the letter and see the signatures. I think we will hear from the Defense Department on this.

We do have a letter from Mr. Leon Panetta, the Director of the Office of Management and Budget. Basically, he makes a couple of points in opposition to this Warner amendment. He says: First, the amendment would create a loophole in the budget process of ensuring discipline and reducing deficits. The Warner amendment will create a dangerous precedent by financing increased entitlement spending by cutting discretionary programs.

In effect, the Warner amendment will undermine the basic pay-as-you-go precept of mandatory payments. Pay as you go means if you increase one mandatory program, you have to decrease another.

We have that system, and it has helped restrain the growth in entitlement programs.

This undermines pay as you go because this is not another entitlement account paying for this, it is a discretionary defense account.

Mr. Panetta goes on to say that the Warner amendment, no matter how well-intentioned, reduces resources currently budgeted for high priority defense programs. He then says that the President cannot support cuts in the defense program of this magnitude no matter how deserving the cause.

I repeat. That is a deserving cause. The question is whether we are going to do harm that will outweigh the benefits of the cure.

I think we ought to think through just a moment, and then I will yield back some of my time and be prepared to answer questions: Where are we going to pay for this? How are we going to pay for it?

THE WARNER AMENDMENT MEANS FURTHER DEFENSE CUTS

The amendment proposed by the Senator from Virginia and the Senator from Maryland adds $376 million to the cost of this bill. It is not paid for. The Dear Colleague letter that the Senators from Virginia and Maryland sent out states their intention to cut nonreadiness defense funding. Yet this amendment does not identify one dime of those cuts. If they know where these cuts are coming from, they are keeping it a secret. Of course their amendment looks easy to vote for. It promises COLA equity with no pain. Nothing is being cut in this amendment to pay for it.

What would you have to do to get these cuts?

Does the Senate favor cutting $400 million from the personnel accounts? Are we in favor of laying people off in the active duty military forces or the active duty civilians in the military?

I know that is not what the Senator from Virginia wants. I doubt seriously that is what the Senator from Maryland wants.

Do we want to do it by reducing military pay? We have a 2.6-percent military pay raise in this bill. We could cut the pay raise back to 1.7 percent to pay for this amendment, but we would have to do the same thing for military pay next year, and the year after, and the year after, to be able to do that.

I doubt seriously either of the Senators proposing this amendment want to cut military pay. I doubt very seriously if they want to lay off military or civilian employees.

So let us look at the alternatives. If we do not cut personnel, if we do not cut pay, does the Senate favor cutting $500 million from the operating accounts? That is what it would take, since you do not spend out at the same rate in the operating accounts as you do in this COLA. O&M money is spent out a little slower than a COLA payment, so in order to make this kind of outlay cut in what we call readiness you have to cut about $500 million from O&M. It takes $500 million in readiness cuts to offset the $376 million in outlays of COLA compensation; the reason being the operating account spends a little slower.

That would cut the number of flying hours, the number of steaming hours, it would cut depot maintenance, and real property maintenance.

The Senator from Virginia is alert, perhaps more than anybody in our committee, to maintaining military readiness going back to the 1970's. I doubt seriously he would want to cut military readiness.

So my assumption is that neither the authors of this amendment nor the Senators who sponsored it, nor the Senators who are going to vote for it, want to reduce force structure. They do not want to lay people off. They do not want to reduce pay. They do not want to deplete readiness.

Where else can we go to get the money?

We could cut it out of something like environmental restoration. I doubt very seriously if the Senator from Maryland would want to cut it out of the environmental cleanup fund.

What about the research and development account? It would take $800 million in cuts to pay for this $376 million amendment.

The reason for that is because the R&D accounts spend out over 2 or 3 years. In order to offset this, which we would have to do in defense, you need to offset the outlays actually spent in 1 year. This $376 million is all spent in 1 year, so you would have to cut $800 million out of R&D.

I doubt very seriously if those who favor this amendment favor cutting that much from research.

Then we get down to procurement. What will it take in order to pay for this $376 million if we cut it out of procurement? As far as I know, that is about all that is left. You have pay; you have operation and maintenance; you have force structure; you have research and development; you have procurement.

To take it out of procurement really has a big effect, because the procurement account spends out slowly. To get $376 million in outlays out of the procurement account, which you would have to do just to pay for the 1995 COLA, not talking about what is going to happen in 1996, 1997, and 1998—because if we adopt this amendment now we will have to do it again for the next 3 years—we would have to cancel the aircraft carrier, the CVN–76. We would have to cancel the Navy F–18 fighter. We would have to kill the D–5 missile, eliminate the LMD amphibious ship—that may be done any way. We are not through with that. That may have to be done by tomorrow because we have the Sealift money coming back in. We would have to eliminate all these programs as well as eliminate all Guard and Reserve procurement from this bill.

So that all has to be done—that is not either/or—if we tried to offset this $376 million from procurement. We could find other ways of doing it. This is one hypothetical example. I think it is representative and a fair example. That is $8.7 billion worth of budget authority cuts in order to get this $376 million.

Mr. President, this is just the cost of 1995. We would have to cut somewhere in that neighborhood in procurement every year. I doubt if we would take it all out of procurement. We probably would not take it all out of any of these accounts. We would probably find some way to spread it around. But there is no way you can do this without cutting defense and harming the defense budget.

The Senate of the United States does not have to face these questions when we vote tomorrow. The Appropriations Committee will have to face these questions before the year is over. And the Senate of the United States will have set in motion an inevitability—an inevitability—of defense cuts of a very serious nature. Most importantly, our military forces in the field will have to live with the effects of our decision for a long time to come.

Mr. President, I know military retirees probably about as well as I know any group in this country. I think they are, as they should be, conscious of what their own benefits are and what their own basic rights are and what their expectations are.

But I also know military retirees well enough to believe that most of them—not all, but I believe a majority of them, a substantial majority—do not want to weaken the defenses of this country. They spent their entire lives sacrificing for this country, and I do not believe they really want to see defense cuts coming in order to make up this inequity.

They have been told by their representatives—and I am not talking about the Senator from Virginia and the Senator from Maryland; I am talking about the representative organizations—they have been told this can be done out of the defense budget; in effect, it is a free ride.

Mr. President, that is wrong. They have been misled. In some cases, they have been misled by people who do not know any better, but in other cases they have been misled by people who should know better. I will be very prudent with my words.

I would like to remind my colleagues that President Clinton, in his State of the Union addressed this January, told us,

Nothing, nothing is more important to our security, than our Nation's Armed Forces . . . This year, many people urged me to cut our defense spending further to pay for other

government programs. I said no . . . We must not cut defense further. I hope the Congress, without regard to party, will support that position.

The President said we should not cut defense further. He did not say "except if it's to fund an entitlement program." I would say to all my colleagues who are concerned that we are cutting defense too deeply, that we are already seeding some ragged edges in readiness. If we vote here on this floor today to start funding entitlements out of the defense budget, we won't need a special panel to tell us a few years from now how we got a hollow military.

Mr. President, the most serious implication of this, however, is not what happens this year; that will be serious—but what happens next year and the year after and the year after. But even more than this $2 billion, if we make this mistake—and it will be a mistake and in my view we are going to make it; I think the votes are probably going to be here to pass this amendment—if we make this mistake, how are we going to deal with entitlement programs in the future?

What is going to happen when someone comes in and proposes a Medicare amendment and says that we cut in the health reform bill or in last year's reconciliation bill too much out of Medicare or too much out of Medicaid or too much out of farm support prices or too much out of food stamps? And how can we possibly avoid taking it out of defense?

This is creating a precedent of avoiding, or restoring, entitlement cuts by taking it out of the defense budget. If this amendment passes, this will haunt us for a long time to come.

Because there are people in this body—not the people here tonight; probably no one is even listening tonight—but there will be people on this floor of the Senate within 2 years that will be after the defense budget to fund other entitlements.

I go back to the chart, Mr. President. The problem in our fiscal picture in this country is not the discretionary accounts, although there is waste and abuse and fraud there like everywhere else, and it can be trimmed and it can be cut. The problem is in entitlement growth.

But what this amendment does is take money from defense, which is coming down, and put it over into entitlement accounts, which are going up.

So, as worthy as the cause is, I have to, in good conscience, oppose this amendment. I wish I did not. I doubt very seriously if I will get a single letter, maybe one; maybe there is somebody out there that will write and say thank you for opposing this amendment. I suspect I will get several thousand that say we do not understand why you opposed our COLA.

But, Mr. President, at some point somebody has to say what is happening to our national security and our defense—not today, not tomorrow, not next week. We are still a strong country, stronger than any in the world. But you cannot keep doing things like this without paying a price. And we are going to pay the price. It is inevitable.

CONCLUSION

Mr. President, the Warner amendment promises COLA equity, but it does not deliver on that promise. We have 4-year problem. The Warner amendment only attempts to solve that problem for 1 year.

The Warner amendment does not guarantee COLA equity, even in 1995, for a single military retiree. It says there will be COLA equity if the Appropriations Committee can find the money to pay for it. But the Senator's amendment has not such offsets. This amendment tells the Appropriation Committee to go find the money to pay for this benefit, without asking the Senate to face up to finding these offsets.

Ultimately this amendment will lead to cutting the defense budget to pay for retirement benefits, despite the President's request to Congress to hold the line on further defense cuts, and despite the concern that I and many of my colleagues in both the House and Senate have that the current 5-year defense plan is already underfunded.

The Warner amendment undermines the budget process by providing an escape hatch from the pay-as-you-go system. As a result, it puts all discretionary spending programs, not just defense, at risk. If we adopt this amendment, the Senate will be setting a precedent whereby any entitlement program can be increase as a discretionary program, without adhering to the pay-as-you-go rules, simply by offering floor amendments to appropriation bills.

We all agree that the current COLA inequity is a problem. But the Warner amendment is not the right way to solve this problem. The Congress has already established a pay-as-you-go process to deal with situations like this. We should be willing to live within the rules we have set. I urge my colleague to reject the Warner amendment.

Mr. President, I ask unanimous consent that a letter from the Office of Management and Budget Director Leon Panetta be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 29, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Service, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the defense authorization bill passed by the House on June 9 contained a provision that would adjust the effective date for cost-of-living adjustments (COLA's) for military retirees to the same date as for civilian retirees. We understand that your committee considered this issue during your markup of the authorization bill, and that Senator Warner intends to offer a similar amendment on the floor of the Senate during consideration of your bill. I am writing to let you know that the Administration does not support the Warner amendment.

We fully recognize the inequity—created by congressional action last year—of the current situation where cost-of-living adjustment for military retirees lag similar adjustments for civilian employees. The Warner amendment is unacceptable, however, for two reasons. First, the amendment would create a loophole in the basic process insuring discipline in reducing deficits. Current budget guidelines require increases in so-called mandatory spending to be offset by cuts in comparable mandatory accounts. The Warner amendment would create a dangerous precedent by financing increases in entitlements through cuts in discretionary programs. In effect, the Warner amendment undermines the basic "pay as you go" precept for mandatory spending. If enacted, this amendment would open wide the defense budget and other discretionary funds to finance politically-popular entitlement programs.

Second, as you know well, the President has insisted that the defense budget not be cut further. The Warner amendment, no matter how well intentioned would reduce resources currently budgeted for high priority defense programs. Moreover, since the Warner amendment would involve $375 million in outlays, this would necessitate offsetting cuts of $500 million in readiness-related O&M funding, or as much as $2 billion in procurement if readiness funding is to be insulated from the effects of the amendment. The President cannot support cuts in his defense program of that magnitude, no matter how deserving the cause.

For these two reasons, I request your support in defeating the Warner amendment.

Sincerely,

LEON PANETTA,
Director.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Virginia.

Mr. WARNER. How much time does the Senator from Virginia have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 38 minutes 51 seconds.

Mr. WARNER. Mr. President, I do not intend to take that much time.

Does the distinguished Senator from Maryland desire any additional time?

Mr. SARBANES. Yes.

Mr. WARNER. Would he kindly indicate the amount he would like?

Mr. SARBANES. Five or ten minutes.

Mr. WARNER. I yield such time as the Senator from Maryland might require.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I just want to point out a couple of things.

I understand the litany of horror stories that the distinguished Senator from Georgia has laid before us. I was particularly interested in his apprehension about the far-reaching effects of

rectifying the COLA problem. But I want to make one point.

What this amendment is addressed to is intimately related with the defense program. The basic premise on which we are proceeding is that retirement for military people has a direct relationship to the military program.

First of all, these are people who have made the military program work in the past. The country has some obligation to them as a consequence of that. If we chose not to uphold that obligation, we could eliminate their retirement, pick up a lot of money, and boost all these other programs within the defense budget. No one is suggesting we do so.

So the real question is, what is fair? What is equitable? How do you allocate your resources?

I would assert this has a direct effect on our military because it clearly affects the morale of our men and women in the service, and therefore, our ability to encourage them to sustain a military career.

The use of discretionary defense spending to meet military compensation obligations is not unprecedented. The military pay increases are absorbed within discretionary defense spending almost annually. Furthermore, if you regard retirement benefits as deferred compensation, it argues even more strongly for making the COLA adjustment that the distinguished Senator from Virginia and I are seeking with this amendment.

Of course, the House has asserted that this can be achieved using of discretionary nonreadiness defense funds. I understand that the chairman of the committee differs with that and I submit that this will require a careful analysis of the defense budget.

However, my understanding is that the defense budget for fiscal 1995 provides $270 billion in outlays. I think that is the correct figure—$270 billion. On the other hand, this amendment costs $376 million.

So you have a universe of $270 billion in outlays out of which to find the $376 million to cover this COLA adjustment.

I appreciate that the task is a challenging one and I understand the arguments that the chairman of the committee has made. But, nevertheless, there are people who have examined this issue and seem to believe it is within reason to achieve.

I want to now make a couple of points about their interesting entitlement chart.

The real entitlement problem is health care costs. There is absolutely no doubt about it. Here it is. And, of course, that is why we are trying to do health care reform. One of the purposes of the health care reform, amongst others, is to have comprehensive coverage for all our people. But another purpose is to achieve effective health care cost containment. And, of course, that is addressed at trying to control these increases in health care indicated on the chart. However, this has nothing to do with the issue that we are addressing here this evening. Nothing whatsoever.

The second big outlay increase in entitlements is Social Security. But, as the distinguished chairman of the committee, the distinguished Senator from Georgia, pointed out, this program is actually more than paying for itself. In fact, the Social Security Trust Fund is running a surplus, not contributing to the deficit in any way. In effect, it represents a judgment on the part of the American people that they are willing to pay the Social Security taxes in order to sustain the program and pay the Social Security benefits.

Now, the distinguished Senator from Georgia said there are problems coming up in the future with respect to that program. And if you look at the projections there is a certain accuracy to that. But we have had that problem in the past. And every time we had it, we adjusted the Social Security System in order to address it.

Most recently, in the early 1980's, we restricted the benefits and increased the taxes in order to get the trust fund back into a proper balance. I am very frank to say I have every anticipation that, if necessary, we will do that again. That takes care of your two big outlay increases. The other, of course is an increase in domestic discretionary spending with a corresponding decrease in defense and foreign assistance.

The argument is maybe there should be a decrease in these areas. One has to examine what the security situation is in determining whether this decrease is reasonable, whether it is too much, or not enough. And whether the domestic discretionary increase is too much or not enough. I have no magic answer for that.

I do not think you can simply call something an entitlement and say it is bad. You have to know what the program is. You have to make your comparisons. Obviously what we are trying to do in this amendment will require some lowering of defense spending in other areas. You then need to ascertain those areas. You have to ask yourself the question: Is that a reasonable tradeoff to make?

We are not going outside of the defense-related area, which is a danger that the Senator from Georgia raised and frankly which I believe is a very remote danger. I do not anticipate a situation in which people are going to propose paying for the Medicare Program out of the defense budget. We are proposing this tonight because we assert that this retirement program for the military is directly related to the military budget and the whole approach with respect to the military. In addition, the entitlement group which military COLA's are a part have increased the least of all the items on this chart.

I very much hope the Members will support this amendment. I appreciate there will be some of the difficulties which the chairman of the committee has outlined. But it would seem to me they could be overcome. That was certainly the position that was taken in the House. In fact, as I understand it, in the course of the consideration it was repeatedly asserted that they would be able to find the funds out of nonreadiness funds in the budget.

But I understand the chairman asserts that is not the case and that is one of the things—

Mr. NUNN. If the Senator will yield at that point, it is interesting the Appropriations Committee is the one who has to find the money. The House Appropriations Committee did not find the money. They did not put it in their bill. The authorized money is not appropriated in the House bill. If it is not appropriated in the Senate bill it will not be found, notwithstanding.

Mr. SARBANES. I understand it is a two step process, but if we do not take the first step here the second step cannot be taken there. There is no guarantee if we take the first step here the second step will be taken, but if we do not do this step there is no possibility of doing the second step.

Mr. NUNN. The Senator is absolutely correct. No quarrel on that point. The only point I was making is when the Senator says it is not going to be that difficult to find, the House appropriators did not find it and it is not in the House appropriations bill.

Mr. SARBANES. I believe in trying again. I think we ought to take this step and then see what can be done. The consequence, of course, of taking this approach is that it opens up the possibility of being able to remedy this discrepancy and bringing the military retirees forward to the first of April instead of deferring them to October 1st.

So, given all of that I very much hope our colleagues, when they come to consider this amendment, will be supportive of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I simply wish to conclude my remarks by saying the Senator from Maryland is exactly right and that is that it is the responsibility of the Department of Defense. I listened very carefully while my good friend, the distinguished chairman, enumerated a number of areas which would have to be cut if this amount of money, relatively small as the Senator from Maryland pointed out, $376 million versus $270 billion—

Mr. SARBANES. Million against billion.

Mr. WARNER. But I can summarize my argument in one sentence. That is

an obligation of the Department of Defense. The first obligation is not to the tanks and the airplanes and to the ships, but it is the men and women who operate them, who operate them today and who are counting on this COLA and this Congress to take care of them out of fairness tomorrow. If we do not take care of those who have retired and fulfilled their obligation there is less incentive for those who are on active duty today, roughly 1.3 million, to remain and assume those hardships and those risks together with their families.

I yield my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I will send an amendment to the desk, which will be offered if the Senator from Virginia's amendment is not agreed to. I think, however, if his amendment is agreed to it will be my view that the Senators have really voiced their view on this and I see no need to push this amendment.

But this amendment would address the COLA inequity that the Senators from Virginia and Maryland have identified. I agree with their description. I repeat that—I think they are right. There is an inequity. I just do not think we can cure every inequity, and I certainly believe we cannot cure this inequity, and should not cure it, by taking it out of the defense budget.

Mr. President, this amendment would share the sacrifice. This would basically say for the civil service retirees and the military retirees, COLA restraint would be equalized. It would mean military retirees would basically have about half as much sacrifice as under the status quo. Civil service retirees would basically have about $700, over a 4-year period less in terms of increases. Nobody is getting cut in this process. I think that is one point that ought to be made. These are all increases. We are talking about increases here. We are not talking about cutting anybody's retirement. We are talking about how much increase they get as a compensation for the cost of living.

The difference between this amendment and the Warner amendment is, first of all, the Warner amendment is a 1-year amendment. It will basically restore approximately $270 to the average military retiree next year.

Mr. WARNER. That is $376 million.

Mr. NUNN. I am talking about the average retiree: $270, approximately.

What my amendment would do is take the entire sacrifice the military retirees are going to be making over the 4-year period, which is about $1,300, and say you take only half of that. So this amendment basically would save the average military retiree about $650. The Warner amendment saves them about $270 the first year. This amendment saves them more. But if you continue this process and you have the Warner-Sarbanes amendment every year and take that amount out every year for 4 years, you would save more under their approach. But theirs is a 1-year balancing. My amendment restores equity for all 4 years.

What it does not do is increase the deficit. Neither does the Warner amendment. My amendment solves the problem without cutting any important spending programs in defense. It solves the problem without creating what I consider to be a very dangerous precedent of raiding the discretionary spending to pay the costs of the mandatory entitlement, and violating the pay-as-you-go principle of the 1990 budget agreement which said in effect, very simply, if you raise one entitlement program you have to lower another one. Our colleagues on the Governmental Affairs Committee, Senator GLENN and Senator ROTH, wrote a letter saying:

> Such an amendment would be unprecedented. [This is talking about the Nunn amendment] Robbing one retirement system to pay another retirement system is simply wrong. To propose increasing military retirees' COLA's at the expense of civil service retirees is not equitable.

I quote from their letter in opposition to my approach and the committee approach. Our committee voted for this second approach, I believe 13 to 8, the Armed Services Committee did.

What Senator GLENN and Senator ROTH are saying is they do not believe in the pay-as-you-go system. The pay-as-you-go system, which was enacted in 1990, said if you raise one entitlement program you have to cut another one. So, basically they are saying when you do that you are robbing. They are basically saying we are going to keep letting entitlements go. This is not the Senator from Virginia and Senator from Maryland who said this. I just believe, since there is going to be so little time—almost no time tomorrow for debate—it ought to be said.

I fundamentally disagree with this particular letter. The approach the Armed Services Committee voted for—although we did not do it in the bill because we did not have sole jurisdiction over these programs—did not violate the pay-as-you-go principle. It would stick to that principle. It would say we are not letting entitlement growth get any worse.

ALTERNATIVES CONSIDERED BY THE COMMITTEE

Mr. President, I think most of my colleagues agree that Congress made a mistake last year when we put the COLA's for military and civilian retirees on different schedules. Most members of our committee felt this was wrong and wanted to address this issue this year.

During our markup of this bill, the committee considered five different options for equalizing the dates on which military and civil service retiree COLA's are paid.

The first option was to move the military retirement COLA date up each year to the same date as civil service retiree COLA's are paid by adding the cost to the deficit. This would increase the deficit by $2.1 billion over the next 4 years. Not one member of our committee spoke in favor of this approach during our markup.

The second option was to move civil service retiree COLA's back to the same dates on which military retiree COLA's are paid. While this approach would reduce the deficit by $2.8 billion over the next years, I think it is fair to say this would be an unpopular approach.

The third alternative was to not change the civil service COLA date, but to find some other nonretirement entitlement that could be reduced to offset the increased cost of the military retirement COLA, as required under the pay-as-you-go rules of the 1990 Budget Summit Agreement. This was not a realistic option in our markup, as we have no other entitlements under our committee's jurisdiction large enough to cover the cost of COLA equity. However, some of my colleagues may have some nonretirement entitlement program savings in mind, and of course any Senator is free to offer an amendment to do this if neither the Warner amendment nor the committee amendment is adopted.

The committee discussion focused on two major alternatives, one of which is the amendment proposed by the Senator from Virginia, and one of which is the committee amendment which I am proposing.

WARNER/SARBANES AMENDMENT

The fourth alternative the committee considered was the Warner-Sarbanes amendment which we have been debating. I will not repeat my arguments as to why I oppose that approach.

COMMITTEE AMENDMENT

Mr. President, the final alternative looked at, and the one recommended by the committee by a vote of 13 to 8, is this committee amendment to eliminate the discrepancy in COLA delays by splitting the difference between the current COLA dates.

This approach would equalize the COLA dates for military and civil service retirees by moving the military retirement COLA date forward 3 months in 1995 and 1996, while moving the civil service COLA date back 3 months so that both COLA's would be paid on July 1. In 1997 and 1998, the military retirement COLA date would be moved forward 5 months, while the civil service COLA date would be moved back 4 months so that both COLA's would be paid on May 1.

The committee amendment would correct the inequity in COLA dates and would not increase the deficit. It would reduce spending in one entitlement to fund an increase in another entitlement, as provided for in the pay-as-

you-go procedures set up by the Budget Enforcement Act of 1990, without requiring additional reductions in already scarce defense resources and without setting new budget precedents.

Mr. President, this amendment corrects the current COLA inequity created by the Omnibus Budget Reconciliation Act of 1993, and it continues the policy the Congress has followed for the past 25 years: ensuring that military and civil service retirees receive the same COLA's on the same dates.

This amendment operates on a basic principle we use to solve difficult problems all the time: splitting the difference. To eliminate the 6-month difference in 1995 and 1996, the military retiree COLA would be moved up 3 months and the civil service retiree COLA would be moved back 3 months. The 9-month discrepancy in 1997 and 1998 would be eliminated by moving civil service COLA's back 4 months and moving military retiree COLA's up 5 months.

Let me explain exactly what this discrepancy means to the typical retiree. The average military retiree and the average civil service retiree both receive pensions of about $1,500 to $1,600 a month, or $18,000 to $19,000 per year. The cost-of-living increase for 1995 is estimated to be 3 percent. Three percent of $1,500 a month is $45. The issue then is how much longer does a military retiree have to wait for his $45 increase than civil service retirees do?

Under current law, that is, if we do not fix the discrepancy, military retirees will have to wait 6 months longer than their civilian counterparts in 1995 and 1996. So to the average military retiree the discrepancy comes out to about $270 a year in 1995 and 1996—that's $45 a month for 6 months. In 1997 and 1998 the discrepancy grows to 9 months, so the average military retiree will lose about $400, compared to his retired civil service counterparts. So for the whole 4-year period the discrepancy equates to about $1,350 for the average military retiree—that is the cost of his additional delay.

The amendment recommended by the Armed Services Committee would delay civil service retiree COLA's for 3 additional months, in order to move the military retiree COLA up by 3 months. So instead of the military retiree getting $270 less than his civil service counterpart, the military retiree would get about $135 more next year, and the civil service retiree would get about $135 less than they would under current law.

No retiree's pension would be reduced. I know some people might think that was the case given all the rhetoric about this amendment, but it is not. Nobody would get less. But rather than *one group getting more in April while* the other group has to wait until October, they would both start getting more in July.

The committee amendment would mean that the average civil service retiree would get a $45 increase 3 months later in 1995, and the average military retiree would get a $45-a-month increase 3 months sooner, compared to current law. That is what we are talking about Mr. President. One hundred and thirty five dollars. We would be asking one group, who due to what I would call a mistake, got $270 more than their neighbor, to split that $270 with their neighbor.

While I was not all that surprised to find that the groups representing the retirees that got the $270 windfall were not prepared to share in the name of fairness, I was somewhat surprised to find that groups representing the military retirees who got less also oppose having their neighbors share the $270 with them. Many of the groups lobbying the Congress on this amendment seem to think the only fair solution is to leave the first group—who got more—alone, and find another $270 to give to each person in the second group by cutting it out of the defense budget.

Mr. President, I do not agree with funding entitlement COLA's by cutting our defense budget even further. I believe the committee amendment is a better way to deal with this problem. The committee amendment pays for itself in every year. It is in keeping with the pay-as-you-go procedures contained in the 1990 budget summit agreement, whereby an increase to one entitlement program can be offset with a decrease to another entitlement program.

This amendment will not weaken the budget process by undercutting the discipline of the pay-as-you go process.

This amendment will not weaken the committee system by handing over the functions of the authorizing committees to the Appropriations Committee.

This amendment will not force us to make cuts in the operations and maintenance accounts which will further jeopardize the readiness of our forces.

I urge my colleagues to support the committee amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask unanimous consent I may have printed in the RECORD at this point a list of those associations, Federal, civilian, and military organizations, that oppose the proposition of the distinguished chairman. I think they have communicated with the Congress and they are well deserving to be mentioned in this RECORD.

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

FEDERAL CIVILIAN AND MILITARY ORGANIZATIONS THAT OPPOSE THE NUNN COLA EQUITY SUBSTITUTE TO THE DEFENSE AUTHORIZATION BILL

The Retired Officers Association.
Non-Commissioned Officers Association.
Air Force Sergeants Association.
National Association for Uniformed Services.
The Retired Enlisted Association.
Enlisted Association of the National Guard Association of the U.S.
Marine Corps Reserve Officers Association.
National Military Family Association.
Commissioned Officers Association.
Marine Corps League.
CWO and WO Association, U.S. Coast Guard.
Jewish War Veterans of the U.S.
United Armed Forces Association.
Naval Enlisted Reserve Association.
Navy League of the U.S.
The Military Chaplains Association.
U.S. Army Warrant Officers Association.
U.S. Coast Guard CPO Association.
National Guard Association of the U.S.
Naval Reserve Association.
Reserve Officers Association.
Air Force Association.
Association of Military Surgeons.
Fleet Reserve Association.
Association of the U.S. Army.
American Federation of Government Employees.
American Federation of State, County and Municipal Employees, AFL-CIO.
American Foreign Service Association.
American Psychiatric Association.
American Postal Workers Union.
Federally Employed Women.
Federal Managers Association.
Fund for Assuring an Independent Retirement.
Graphic Communications International Union.
International Association of Fire Fighters.
International Federation of Professional and Technical Engineers.
International Union of Operating Engineers.
Laborers' International Union of North America.
Military Sea Transport Union.
National Association of Air Traffic Specialists.
National Association ASCS County Office Employees.
National Association of Federal Veterinarians.
National Association of Government Employees.
National Labor Relations Board Union.
National League of Postmasters of the United States.
National Postal Mail Handlers Union.
National Association of Letter Carriers.
National Association of Postal Supervisors.
National Association of Postmasters of the United States.
National Association of Retired Federal Employees.
National Federation of Federal Employees.
National Rural Letter Carriers Association.
National Treasury Employees Union.
Organization of Professional Employees of the Department of Agriculture.
Overseas Education Association.
Patent Office Professional Association.
Public Employee Department AFL-CIO.
Senior Executives Association.
Service Employees International Union.

FEDERAL CIVILIAN AND MILITARY ORGANIZATIONS THAT SUPPORT THE NUNN COLA EQUITY SUBSTITUTE TO THE DEFENSE AUTHORIZATION BILL

None.

Mr. NUNN. Could I ask the Senator from Virginia, is there any organization out there that favors my amendment?

Nobody who gets paid in Washington favors my amendment and that is why we have such problem with entitlement programs today, because everybody paid in Washington gets paid to protect the entitlement programs when they are in debt. So it is no surprise to me that not a single organization in Washington would endorse this amendment. I think it would be basically shocking if I found anybody who did. So that is why we have the kind of fiscal problem we have today. There is really no better example.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I know debate time is going to be very limited tomorrow. I know it is very late in the evening. I just want to take a moment or two to address the amendment the distinguished Senator from Georgia indicated he may offer tomorrow. I, of course, would very much oppose that amendment. I want to be very clear. The amendment that Senator WARNER and I have offered is deficit neutral.

The distinguished Senator from Georgia does not like how we hope to pay for it. It will be paid for. It is deficit neutral.

Mr. NUNN. I think I said that. I agree with that.

Mr. SARBANES. This amendment the Senator from Georgia is talking about would pit one group of Federal retirees against another. I urge Members to think very carefully to support any amendment that would lead us down such a divisive path.

To their credit—and I want to underscore this—to their credit, the organizations and members who are part of the military coalition and who wish to shift forward military COLA's unequivocally opposed to any amendment that would offset one COLA against another.

They are against this amendment, and they do not want to see this conflict developing here.

I want to include in the RECORD the letter of the chairman and ranking member of the Governmental Affairs Committee which the chairman of the Armed Services Committee quoted just a moment or two ago.

Let me just quote the next paragraph from that letter:

If we are to correct the COLA inequity between military and Federal civilian retirees, we believe that the proper course of action is that suggested by Senators John Warner and Paul Sarbanes. The Federal and military communities are unanimous in their opposition to Senator NUNN's proposal, or any alternative that would provide COLA's to one group of retirees at the expense of another.

And there is a list of the groups attached to this letter which oppose this amendment.

So I very much hope that on tomorrow when we vote, the Members will support the amendment put forward by the Senator from Virginia, Senator WARNER, in which I joined, and if the Senator from Georgia, Senator NUNN, was to offer the amendment he described that they would defeat that amendment.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, June 23, 1994.

DEAR COLLEAGUE: We are writing today regarding the current inequity in the Cost-of-Living-Adjustment (COLA) delay schedules for military versus Federal civilian retirees. As Chairman of the committee on Governmental Affairs and the Ranking Minority Member, we have long supported equity between the retirement systems of military and Federal civilian retirees.

However, there is one issue related to so-called COLA equity which we must object to. In the process of marking up S. 2182, the Department of Defense Authorization Act, the Armed Services Committee voted 13 to 8 to recommend that a committee amendment be offered during floor consideration of this Act that would equalize COLA dates for military and civil service retirees by moving the dates for military retiree COLA's forward and the dates for civil service COLA's back in each fiscal year from 1995 through 1998. Adoption of such a proposal, would completely rewrite last year's budget reconciliation bill by—in effect—increasing instructions to the Governmental Affairs Committee and decreasing instructions to the Senate Armed Services Committee.

Such an amendment would be unprecedented. Robbing one retirement system to pay for another retirement system is simply wrong. To propose increasing military retiree COLA's at the expense of civilian retiree COLA's is not equitable.

If we are to correct the COLA inequity between military and Federal civilian retirees, we believe that the proper course of action is that suggested by Senators John Warner and Paul Sarbanes. The federal and military communities are unanimous in their opposition to Senator Nunn's proposal, or any alternative that would provide COLA's to one group of retirees at the expense of another. This is why military, federal employee and postal associations and unions are supporting the Warner/Sarbanes amendment. Attached is a list of these groups. The Warner/Sarbanes amendment would rectify the COLA disparity in 1995 by shifting the COLA for military retirees to April through a reduction in the nonreadiness accounts in the defense budget. As you may know, the Warner/Sarbanes amendment was included in the House-passed DoD reauthorization bill.

For many years, social security, the civil service, and the military retirement systems have used the same adjustments for inflation. Last year's budget reconciliation bill changed COLA's for federal civilian retirees in one way and military in another. Social Security was left untouched. We have consistently supported equitable COLA treatment between the three systems, and we favor raising the COLA for military retirees. However, we do not believe that the proposal being recommended by the distinguished Chairman of the Armed Service Committee is the appropriate solution to COLA equity. In the interest of restoring equity and fairness, we urge you to support the Warner/Sarbanes amendment.

Sincerely,

JOHN GLENN,
Chairman.
WILLIAM V. ROTH, Jr.,
Ranking Member.

FEDERAL CIVILIAN AND MILITARY ORGANIZATIONS THAT OPPOSE THE NUNN SUBSTITUTE ON ANY AMENDMENT THAT WILL REDUCE CIVILIAN COLAS

The Retired Officers Association.
Non Commissioned Officers Association.
Air Force Sergeants Association.
National Association for Uniformed Services.
The Retired Enlisted Association.
Enlisted Association of the National Guard Association of the U.S.
Marine Corps Reserve Officers Association.
National Military Family Association.
Commissioned Officers Association.
Marine Corps League.
CWO and WO Association, U.S. Coast Guard.
Jewish War Veterans of the U.S.
United Armed Forces Association.
Naval Enlisted Reserve Association.
Navy League of the U.S.
The Military Chaplains Association.
U.S. Army Warrant Officers Association.
U.S. Coast Guard CPO Association.
National Guard Association of the U.S.
Naval Reserve Association.
Reserve Officers Association.
Air Force Association.
Association of Military Surgeons.
Fleet Reserve Association.
Association of the U.S. Army.
American Federation of Government Employees.
American Federation of State, County, and Municipal Employees, AFL-CIO.
American Postal Workers Union.
Federal Managers Association.
International Association of Fire Fighters.
National Postal Mailhandlers Union.
National Association of Letter Carriers.
National Association of Postal Supervisors.
National Association of Postmasters of the United States.
National Association of Retired Federal Employees.
National Federation of Federal Employees.
National Rural Letter Carriers Association.
National Treasury Employees Union.
Senior Executives Association.

Mr. SARBANES. Mr. President, I yield the floor.

Mr. WARNER. Parliamentary inquiry, is there any further business to come before the Senate?

Mr. NUNN. Mr. President, if there is no other Senator who wants to be heard—do we have any time remaining on the amendment that we need to yield back?

The PRESIDING OFFICER. The Senator from Georgia has 23 minutes and 20 seconds. The Senator from Virginia has yielded back his time.

Mr. NUNN. Mr. President, I believe under the unanimous consent agreement, as I recollect, there will be no further time if I did not yield back my time for that time to be used. There would be no time tomorrow morning because we have votes from 10:30 on,

and all the other time is allocated to other amendments; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Parliamentary inquiry. I am not sure I followed what the Senator said. It is my understanding the agreement explicitly states that the Senator from Virginia has 10 minutes on his amendment tomorrow morning, as well as the Senator from Georgia has 10 minutes on his amendment, assuming it is offered.

Mr. NUNN. The Senator is correct. What I am saying is if I do not yield back my time, there is no additional time available in the morning. We have that 20 minutes. I believe that will be wrap-up on this debate.

Mr. President, I yield back the remainder of my time, the time we have left this evening, not the time tomorrow.

The PRESIDING OFFICER. The Chair understands.

MORNING BUSINESS

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. BRADLEY. Mr. President, Jacqueline Kennedy was 34 when she became a widow—34 years old when she stood next to Lyndon Baines Johnson and witnessed him taking the oath of office upon the assassination of her husband in November 1963.

She behaved at that moment in history with the dignity that she brought to the White House as its First Lady, with the strength she evidenced in the ensuing months while a nation mourned, and with the poise she possessed throughout the course of her life.

Jackie Kennedy Onassis was not a woman for that time, but a woman for all time—she endured, and moved beyond, that period of crisis in our Nation's history, to become more than the grieving widow of John F. Kennedy. She was her own strong woman, and that is how the Nation will remember her.

She will be remembered as a woman who fought for causes that were important to her and won: the preservation of Lafayette Square in Washington and the fight to save Grand Central Terminal in New York are but a few examples. She will be remembered for having built a successful career for herself in publishing: Bill Moyers, a colleague of her for whom she edited three books and a resident of my State, said that she was "as witty, warm, and creative in private as she was grand and graceful in public." Perhaps most of all, she will be remembered for the two beautiful children she left behind, whose success and happiness must be attributed in part to their mother's effort to shield them from the public's never-ending fascination with the Kennedy family.

Jackie Kennedy Onassis was an intensely private person in a world which viewed her as a living legend. In pursuit of that elusive privacy she became a sometime-resident of New Jersey, escaping from New York on weekends to her summer home in Bernardsville. There she indulged in her favorite pastime of horseback riding, and lived among people who respected the privacy that she came for. The residents of her adopted Bernardsville miss her, and mourn her passing as the Nation does.

They mourn her passing as we in the U.S. Senate do. I could not be more eloquent than her brother-in-law, Senator EDWARD KENNEDY, was in the eulogy he delivered at her funeral: "Jackie was too young to be a widow in 1963, and too young to die now * * * she graced our history, and for those of us who knew her and loved her, she graced our lives."

TRIBUTE TO MINNESOTA STUDENT GOING TO JAPAN

Mr. DURENBERGER. Mr. President, today I would like to congratulate Robert Meyers, a senior at Wayzata Senior High School in Plymouth, MN for being chosen to take part in the Sony Student Project Abroad. Rob was chosen for this honor because of his outstanding achievements in academic and extra-curricular pursuits.

Some of Rob's many achievements include: a 3.99 average on a 4.0 scale—straight A average; outstanding Wayzata Student Music Award; All-State Orchestra; First Speaker Award at Concordia College Debate Tournment; a member of the state champion tennis team, and a nomination to the U.S. Senate Page Program.

As you can see from the many accomplishments Rob has attained, he is not only extremely qualified to represent Minnesota in this program, but represents the kind of well-rounded student that Minnesota, or any State, would be proud to call its own.

The Sony Student Project Abroad began in 1990 to celebrate Sony Corp., of America's 30th anniversary, by providing talented American students the opportunity to study science and mathematics in Japan. This program will not only encourage the pursuit of excellence in science and mathematics but also will foster a deeper understanding of Japan among American youth.

As we enter into this highly techological information age, and as our world becomes increasingly interdependent, the importance of education in the science and the significance of international understanding are more critical than ever.

Again, I would like to congratulate Rob on receiving this great honor and thank Sony for making an investment in our future, by encouraging American students to pursue academic excellence. I look forward to hearing of Rob's experiences upon his return from Japan.

EAST TIMOR

Mr. DURENBERGER. Mr. President, I rise to express my deep dismay regarding the Senate's vote last evening concerning the sale of arms to Indonesia.

My colleagues are well aware of my interest and activity in regard to Indonesia's persistent abuse of human rights in East Timor. This is an issue which has concerned me for my entire tenure in the Senate.

It was almost 20 years ago that Indonesia invaded East Timor. The history of the past 20 years is a record of ongoing, brutal repression of the people of East Timor. Year after year, various human rights publications, including the annual Country Reports on Human Rights from the State Department, detail reports of torture, arbitrary arrests, unfair trials, and many other abuses, including harassment of human rights monitors.

In response to the Dili massacre in November 1991, the Congress suspended IMET aid to Indonesia. The House bill for fiscal year 1995 includes a prohibition on IMET to Indonesia. The Foreign Operations Subcommittee deleted this prohibition, and instead proposed language that any agreement to sell or provide military equipment to Indonesia during fiscal year 1995 shall expressly state that it not be used in East Timor.

Mr. President, this is not at all unreasonable. There are 8,000 Indonesian troops in East Timor. The record of repression is clear. All the committee provision did was require that United States arms should not be used against the people of East Timor. This action would send a strong message to the Indonesian Government that the United States will no longer turn a blind eye to its repression of the East Timorese. But by tabling the committee amendment, we have sent exactly the wrong message.

I will continue to press ahead and consistently urge the Indonesian Government to accept internationally accepted standards of human rights. I know my friend from Wisconsin, Senator FEINGOLD, will continue to push this matter as well, and I appreciate his efforts in this regard.

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

TRIBUTE TO JACQUELINE BOUVIER KENNEDY ONASSIS

Mr. LAUTENBERG. Mr. President, on Thursday, May 20, in the year of 1994, a woman who had influenced the

style of the country, given comfort to our people, and always demonstrated dignity and grace, passed away. Jacqueline Bouvier Kennedy Onassis was a woman who touched many people—Senators and citizens, executives and blue collar workers, Americans and people throughout the world. In the words of one woman, Kristin Cabral, who paid her respects during the calvacade along Washington's streets, "[Jackie] was not just some plastic icon, but a very strong person and woman. I very much believed in her."

I, too, very much believed in her and that which she accomplished. As the First Lady, Jackie worked hard to create a cultural atmosphere in the White House and the capital by promoting the arts. Through these efforts, she brought an appreciation for the arts to the United States as a whole. Later, as an editor, she continued this work, bringing many wonderful books to the printing press and to the public.

Dealing with pain and tragedy is a most difficult experience, and it becomes almost unbearable when it occurs in the public eye. Jackie's courage during those horrible days after November 22, 1963, gave the country strength. Instead of giving comfort to her, we drew courage from her. At that time, I was a businessman in New Jersey, active in civic affairs, but not yet involved in the political world in which Jackie found herself. I felt the enormous blow that struck the whole country, and also took comfort from Jackie's stoic countenance and composure.

My father was a cancer victim, as was Jackie. I knew something of the pain she must have felt. But even in her last hours, she was a figure of grace and courage. She chose to spend those final moments enjoying the company of her loved ones. As a fellow Martha's Vineyard vacationer, I often witnessed Jackie's complete devotion to her children and family. I know that her children, John and Caroline, will always remember the graceful, loving, and dedicated woman that all Americans have come to admire and love from afar.

Indeed, the memory of this strong woman will live on in the minds of all the people she touched. The indelible mark that she left upon the American people, and people throughout the world will only be deepened by her passing. Our memories of her will burn as bright, and as long, as the eternal flame which marks the grave of President Kennedy, next to whom she now rests in peace.

COMMENDING ANDREW S. BUSH ON HIS SERVICE TO THE U.S. CONGRESS

Mr. DOMENICI. Mr. President, I rise today to wish one of my former staff members well as he departs the U.S. Congress after more than 7 years of distinguished service. Andrew S. Bush, who worked for me for 3½ years before joining the staff of the Committee on Ways and Means of the House of Representatives, is leaving the Congress to lead an exciting new project involving reform of the Nation's welfare system.

Andy, who grew up in Wellsville, OH, came to Washington in 1986 after graduating Phi Beta Kappa from Ohio State University and earning a master's degree in public policy studies from the University of Chicago. He was a Presidential management intern with the Department of Health and Human Services, where he was a Medicaid policy analyst in the Health Care Financing Administration.

In March 1987, he joined my staff as the legislative assistant for labor, education, health, child care, and science and technology issues. He was the key member of my staff responsible for the enactment of the National Competitiveness and Technology Transfer Act of 1989. The act reformed the way technology is managed within the Department of Energy and improved the Department's ability to share nonclassified technologies and skills with the private sector for the benefit of American enterprise.

Andy was the point person on my staff for child care legislation. He was instrumental in developing tax credit legislation so that families would have a choice about the type of child care they could arrange. The objective was to make sure the same Federal incentive would be available for families choosing to have the mother stay home and provide the loving care, or for those choosing to arrange child care in the home with a relative or other care giver, or for those choosing to place the youngsters in day care centers.

Andy Bush was my staff brain on the brain. He was involved with the Decade of the Brain and worked diligently on legislation that led to the creation of the Human Genome Center at Los Alamos National Laboratories and other national laboratories. Hopefully, some day the work done at the Genome centers will provide the genetic information that will lead to the cure for more than 3,000 genetic diseases.

As I look back on it, Andy was an important part of a very strong, professional and effective legislative staff which worked to pass more than 200 bills and amendments during my third term in the Senate.

In November 1990, Andy left my staff to work for the Ways and Means Committee in the other body. As professional assistant to the minority for human resources and, most recently, health, he has made substantial contributions to the public policy debate on welfare reform, job training, unemployment compensation, child care, and of course, health care reform.

Those of us who serve in the Congress are fortunate to have talented young men and women to assist us. Andy Bush embodies the best qualities of those that serve us. He is truly dedicated to understanding the nature and consequences of public policy choices and working to improve the Government's ability to affect meaningful changes in the lives of our citizens. With his intelligence, professionalism, and good nature, he has made a difference.

Andy may be leaving the halls of Congress, but he is not leaving public service. One of his particular passions has been trying to address poverty and its associated problems of limited economic opportunity and the breakdown of the family, social institutions, and the social compact. In his new position as the manager of the welfare reform project for a non-profit research institute, Andy will be redesigning a State welfare system. This will allow him to create and develop more effective and efficient methods for intervening in the lives of disadvantaged individuals and helping those in need become capable of leading fulfilling and self-supportive lives.

Mr. President, I commend Andrew S. Bush for his service to the U.S. Congress and wish him well as he embarks on this exciting new phase of his career.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all manner of excuses for voting against a constitutional amendment to require a balanced Federal budget.

As of Wednesday, June 29, at the close of business, the Federal debt stood—down to the penny—at exactly $4,604,969,673,918.82. This debt, mind you, was run up by the Congress of the United States; the big-spending bureaucrats in the executive branch of the U.S. Government, you see, cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

So pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All such suggestions are false—the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It

may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,604 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at $4,604,969,673,918.82.

SILVER AWARD TO NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

Mr. SHELBY. Mr. President, the National Committee to Preserve Social Security and Medicare, a grassroots advocacy and education organization for older Americans based in Washington, DC recently won the Society of National Association Publications' Silver Award. The award recognized an editorial written by National Committee President Martha McSteen which appeared in their membership publication, "Secure Retirement."

Mr. President, I have worked closely with Martha and her staff on a number of issues that affect older people in this country. I understand their commitment to maintaining Social Security, and I congratulate Martha for her award-winning article.

Mr. President, I ask for unanimous consent to have my remarks entered into the RECORD along with Mrs. McSteen's award-winning editorial and a letter announcing the award in the CONGRESSIONAL RECORD.

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

SOCIETY OF NATIONAL ASSOCIATION PUBLICATIONS,
April 24, 1994.

JACK MCDAVITT,
National Committee to Preserve Social Security & Medicare, Secure Retirement, Washington, DC.

DEAR JACK MCDAVITT: We would like to thank you for participating in the 1994 SNAP EXCEL Awards competition. This year we received a total of 651 entries, over 30% more than last year and by all accounts, the projects were of a very high quality and the judging extremely challenging.

We are delighted to inform you that your entry, Secure Retirement, was awarded a Silver Award in the Magazines—Editorial or Column category for "Social Security Protects the American Family." Congratulations on your fine work and exemplary product: your efforts have truly identified National Committee to Preserve Social Security & Medicare as a leader in the field.

As a winner, we cordially invite you to attend the Awards Breakfast where a presentation ceremony will take place and your publication will be publicly recognized as an award winner. The breakfast will be held Wednesday, May 25 from 9–11 a.m. at the Washington Marriott in Washington, DC. Please plan to join us for this annual celebration of the awards winners and use the enclosed form as your RSVP.

We appreciate your participation in this year's competition (and certainly next year's too!) and hope to see you in May at Exploring New Horizons, where the winning entries will be showcased and judges highlighted.

Sincerely,

LAURA J. DEVLIN,
Director, Association Services.

[From Secure Retirement, Nov.-Dec. 1993]

SOCIAL SECURITY PROTECTS THE AMERICAN FAMILY

(By Martha McSteen)

The ink was barely dry on the new budget law—one which mandates increased income taxes on Social Security benefits—before a proposal was made to once again threaten seniors in the name of deficit reduction.

The Concord Coalition—headed by former Sens. Paul Tsongas and Warren Rudman—has released its plan to eliminate the federal budget deficit by the year 2000. And they mean to do it by cutting entitlements—primarily Social Security and Medicare.

Indeed, the Concord Coalition advocates a *combination of other changes—ending some* obsolete subsidies, raising some new taxes—in order to achieve their goal. But the lion's share of the "savings" is achieved by means testing the Social Security and Medicare benefits of middle- and upper-income seniors.

The plan is based on the premise that seniors who are more well-off are not deserving of government support. Make no mistake—this is not just a move to curb benefits to the wealthy since means testing would start at family income levels of $40,000.

This is an attack on the fundamental principles of Social Security.

It seems once again seniors must educate the leaders and the lawmakers as to the truth about Social Security, Medicare and other earned-right entitlements.

Policy makers blame these programs for the deficit and claim that the budget cannot be balanced without cutting benefits.

This is simply untrue. Earned-right entitlements like Social Security and Medicare Part A do not cause the deficit.

Both of these programs are paid for by payroll contributions dedicated to a specific purpose. The monies collected from workers and employers are put into separate trust funds to pay benefits and administrative expenses. Period.

The Social Security is running a huge surplus—more than $46 billion this year alone. In no way is it contributing to the deficit.

But there is an even more important point to make, one which the number-crunchers seem to overlook. Social Security and Medicare protect the American family in its times of need. And Americans overwhelmingly support and value the security these programs provide.

Social Security gives financial security to those who have retired at 62 or older, to those who cannot work due to disability and to those who have lost a family worker. Medicare ensures disabled and older Americans have access to needed health care services.

Those who blame entitlement benefits for the nation's deficit woes often ignore Social Security as a family protection program. More than 2.5 million beneficiaries are children 18 years old and under.

Social Security provides valuable disability and life insurance protection for American families; Medicare provides health insurance for more than 1.9 million disabled Americans under 55.

Social Security lifts more families with children out of poverty than does the Aid to Families with Dependent Children (AFDC) program.

The changes proposed by the Concord Coalition would shift Social Security and Medicare from universal, progressive social insurance programs to welfare programs.

They would strip these programs of the public support they currently enjoy.

And that would be tragic. Social Security is the most effective anti-poverty program our nation has, simply because it is not a welfare program.

Another point to remember: critics argue Social Security and Medicare benefits are misplaced on the middle class. Calling Social Security a middle-class entitlement program, however, is a badge of success.

Without Social Security, more than one-third of all beneficiaries would no longer be middle class. They would be poor.

LETTER OF RECOGNITION REGARDING WILLIAM G. WETZEL'S RETIREMENT

Mr. SHELBY. Mr. President, I rise today to recognize William G. Wetzel, on the occasion of the conclusion of his term as president of the National Association of Health Underwriters [NAHU].

For more than 38 years, "Bill" Wetzel has been active in the insurance business. His remarkable career has covered accident and health claims, private investigating, underwriting, insurance sales and corporate management. It was fitting, therefore, when he was asked to serve as president of NAHU. With over 15,000 members, NAHU is the largest and only independent association representing professionals specializing in health insurance in the United States.

Bill has also been an invaluable participant in his local Birmingham, AL, Association of Health Underwriters, and consequently, I thought, no one was more deserving of the Alabama State Association of Health Underwriters' John Galloway Memorial Award for outstanding service in the interest of health insurance in 1993.

Bill has been a member of NAHU for 19 years, and has served on the NAHU Board as president of the Disability Insurance Training Council [DITC]. He personally researched and arranged for the production of the DITC Sales Reference Manual that is now nationally recognized.

In addition, Bill has been a leading voice in the current health care debate. He has fought tirelessly against the mandatory alliances that would have put his fellow underwriters out of business. I want to thank my friend from Alabama for his important input on this issue.

Mr. President, we wish the best for Bill and his family as he moves on in his life, and I look forward to his continuing leadership in his local Association of Health Underwriters. We in Alabama are proud of what Bill has contributed to our community and this great nation, and eagerly anticipate what the future has in store for him.

JACQUELINE KENNEDY ONASSIS

Mr. LEVIN. Mr. President, Jacqueline Kennedy Onassis touched a deep chord in the American people—from the day she married young Senator John Kennedy to her days as First Lady, through the tragedy of President Kennedy's assassination and finally through her withdrawal into private life. She remained a figure greatly admired by the public for many more years than she spent in public life. She had an allure that was seemingly irresistible, and a polish and refinement that one hopes would be models for us all.

She was a modern woman whose life in many ways personified the changing role of women in America during the second half of the 20th century. Her interests were cultural, artistic and many, and her good taste governed everything in which she involved herself. Protecting her children from the limelight that was forced upon her was probably the primary focus of her young life, and she raised them to be the fine young people they are today.

Jacqueline Kennedy Onassis was taken from her family and loved ones far too soon and the loss for them is surely immeasurable. It is also a loss to those who may not have known her personally but who had great admiration for this woman whose nobility of conduct displayed a consistent and extraordinary grace as she dealt with the severe pressures and demands placed on her.

Her passing leaves a void that will not easily be filled and also leaves us diminished as a nation.

TRIBUTE TO JACQUELINE BOUVIER KENNEDY ONASSIS

Mr. BIDEN. Mr. President as the nation mourned, and continues to mourn, the death of Jacqueline Bouvier Kennedy Onassis, many of us have tried, in private and public reflections, to define and explain her enduring place in our common history and our shared consciousness. It is a difficult, if not impossible, task, as it always is when we try to put into words the meaning of a life that has touched our very spirit and left us forever changed.

It never was the ambition of the woman we knew, and will always remember, as "Jackie" to have the kind of fundamental public influence. It was a part of her style that she did not cherish celebrity, a part of her grace that she did not succumb to its temptations, and a part of her dignity that she did not surrender to fame, but sought—in the end, it seemed, successfully—to make peace with it on her own terms.

Certainly, Mrs. Onassis did seek throughout her adult life to make public contributions, and did so successfully and every meaningfully. The legacy of her passion for the arts, for history and for the beauty of the landmarks and places of refuge she cherished so deeply, is very tangible and valuable, and cause enough for our lasting respect and gratitude.

Yet there is more than we remember. We remember that at the age of just 31, then-Jacqueline Kennedy seemed the living expression of the inspiration so many of us felt on that cold January day in 1961. When "the torch [was] passed to a new generation of Americans," it quickly seemed to us that Jackie was among the most worthy to receive it, that she represented part of what was best in us, part of what we aspired to be. We were, simply, fascinated by her.

Initially, it may have been the glamour, the elegance in appearance and manner that President and Mrs. Kennedy introduced over the still-young medium of television, which fascinated us in itself. But there was something deeper in the images. The couple in the White House looked like a promise, like the embodiment of hope as well as of style.

As time passed in all its fateful twists, our admiration for Jackie grew deeper. We came to know and respect her devotion to her children, her complete and uncompromising commitment to them, and her growing pride in their achievements and their characters. We learned about the seriousness and sincerity of all her passions, and about her determination to remain true to them—despite criticism, despite challenges, despite losses that would have cracked a less noble heart.

It was in times of loss, and especially during those wrenching days of November 1963, that Jackie touched this nation's spirit most profoundly. She was 34 years old, with two very young children, when President Kennedy was killed. She must have felt the eyes and the weight of the world on her, added to her personal and family grief, her justified anxiety about her children's future, and what must have been a rage almost as great as her sadness.

What she did was remarkable. She carried this Nation to the Capitol Rotunda, along the route of the funeral procession and for days and weeks afterward, with a strength at once incomprehensible and undeniable. Again, now in the darkest as before in the brightest hour, she seemed the embodiment of hope—hope that the unendurable could be endured, that the future still mattered and demanded our attention, that dreams were still possible.

That may have been the greatest gift that Jacqueline Kennedy Onassis gave to this country, an enduring sense of hope. She gave it to us not through conscious effort, but as a natural result of her transcendent grace and dignity. And it is right that we should honor her for it, now and always.

WIRELESS CABLE SERVICE EXPANDS IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, recently I celebrated with some of my constituents the initiation of new wireless cable service in the Sioux Falls area. On May 31, 1994, I attended the formal dedication of Sioux Valley Rural Television's microwave broadcast facilities outside Rowena, SD. I was pleased to join the celebration.

Sioux Valley Electric's vision of providing wireless cable service to its rural customers began years ago. General manager, Jim Kiley, told me in 1987 about Sioux Valley Electric's desire to provide wireless cable service. Unfortunately, the Federal Communications Commission [FCC] had a freeze on new applications for wireless cable. The agency had received so many applications, there was a tremendous backlog. However, most of the applications were for more lucrative urban markets.

Jim and I met with then FCC chairman Dennis Patrick and explained that lifting the freeze could provide television choices for underserved rural areas. Sioux Valley Rural Television applied for a license at Colman and asked for a waiver or lifting of the freeze. The FCC accepted Sioux Valley's application and lifted the freeze for applications that were 50 miles or more from an existing license. This really opened things up for rural areas.

Sioux Valley was granted a license for Colman and has been providing television service since July 1989. I had the pleasure of attending the dedication ceremony for Sioux Valley's broadcast tower in Colman.

In 1992, Jim told me about Sioux Valley's pending applications at the FCC to provide service in Sioux Falls and northern Minnehaha County, and to add additional channels in Colman. It has taken a long time, but the FCC finally granted these applications. Sioux Valley has been providing 11 channels of television from its tower outside Rowena since May 15, 1994.

Mr. President, I ask unanimous consent that an article about the dedication from the Humboldt Journal be placed in the RECORD at the conclusion of my remarks.

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

[From the Humboldt Journal, June 9, 1994]

SIOUX VALLEY RURAL TV NOW SERVING MINNEHAHA & NORTHERN LINCOLN COUNTIES

With help from Senator Larry Pressler (R-SD), Sioux Valley Rural Television (SVRTV) formally dedicated its new Rowena microwave broadcast facilities last week.

SVRTV is a subsidiary of Sioux Valley Electric. Since 1989, the TV cooperative has been serving subscribers in Lake, Brookings and Moody counties. Recently, with help from Senator Pressler and his Washington staff, SVRTV also won Federal Communications Commission (FCC) licensing to serve Minnehaha and northern Lincoln county areas surrounding Sioux Falls.

"Our new Rowena system is broadcasting 11 of cable TV's most popular channels," said Jim Kiley, general manager of both Sioux Valley Electric and Sioux Valley Rural TV. "Our basic-plus package of programming even includes the Disney Channel," Kiley added.

Other channels included in SVRTV's basic-plus package are Discovery, ESPN (sports), the Cable News Network (CNN), the Nashville Network, TNT (Turner Network Television), superstations WGN and WTBS, Nickelodeon, the USA Network and TNN. The Home Box Office (HBO) Movie Channel is also available for an additional $9.95/month.

NOTHING TO BUY

SVRTV subscribers lease their home-end equipment (a TV top receiver/descrambler and small outdoor microwave antenna). The monthly fee for the ten channels shown above is $18.95, plus a $6.50/month equipment lease/maintenance charge. Equipment installation is provided by SVRTV technicians and typically costs $25.

General Manager Kiley, in remarks at the dedication ceremony, said providing cable TV programming in rural areas is consistent with Sioux Valley Electric's basic approach to serving its consumers:

"We view our mission as going beyond merely meeting consumers' basic need for reliable central station electric service. We also feel our organization should be looked on as a resource that can be used by rural people to improve their overall quality of life."

Kiley said the cooperative began providing wireless cable TV service because "Our rural consumers wanted greater access to the type of entertainment and informational programming that cable systems were providing to their urban-area customers."

PRESSLER, STAFF PRAISED

Both Kiley and SVRTV board chairman John Tevedahl praised the efforts of Senator Pressler and his staff in working with the FCC to secure the licensing required to provide expanded TV programming to rural-area subscribers throughout Sioux Valley Electric's four county service territory: "We simply couldn't have asked for a more dedicated ally," said Tevedahl. SVRTV's operations director, Joel Brick, and his staff also won praise:

"Joel has literally worked night and day for the past five years to accomplish what we're here to celebrate today," Tevedahl said adding "On behalf of all the people who will enjoy the results of your work, I and the rest of the Sioux Valley Rural TV board of directors thanks you. Tevedahl also cited Kiley for his leadership throughout the five years SVRTV has been in operation: "It was your vision that was responsible for adding TV programming to the long list of other services which our cooperative provides. It hasn't been easy to see all of this through, and I salute you for your encouragement, enthusiasm and leadership."

FREE SIGNAL CHECKS

Brick said SVRTV's new Rowena facility is performing "flawlessly," adding that a strong signal should be available to most of the estimated 5,000 homes with the system's coverage area. Nevertheless, before installing a potential subscriber's home-end equipment, Brick said SVRTV technicians perform a free, no-obligation signal quality test at the subscriber's location to be certain that a good signal is available. "That way," he added, "there's no uncertainty involved."

Information about Sioux Valley Rural TV is available by calling 1-800-616-7888.

SALUTE TO COP COLLECTIBLES

Mr. COHEN. Mr. President, I rise today to bring to the attention of my colleagues an outstanding and innovative program of Maine's South Portland Police department which has been enormously successful in teaching young citizens to stay away from illegal drugs.

As juvenile crime and illegal drugs use continue to infect our cities and towns in epidemic proportions, we must do all we can to educate our Nation's youth from their earliest ages about the dangers of becoming involved with drugs, crime, and violence. Conveying an anti-drug message to kids is increasingly difficult since our culture delivers a continuous message of violence and irresponsibility to our children through the television and movies they watch, the music they hear, and even the headlines and news stories to which they are exposed.

Parents, teachers, and communities are finding it very difficult indeed to compete with the glamorous portrayal of violence and substance abuse. Thus, when community leaders find a way to reach children effectively on these crucial issues, we should do all we can to promote their efforts.

The South Portland Police department in Maine has taken on the difficult task of delivering positive messages to young people through a very successful—and seemingly old fashioned—means: trading cards. Last year, the department issued its first edition of "Cop Collectibles"—trading cards, like baseball or football cards, featuring police officers. Instead of sports heroes, each card sports the picture of a local police officer. On the back is the officer's biography and an anti-drug message which the officer on the card has selected.

Sgt. George Berry, the public relations officer of the department, seized on the opportunity to trade on this American tradition after learning about a similar collectibles program in Iowa. The cards are distributed to children at schools, and each week the police department features a card that the children eagerly collect. Prizes and contests are provided to encourage children to collect the cards, and community businesses have joined in by offering promotions, such as free pizzas or T-shirts, to young people who participate in the program.

The Cop Collectibles program has been enthusiastically embraced by the entire community, schools, parents, and most importantly, by the children themselves. Almost 140,000 cards have been distributed in the first year of this project alone and a second series of cards will soon be issued. Several other police departments have plans to begin similar programs due to the enormous success of South Portland's experience.

In addition to providing a strong, effective antidrug message, the Cop Collectible program has fostered an important relationship between law enforcement and youth. Since the program began, it is not unusual to see children lining up at the police station to visit their heroes, pointing out a familiar police officer on the street based on cards they have collected, or having officers autograph their cards at the Maine mall. Perhaps most importantly, the program has taught children that it is "cool" to admire police officers and to resist drugs, alcohol, and violence.

Mr. President, through my work on the Juvenile Justice Subcommittee, I am firmly convinced that prevention and education are the best way to combat juvenile crime, and that communities must do all they can to support law enforcement's efforts in these areas. The South Portland Police department's Cop Collectibles program is a prime example of how a community has banded together to send the right message to their children, and I am confident that we will see the positive results of this program for years to come.

I want to commend Chief Robert Schwartz, Sergeant Berry, and the entire South Portland Police department for their commitment to the young people of their community and congratulate them on the success of their program.

WINNERS IN WYOMING COAL INFORMATION COMMITTEE ESSAY SCHOLARSHIP PROGRAM

Mr. WALLOP. Mr. President, I rise today to honor the four winners of the Wyoming Coal Information Committee annual essay scholarship program. Rebecca Fisher of Powell received a $2,000 scholarship for her first place entry and will attend the Northwest College in Powell. The regional winners of the $500 WCIC scholarships are Neel Kumar of Laramie, David Russell of Rawlins, and Tammy Gilbertson of Gillette, all of whom plan to attend the University of Wyoming.

These outstanding students competed with 33 other Wyoming students. To qualify, students were required to write an essay entitled, "Wyoming Coal—Revenues, Resources and Jobs for the State and Its Citizens." By utilizing and culminating their extensive research, participants were able to better understand the importance of Wyoming's coal industry and the benefits it provides. All of the top essayists wrote excellent pieces focusing on how the industry benefits each and every person in Wyoming through tax revenues that fund schools, roads, and other vital services. All essayists agreed that the search by producers for a cleaner fuel rejuvenated Wyoming's failing coal economy in the 1960's. The winner, Rebecca Fisher, stated that Wyoming's strip mines and high worker productivity combined with its environmentally

friendly low-sulfur coal contribute to its No. 1 ranking as a coal producing state. Tammy Gilbertson added that the coal industry provides 4,576 jobs and brings in $21 billion annually. Neel Kumar and David Russell noted Wyoming coal offers a practical alternative to unstable and unreliable Mideast oil. In short, each student did an outstanding job illustrating the contributions coal has made to our State's economy and environment.

I commend the Wyoming Coal Information Committee for providing scholarships that will undoubtedly encourage students to become the powerful leaders who will shape our future, and I congratulate each of these students on writing articulate and thoughtful essays. I ask that the essays be printed following these remarks.

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

WYOMING COAL—REVENUES, RESOURCES AND JOBS FOR THE STATE AND ITS CITIZENS

(By Rebecca Fisher)

As a high school senior and one who has, what I thought, a well rounded knowledge of the world and that's going on in it, I was amazed to discover Wyoming's involvement in the coal industry.

In 1992, according to Rand McNally, the population of the State of Wyoming was approximately 455,975. Every year the State Inspector of Mines of Wyoming submits to the Governor of Wyoming, an annual report. In this report I was able to find out much about coal mining in the State of Wyoming. I found out from this annual report that approximately 2 percent of the entire State's population is employed in the mining industry and 49.8 percent of these were employed in coal mining production.

In the 1993 "Wyoming Mineral and Energy Yearbook" published by the Department of Commerce/Economic and Community Development Division/Energy Section, I found out that most of the coal produced in Wyoming is in Campbell County. In 1992 coal production fell in Campbell County by slightly over 5 million tons but this was the first decrease in Campbell County since 1986. Even with this decrease, Campbell County still produced 84 percent of the State's total coal. This decrease occurred because of the devaluation on coal by $38 million (or 9 cents per ton) and because of production losses. Campbell County produced 159.6 million tons of coal in 1992 and is expected to produce 153.3 million tons in 1993.

In 1993, Converse County was expected to be the second largest producer of coal in the State, with estimates of 17.1 million tons expected to be produced. This is quite an increase over the 1992 production of 8.5 million tons, 3d largest county for 1992 production. These increases reflect planned increases in several of the State's newest mines.

The third largest county, production wise, is Sweetwater County. In 1992, 12.8 million tons were produced. The 1993 estimates show a decrease to approximately 11.3 million tons.

The dollar valuation of coal production for 1993, based on the 1992 production, is the second largest for the State, at 31.5 percent in reference to mineral income. Coal production is second only to oil production, at 39 percent of the total dollar valuation. In Wyoming, the minerals industry is the largest contributor to the State's economy. The 1993 valuation based on 1992 production was $3,619,999,037 which represents 59 percent of Wyoming's total valuation. These figures place Wyoming in the top 10 of mineral producing States in the United States. Coal, coming in at 31.5 percent of the total valuation, breaks down to $1,140,299,696, making Wyoming the top producer of coal in the Nation.

There are basically four main types of coal but many more subcategories. The four main categories are ranked according to their composition and heating value. The four categories rank in order, from the highest content and heating value to the lowest. The four categories are: anthracite, bituminous, subbituminous, and lignite. The grade of Wyoming's coal is subbituminous and contains less sulfur and more moisture than this same grade of coal that is produced in the East and Midwest. The low sulfur content is the physical property that makes Wyoming coal so attractive to thermal electric generation plants. This interest began in the middle 1960's when it was discovered that the low sulfur content of the coal made it possible for the thermal electric plants to operate without having to install expensive exhaust gas scrubbers. Even though Wyoming coal had other factors that were not as impressive, such as low heat value and high water content, the savings of not having to install the exhaust gas scrubbers more than compensated for these other properties.

There was another reason that interest was sparked in the 1960's toward Wyoming coal and that was cost. Because most of the coal produced in Wyoming was strip mined, open pit mines, it cost less to produce than the deep mined eastern coal. Worker productivity is also greater because of the ability to use larger machinery and modern technology in the open pit mines. These factors all contribute to the lower production costs of Wyoming coal and the lower cost made it possible for the thermal electric generation plants to operate more profitably.

In 1959 Wyoming was at the very lowest in its coal production. The decrease in the production of coal started in 1947 when the railroads started changing from steam to diesel engines. As the demand decreased so did coal production. When the interest by the thermal electric generation plants started, Wyoming coal perked up. Since 1971 Wyoming coal production has increased over twenty seven fold. The decrease in 1992 (which was the first decrease since 1986) still led the Nation in coal production at 190,025,252 tons. The estimates by the Department of Commerce indicate that they expect Wyoming to be producing 220 million tons of coal by the year 1997. This is approximately a 16 percent increase over what was produced in 1992.

The Powder River Basin which encompasses three counties, Converse, Campbell, and Sheridan, has the three largest surface mines in the Nation. In the entire State there are 30 active coal mines. Of these 30 mines, 26 of them are surface mines strip mines, and only 4 are underground operations. Of the 23 counties in the State, the coal mines are concentrated in only 7 of them. The Kemmerer Coal Co. started operating around the turn of the century and is still operating today. It is considered the longest continuous operation in the State.

The demand for Wyoming coal has not only been from power plants in 32 of the United States, but also from electric utilities in Mexico, Canada, Japan, and Taiwan. Some billion tons has been exported to these other countries. Getting back to the figures I quoted earlier about the percentage of Wyoming residents that were employed in actual coal production I would like to say that I was not able to come up with any information that indicates figures that include the transportation of coal to its destinations. I did find out that 88 percent of the coal that was exported in 1992 was transported by the railroads. The balance of 12 percent was transported by truck or barge. So you can see that a great deal of people, not only in Wyoming, are receiving their livelihood from coal production and also from the transportation of coal from Wyoming to its destination of use. This is not to mention the number of people who are employed because of the energy that the coal is producing.

Living in Park County, which produces no coal, I was only aware that the lime plant, that was recently constructed near Frannie on the Wyoming/Montana border, used coal to operate their plant. I called the plant and was interested to learn that for the 330 days per year that they actually operate, they use 90 tons of coal daily. That figures out to 29,700 tons annually. They have the coal trucked in from Sheridan County and they receive three trucks daily. The lime plant employs 13 fulltime people and if the coal stopped, that would mean that 13 lime plant employees and at least three truck drivers would be out of work. So you can see that not only the production of coal employs residents of the State but some of the industry in the State is very dependent on Wyoming coal.

A different twist that I really hadn't considered is most taxes that are paid by the coal producers and the multitude of other minerals produced in the State, contribute directly to the individual residents of the State. Wyoming is one of only a few States in the United States that does not have State income taxes. I believe that most of the reason for this is the fact that we are so mineral rich and mineral production derives enough taxes to enable the State to operate without having to have a State income tax. Not only do the people derive the advantage of not having to pay State taxes but the cities, towns, and counties derive some of their operating revenues from the collections from the mineral producers in the form of mineral royalties, mineral severance, and sales taxes. Without the minerals produced in this wonderful State we would be poor indeed.

In conclusion I would like to submit a tremendous thank you to all of the mineral producers for making Wyoming such a wonderful State to live in. Without you, we as residents, would have less jobs, more taxes, and probably fewer cities, towns, and counties that provide well for our citizens.

WYOMING COAL REVENUES, RESOURCES, AND JOBS FOR THE STATE AND IT'S CITIZENS

(By Tammy Gilbertson)

Wyoming is a sparsely populated state with a delicate economy. Agriculture will not begin to support it, and the future of oil is uncertain and unpredictable. Coal, however, properly managed, marketed, and controlled will make Wyoming an economic leader in the west for many years.

Wyoming's coal sales are well over one billion dollars annually. This figure is based on sales; it in no way reflects the actual money that coal brings into Wyoming. Wyoming leads all other states in the amount of coal produced yearly. Wyoming (Campbell County) has the two largest coal mines in North America.

The impact of mining in Wyoming is positive and has been significant over the past

two decades. In 1975, coal activities increased dramatically in the Powder River Basin and continued to grow until the local industry reached it's peak in 1981. The high level of activity in the coal industry, combined with a flourishing oil and tourist industry resulted in a statewide population explosion, with people from all over the world coming to Wyoming; most to mine coal. Sixty-three percent of Wyoming's gross economy is a direct or indirect result of coal mining in the state. More recently, the industry has experienced a steady, healthy growth; and the economic impact can already be seen (Mines in WY 1).

Coal mining has a significant effect on virtually all citizens of Wyoming. Coal revenues has generated over 10 million dollars for our state's schools in the last five years alone (Campbell County Chamber of Commerce). The coal industry provides jobs for 4,576 people year round in Wyoming. In total, coal mining brings in 21 billion dollars annually in direct economic impact on Wyoming.

Modern mining addresses issues which were notoriously ignored in the past; safety, environmental concerns, and community development and improvement are very serious considerations for today's mining companies. The environment is an issue that is on everyone's mind when mining is considered or discussed. Wyoming has a very rewarding program dealing with reclaiming the land that is mined. In Wyoming, every mine has a department that deals directly with environmental issues. These issues range from keeping the mine site clean to making sure that when the land has been mined it is put back to it's natural state. Reclaiming land is the process of putting the land back to the state that you found it in. Mines spend millions of dollars on this; the process includes planting grass, planting trees, adding rocks, and reestablishing animals that once lived on the land. This is a process that not only the mines but also the government takes very seriously. Mines can be very severely fined if the act of reclamation has not been successfully completed. Another issue of concern to the environment is the cleanliness of the mine. All mines have a standard of cleanliness that must be attained at all times. This standard includes the entire mine, from the mine vehicles to the bathrooms.

Safety is another issue that both mines and the government take very seriously. Mines make safety their first priority. Like the environment, safety also has it's own department. There are extensively trained, though rarely needed, rescue teams at every mine. Safety teams are maintained in case there are emergencies that require people with medical or rescue training. Achieving better safety records has become an exercise of intense competition among area mines, and the end result is that few injuries occur. Employees are generously rewarded for their contributions to safety. These rewards vary from money to clothing. Mines also encourage good health. They do this by providing health club passes to employees and their families or providing wellness clubs for participants to belong to. These programs are typically quite successful and are often expanded to benefit others in the communities.

In conclusion, mining is an extremely complex issue that deals with more than just energy; it deals with people. Right now coal is the United States' number one source of energy. Our reserves indicated that we would have enough coal to last at least 240 years at current consumption rates. Without coal, Wyoming would be a very poor state; and Campbell County would not exist in the form that we know it today.

WYOMING COAL—REVENUES, RESOURCES AND JOBS FOR THE STATE AND ITS CITIZENS

(By Neel Kumar)

Coal, one of Wyoming's most valuable assets, has almost unlimited potential in domestic and foreign markets. Wyoming coal is desirable because it has many unique characteristics such as its economical mining cost and its low sulfur content.

The demand for coal has been on the rise for several years. In the United States the need for a cleaner fuel source has caused many companies to take a good look at converting their factories from oil and high sulfur coal to the low sulfur coal found in the West. The domestic necessity for low sulfur coal, such as the type found in the Powder River Basin, has caused the demand for Wyoming coal to become greater. Wyoming has overtaken other states such as West Virginia and Kentucky to become the nation's leading coal producer. In 1991, Wyoming's coal industries were responsible for 19.6% of the United States' total coal output. The power generating industry is easily the largest consumer of Wyoming coal. Of the 194 million tons produced in 1991, 97% was consumed by power plants.

Coal offers a viable and cost efficient alternative to foreign oil. By using coal reserves, such as the ones in Wyoming, the United States decreases its dependency upon foreign energy products. Domestic coal would provide the nation with invaluable independence. This energy independence would also be very beneficial in the case of a national crisis such as a war or natural disaster. With the volatile instability of the Middle East, Wyoming coal offers this country a dependable and practical power source. By mining domestic coal, the United States invests into its power companies two choices. They can either begin burning more low sulfur coal or they can install scrubbers to filter some of the detrimental emissions released from their power plants. Switching to cleaner coal of the Western reserves would be half as expensive as buying a scrubber.

The Environmental Protection Agency's (EPA) strict environmental standards make Wyoming's relatively clean coal look extremely appealing to many manufacturers and companies. A coal consuming company can save money by combining Wyoming's clean coal with a high sulfur coal to form an effective and inexpensive mix. Many industry analysts predict coal will be one of the solutions to the world's environmental problems. Wyoming's low sulfur coal has already helped the power generating industry to produce less hazardous emissions.

In the future, Wyoming coal may be exposed to new areas presently under development. Studies have been conducted to remove the pollutants in the flue gas resulting from the combustion of coal using microwaves. Scientists have also experimented with the addition of ammonia to coal to remove pollutants. If all or any of these processes are successful, Wyoming coal will become an even more important resource. The technology for the gasification and liquefaction of coals is available; should the economics be favorable, these technologies will offer Wyoming a chance to utilize its reserves in another method.

The coal industry brings many kinds of jobs to Wyoming. In 1992, the employment of workers in the coal industry was at 4,648. Equally important to Wyoming's economy are the number of jobs created as an indirect result of various coal companies. Besides the workers in the coal mines, people are needed to operate the machinery in the power plants which produce electricity from the coal. Many jobs, including positions which involve the construction and maintenance of mining facilities, have been created as a direct consequence of Wyoming's coal industry. Numerous companies have been founded to offer the coal industry dependable machinery. Other offshoots of mining are the businesses and industries which settle near the mines to provide the workers with everyday necessities; an example of a city like this is Wright, Wyoming.

The research of coal utilization has been become very important. The country has begun to realize the values of its enormous coal resources and why it should be utilized in an environmentally safe manner. Studies, both public and private, are being conducted to determine the best possible method for burning Wyoming's low sulfur coal. All of these jobs, direct results of the coal industry, are a significant part of both Wyoming's society and its economy.

Wyoming coal industries are also responsible for a great amount of economic activity in this state. In 1991, a study conducted by Drs. Robert Fletcher and David Taylor found this economic activity in Wyoming to be approximately $2.7 billion. Once again, the indirect economic results of the coal industry are equally as important.

State taxes from the sale of Wyoming coal provide money for road maintenance, educational institutions, water development projects, recreational facilities and trust funds. Other taxes, such as the severance tax, are distributed to capital construction, highway funds and a Permanent Mineral Trust Fund. In 1991, the total amount of taxes—including sales, use, federal, and severance among others—generated from Wyoming's coal reserves was $457,359,000. The state of Wyoming received roughly 57.3% of the aforementioned figure.

Wyoming has unlimited economic potential with the advancement of the coal industry. The state must begin to concentrate its efforts to utilize its assets in the most productive way possible. It is clear that the Wyoming coal industry will lead this state into the 21st century, giving its citizens a bright and prosperous future.

WYOMING COAL

(By David Russell)

In the heart of Rawlins, Wyoming thrives a small business that provides several services to the community. D&L Enterprises, owned and run by my father and his brother, is an industrial paper company, appliance sales and repair dealership, and part of the Culligan franchise all wrapped into one with plumbing on the side.

Rawlins is struggling economically right now, and businesses, especially small businesses are going through some hard times. My father has to keep his business very flexible and open to new ideas just to survive, but he could not survive at all without Wyoming's coal industry.

Every business and every person in this state is affected by Wyoming coal, whether they realize it or not. My father deals directly with the coal mines in Carbon County, selling them various paper products, rock salt, and extensive water conditioning services. Indirectly, the coal mines help the business by providing individual consumers.

In 1993, Wyoming's coal industry employed over 4,500 individuals, paying them an average of $1003.00 a week. This money was in turn put back into Wyoming's economy when an employee bought groceries, had a dishwasher fixed, or just ordered a pizza.

These 4,500 people keep my father and many others in business.

Aside from the business aspect, all Wyoming citizens benefit politically and financially from the coal industry. Because much of the nation depends on Wyoming coal as a source of energy, Wyoming carries much weight in Congress, especially on energy and environmental issues. With the ever increasing concern for the environment, demand for Wyoming's low sulfur coal will inevitably increase. Financially, Wyoming's citizens save a substantial amount of money. Severance taxes on mines account for five percent of tax revenue for the State. Wyoming also collects royalties from mines located on state owned land. If the coal mines didn't exist, that money would still have to come from somewhere.

Coal mining is a booming industry, which attracts big companies. Big companies bring people and business into the state. Wyoming has greatly benefited from the hard working and valuable citizens brought in by the coal industry.

Coal was discovered in Wyoming as early as 1843. According to U.S. Geological Survey records, the first recorded production of coal occurred in 1865 where some 800 tons of coal were produced. The Union Pacific Railroad was the major coal consumer from 1868 to 1950. Coal mines shot up all over the state and production inclined steadily until the mid 1940's.

During the 1950's, Union Pacific made a transition from coal burning steam engines to more efficient diesel engines. This was a striking blow to the coal industry and the economy of Wyoming. Coal production which was 9.8 million tons bottomed out at 1.6 million tons in 1958. Life got hard fast for many people. The fall in demand threatened the very livelihood of Wyoming's citizens. In Kemmerer, incidents were recorded of people rolling boulders down mountains to wreck any passing diesel propelled locomotives.

After hitting rock bottom in 1958, coal production again started to rise steadily. Demands from electric generation plants and factories kept coal miners working. These factories were generally located within the state at first, but the number of factories out of state increased, and coal production continued to rise.

In 1970, the Clean Air Act was passed. Within two years the demand for Wyoming's low sulfur coal shot to over 10 million tons. In 1973 the Arab oil embargo created an even bigger demand. Wyoming has since grown to be the number one coal producer in the nation. Amidst cutbacks, Wyoming produced a record of 214 million tons in 1993. Ninety-seven percent of Wyoming's coal is used by electric power generation plants and 84% of the coal is being transported outside the state.

In 1990 Congress enacted revisions to the clean air act, but Wyoming has not yet felt a significant impact. More environmentally friendly legislation is likely, and production will only increase. By the year 2001, the number of people employed by the coal industry is projected to be 5,140, and production will be 214.7 million tons. Wyoming still has 25 billion tons of coal in demonstrated reserves, but technological advances may enable us to take advantage of the 1.5 trillion tons underlying about 41% of Wyoming's surface.

Over the years, environmental extremists have been opposed to coal mining. Even the term "strip mining" brings to mind images of barren waste land, stripped of beauty and integrity, left by the heartless coal miner, who was only interested in making a buck. These images are frightening, but they are simply not true. Coal mines are required by law to protect the quality of the land, air and water. Like a good Boy Scout, mining operations return land to a condition as good as or better than it was before any mining took place.

I learned this lesson first hand last summer. I was employed by Graves & Associates, a company contracted to reclaim abandoned drill sites in the Green Mountain area. We were given maps of the area marked with all known drill sites, each of which had to be accounted for before moving on. At each site, we augured down to open up the hole, checked how deep the hole was, made sure it was taken care of properly, and then did a little landscaping.

* * * * *

TRIBUTE TO COL. JOHN McLAURIN, U.S. ARMY

Mr. SHELBY. Mr. President, today I want to congratulate Col. John McLaurin who is retiring after more than 23 years of service to the U.S. Army Judge Advocate General's Corps. Colonel McLaurin's final tour of duty has been as the chief of the Investigations and Legislative Division of the Secretary of the Army's Office of Legislative Liaison. In this capacity, John represented the Army in a highly professional and ethical manner. I have valued and relied upon his advice and wisdom in dealing with many of the difficult issues that face this great country of ours today. Articulate, forthright, and reliable, John is admired by all of us who have had the privilege to know and work with him.

John did not spend all of his years in the Army working in legislative liaison, however. In Belgium, at the Supreme Headquarters Allied Powers Europe, he successfully conducted the military services, negotiations with Belgian Government personnel under article VII of the NATO Status of Forces Agreement to obtain release of jurisdiction over military personnel. In France, at the American Embassy, he successfully negotiated similar releases of jurisdiction with the Governments of France and Monaco and served as the U.S. Defense Attaché's principal negotiator of American-French military international agreements. In South Korea he served as the staff judge advocate of the 2d Infantry Division, our most forward deployed unit in South Korea. John has served in equally notable positions in the United States as the staff judge advocate of Health Services Command, assistant general counsel in the Defense Intelligence Agency, deputy staff judge advocate of the 2d Armored Division, and post judge advocate at Yuma Proving Grounds. He developed Health Service Command's multimillion-dollar Third Party Collection Program and the Defense Intelligence Agency's Freedom of Information Act Office and regulations. He has successfully advocated in Federal civilian, military criminal, and military administrative proceedings. John's tenure in each of these positions was always marked by success, not just by giving great legal advice, but also by bringing a genuine love of the military and the soldiers who are the backbone of the Army to each position.

John is the type of dedicated, caring leader on whom our great Army depends. He has served our Nation well, and our heartfelt appreciation and best wishes for continued success go with him.

TRIBUTE TO FATHER CAESAR CAVIGLIA

Mr. REID. Mr. President, I would like to take a few moments to reflect on the career and pending retirement of a very special man in the southern Nevada community.

For the past 40 years, Father Caesar Caviglia, a native Nevadan, has devoted his life to helping people around him. He has done this, I believe, in a very unique fashion, exceptional in the way one would view the role of a priest.

Caesar Caviglia got his calling early in life. Religion became the principal focus for young Caesar and, at the age of 18, he enrolled in St. Mary's College in Mortaga, CA. To further his religious convictions, he entered the seminary 4 years later and was ordained at the age of 27. He holds degrees in philosophy, education, theology, and economics.

His education, as you can see, is quite impressive. His uniqueness, however, lies not in his education but in his ability to utilize his education and other natural abilities to garner support for projects and ventures that have changed the lives of those he serves. Father Caviglia was instrumental in securing a $1 million grant to build the Henderson Convention Center. He singlehandedly established the Henderson campus of the Community College of Southern Nevada. His love for senior citizens was realized in his creation of a meals-on-wheels program. I have named only a few projects he established to enlighten and nourish the community. It would take several CONGRESSIONAL RECORDS to list his complete works.

Commitment is the word that describes Father Caviglia's conduct in his ministry to, as he says, "be involved with the people in the secular dimension of their lives."

Some call Father Caviglia a power broker because he has become a political force in Nevada for many years. He has become such an influential figure that politicians seeking statewide office actively seek his support. I know this because I am one of those who sought his guidance and support, and thankfully so. His involvement with the political community has always

been with the honest interests of Nevadans in mind.

Father Caviglia displayed his genuine concern for peace and humanity by playing a major role in blocking the MX missile project. He also became active in opposing the relaxation of Nevada's abortion laws. He saw these issues not as political, but as moral and spiritual. His actions are that of a guardian watching over a community he serves and cares deeply about. He has not restricted himself to the traditional role of a priest, but has moved throughout political and business worlds seeking to identify ways of improving the community's quality of life.

Whatever issue confronts him, Father Caviglia never drifts from his religious convictions. His inner core of faith is what motivates him. These beliefs have been translated into labors of love. In his own words, Father Caviglia sees the church, "as a fulcrum of change for the good." His brand of leadership is one of bringing the worlds of church, politics, and business together to forge a united path toward betterment as individuals and as a community.

When one looks at the life of Father Caviglia, one sees a person who has sacrificed his life for the service of others, a man whose selfless actions made his neighborhood a better place to live. His smile is contagious, and he has made a lot of people happy. Despite his relationship with the rich and powerful, his goals are with everyday people. He has a genuine understanding of the plights of those isolated or in pain, and he devotes himself to unifying and healing.

Father Caviglia's popularity is a product in no small part of his sense of humor and colorful stories, which he relates to audiences in eloquent fashion. In one chance meeting, it would be clear to anyone why Father Caviglia has endeared so many.

As he looks forward to his retirement after 22 years as the shepherd of St. Peter the Apostle Catholic Church, we should all be thankful for being blessed by a man who has accomplished so much for our community and, throughout it all, made us laugh. He has sacrificed his life for the benefits of others and has done so with a irrepressible, zestful spirit that makes him a spiritual role model and moral compass for us all. He once said "Embrace life to the fullest. Grab onto it with intensity, with a passion. Because the real talent we read of in the Bible is the talent of life itself, the talent of a life well-lived." Those are the words of a man who loves life and loves people.

UNITED STATES TO MOVE AHEAD WITH THE LAW OF THE SEA CONVENTION

Mr. PELL. Mr. President, I would like to inform my colleagues of a significant announcement made this morning by Secretary Christopher during his appearance before the Foreign Relations Committee. At the committee's hearing, he announced that the United States will sign a key Agreement that should enable us to become a party to the United Nations Convention on the Law of the Sea.

I am delighted by this news.

My involvement with and belief in the Convention has been extensive. In the 1960's I introduced resolutions in the Senate calling for negotiation of such an agreement. I was a delegate to some of the negotiating sessions. I have looked forward to this moment for almost 30 years.

Negotiation of an agreement to modify Part XI of the Law of the Sea Convention, which modifies the deep seabed mining provisions of the Convention, should make the Convention as a whole acceptable to the United States. This significant accomplishment has been a bipartisan policy goal of three administrations.

The Law Sea Convention contains many tangible and significant benefits for the United States. The Convention's provisions on freedom of navigation are especially important for our national security. The Persian Gulf War, conflicts in Bosnia and other regions of the world, together with excessive claims to jurisdiction by coastal states, underscore the United States' security interest in unimpeded military and commercial sea and air traffic.

The Convention has many other benefits. In particular, its provisions on the marine environment and fisheries provide a sound basis to address many of the problems faced in these areas.

I believe the United States and the world community will benefit from a regime that brings the rule of international law to the oceans.

The LOS Convention will enter into force in November of this year, so U.S. ratification is urgent. As Chairman of the Foreign Relations Committee, I will give my highest priority to securing Senate advice and consent to ratification of the Convention and the modifying Agreement.

Mr. President, I ask unanimous consent that a letter from the Secretary regarding his decision on the Convention as well as accompanying background material addressing the importance of the Convention for the United States be included in the RECORD immediately following my remarks.

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

THE SECRETARY OF STATE,
Washington, June 30, 1994.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of June 10 commending the Department's efforts to solve our outstanding difficulties with the deep seabed mining provisions of the United Nations Convention on the Law of the Sea of 1982. I am pleased to inform you, and through you, your colleagues in the Senate, of the Administration's decision to sign an Agreement on July 29 that will modify the deep seabed mining provisions of the Convention to meet United States objections.

As you know, a comprehensive and widely accepted Law of the Sea Convention has been an objective pursued by Democratic and Republican Administrations for more than two decades. Unfortunately, the pursuit of that objective was interrupted in 1982 by the adoption of a Convention that contained seriously flawed provisions on deep seabed mining.

Since that time, the other parts of the Law of the Sea Convention have provided the basic framework for United States oceans policy. With the entry into force of the Convention on November 16 of this year, it is now possible for the United States to pursue its policy objectives as an active party to the Convention. Indeed, in the aftermath of the cold war, it is imperative from the standpoint of our security and economic interests that the United States become a party to the Convention.

The Convention guarantees United States control of economic activities in adjacent offshore areas and enhances our ability to protect the marine environment. At the same time, it preserves and reinforces the freedoms of navigation and overflight essential to our strategic and commercial interests as the preeminent global power. Its strategic importance can not be overstated as our changing defense policy places greater emphasis on our ability to project our military forces and less on forward basing.

The "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982" modifies the seabed mining provisions of the convention to respond to the United States objections. The process that led to this Agreement was initiated during the Bush Administration and our participation has continued under the Clinton Administration. The result is a regime that is consistent with our free market principles and provides the United States with influence over decisions on deep seabed mining commensurate with our interests.

As a treaty, the Agreement will be signed subject to Senate advice and consent to its ratification. By the terms of the Agreement the United States may only become party to it if we become party to the Law of the Sea Convention at the same time; the two instruments are to be interpreted and applied together as a single instrument. Accordingly it will be necessary to submit the Agreement and the Convention together for Senate consideration, and following the United States signature of the Agreement on July 29, we will immediately begin preparation for their submission to the Senate for advice and consent.

Enclosed you will find a copy of the Agreement and additional background material addressing the importance of the Convention for the United States and the means by which the Agreement addresses our principal objections to the seabed mining provisions of the Convention.

Be assured of the Department's full cooperation as we seek to bring this longstanding bipartisan undertaking to a successful conclusion.

Sincerely,

WARREN CHRISTOPHER

Enclosure:
As Stated.

OCEANS POLICY AND THE LAW OF THE SEA CONVENTION

On July 29, 1994, the United Nations General Assembly will reconvene in special session for the purpose of adopting and opening for signature the "Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982" (Agreement). The Agreement will fundamentally change the provisions of the Convention (Part XI) that establish a regime to manage deep seabed mining beyond national jurisdiction. In so doing, it removes the obstacles that have prevented the United States and other industrialized countries from becoming parties to the Convention.

The Administration believes that the Agreement satisfactorily addresses long-held objections to the Convention's seabed mining provisions. Therefore, based on a unanimous interagency recommendation, the Administration has decided to sign the Agreement on the date it is open for signature. With the conclusion of this Agreement, it will now be possible for the United States to consider accession to the Convention. This action places the United States on the threshold of achieving an objective that has been pursued by successive United States Administrations for over a quarter century—that is, a comprehensive and widely ratified law of the Sea convention.

BACKGROUND: UNITED STATES OCEANS INTERESTS

The United States has important and diverse interests in the oceans. As the world's pre-eminent naval power, the U.S. has a strong national security interest in the ability, as a widely accepted matter of right, to navigate freely and overfly the oceans of the world. The end of the Cold War has, if anything, highlighted this need in view of our decreasing reliance on forward basing and the corresponding growing reliance on our ability to project our military power. Ensuring the free flow of commercial navigation is likewise a basic concern for the United States. As a major trading power, our economic growth is inextricably linked to a robust and growing export sector that is heavily dependent upon maritime transport.

At the same time, the U.S., with one of the longest coastlines of any nation in the world, has basic resource and environmental interests in the oceans. The seabed of the deep oceans offers the potential for economically and strategically important mineral resources. Inshore and coastal waters generate vital economic activities—fisheries, offshore minerals.

The health and well-being of coastal populations—the majority of Americans live in coastal areas—are intimately linked to the quality of the coastal marine environment.

Understanding the oceans, including their role in global processes, is one of the frontiers of human scientific investigation. The U.S. is a leader in the conduct of marine scientific research. Further, such research is essential for understanding and addressing problems associated with the use and protection of the marine environment, including marine pollution, conservation of fish and other marine living species and forecasting of weather and climate variability.

Pursuit of these objectives, however, requires careful and often difficult balancing of interests. As a coastal nation, for example, we naturally tend to seek maximum control over the waters off our shores. Equally, as a major maritime power, we often view such efforts on the part of others as unwarranted limitations on legitimate rights of navigation.

Moreover, traditional perceptions of the inexhaustibility of marine resources and of the capacity of the oceans to neutralize wastes have changed as marine species have been progressively depleted by harvesting and their habitats damaged or threatened by pollution and a variety of other human activities. Maintaining the health and productive capacity of the oceans while seeking to meet the economic aspirations of growing populations also requires difficult choices.

Striking the balances necessary to implement U.S. oceans policy must be viewed in an international context. Living resources migrate. Likewise, marine ecosystems and ocean currents, which transport pollutants and otherwise affect environmental interests, extend across maritime boundaries and jurisdictional limits. National security and commercial shipping interests are also international in scope. Access to mineral resources beyond national jurisdiction will be difficult without a basic international consensus. Achievement of oceans policy objectives thus requires international cooperation at the bilateral, regional and global level. The alternative is increased competition and conflict over control of the oceans and marine resources to the detriment of United States strategic, economic, scientific and environmental interests.

THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

United States oceans policy has always had as a basic objective the application of the rule of law to the use and conservation of the oceans. The United States was a leader in the international community's effort to develop an overall legal framework for the oceans in the Third United Nations Conference on the Law of the Sea, which began its substantive work in 1974.

The resulting United Nations Convention on the Law of the Sea (UNCLOS), concluded in 1982, provides a comprehensive legal framework governing uses of the oceans and the rights and obligations of States relating thereto. It achieved consensus on the nature and extent of jurisdiction that States may exercise off their coasts: a territorial sea of a maximum breadth of 12 nautical miles and coastal State jurisdiction over fisheries and other resources (e.g., oil and gas) in a 200 nautical-mile Exclusive Economic Zone (EEZ) and on the continental shelf here it extends beyond the EEZ. It balances extended coastal State jurisdiction with provision for preservation and elaboration of rights of navigation and overflight in these areas and guarantees of passage through and over straits used for international navigation and archipelagoes.

In addition to the nature and extent of maritime jurisdiction, UNCLOS sets forth rights and obligations of States with respect to:

Conserving marine living resources, including coastal fisheries populations, straddling stocks (fisheries populations whose range includes both areas of the EEZ and the high seas); and highly migratory species and marine mammals, such as whales;

Protecting the marine environment from all sources of pollution, including from vessels, dumping, seabed activities and land-based activities; and

The conduct of marine scientific research, including procedures for coastal State exercise of the right to require consent for research in coastal waters and for promoting and facilitating access by researchers to such areas.

The agreements reached in these areas well serve U.S. interests. Nonetheless, the provisions of UNCLOS on the deep seabed posed fundamental difficulties. Negotiations on these provisions were designed to give effect to the generally accepted principle that the resources of the seabed beyond national jurisdiction are the common heritage of mankind and that an international regime should be established to administer these resources. The essence of this principle is that the international community as a whole has an interest in the utilization of resources beyond the limits of national jurisdiction. Before the principle was incorporated into a United Nations Resolution in 1971, it had been endorsed in a statement by President Johnson in somewhat different terms (the "legacy of all human beings") and supported by the Nixon Administration. Subsequently, this principle was affirmed in the deep seabed mining legislation of the United States enacted in 1980.

Unfortunately efforts to negotiate an international regime took place against the backdrop of deep ideological divisions between developing and industrialized nations over how the principle should be translated into a concrete regime. The result from the United States perspective was a fundamentally flawed seabed mining regime.

U.S. objections, shared by other industrialized States, fell into two categories: institutional issues and economic and commercial issues. On the institutional front, we objected to inadequate influence for the United States and other industrialized countries within the seabed organization. On the economic and commercial front, we sought a more market-oriented regime. Therefore, we objected to mandatory technology transfer, production limitations from the seabed, onerous financial obligations on miners and the establishment of a subsidized international public enterprise that would compete unfairly with other commercial enterprises.

Because of basic objections to the seabed mining provisions of UNCLOS, the United States decided that it could not accept the Convention as a whole and did not sign it.

IMPLEMENTATION OF UNITED STATES POLICY

In 1983, the United States issued a presidential statement on oceans policy. It restated the objections to Part XI, reiterated our commitment to the objective of a universally acceptable convention and indicated that the United States would accept and act in accordance with the Convention's balance of interests relating to traditional uses of the oceans. This policy has been reaffirmed by successive United States Administrations. On this basis, the United States promoted international acceptance of the non-seabed provisions of UNCLOS, but continued to take the position that the deep seabed regime of Part XI required fundamental reform for the United States to consider accession to the Convention.

In the late 1980's, other nations increasingly began to recognize difficulties in the seabed mining regime contained in UNCLOS. This shift in attitude reflected general changes in the international political environment: the waning of the Cold War and the explosion of interest in free market reforms in developing countries and within Eastern Europe and the States of the former Soviet Union. It also reflected the decline in commercial interest in deep seabed mining as a result of relatively low metals prices and growing convergence of view among industrialized countries on the need for changes in

Part XI of the sort consistently advocated by the United States. The views of industrialized nations were matched by expressions of interest in an accommodation by developing countries—the primary defenders of Part XI.

These developments led the United Nations Secretary General in 1990 to launch a process of consultations aimed at resolving the objections that had caused the United States and others to reject the deep seabed mining regime. Initially, the United States took a cautious approach to these talks based on uncertainty regarding the likelihood that they could produce fundamental reform. However, in light of our longstanding commitment to a universally acceptable Convention, we participated to better evaluate the opportunities that might exist.

As they evolved, the Secretary General's consultations revealed growing international support for finding a solution to the problems of Part XI. The prospect of entry into force of the Convention (now definitely to take place on November 16, 1994) added momentum. Other industrialized nations saw a window of opportunity for fundamental change and argued that it would be more difficult to effect such change once the Convention had entered into force and its institutions had been established. Likewise, key developing countries shared concerns about entry into force of Part XI with little or no industrialized country participation.

In early 1993, the Clinton Administration undertook a detailed review of United States oceans policy. It endorsed the basic elements of that policy as they had been consistently articulated by past Administrations. It concluded that the prospects of reforming Part XI of UNCLOS to address our longstanding difficulties had improved to the point that U.S. oceans policy would be best served by taking a more active role in the reform effort.

This conclusion was also based on an assessment, which has been shared by all United States administrations since negotiations began on the Law of the Sea Convention, that a comprehensive and widely ratified Convention best serves United States interests. The merit of the Convention in this regard is not that it provides an answer to every future question regarding the uses of the oceans, but that it frames and channels discussions of new issues along lines favorable to our interests. Therefore, a Convention acceptable to us offers a legal framework within which to pursue and protect our oceans interests with greater predictability and at less political and economic cost than through other alternatives.

The United States has demonstrated that it can successfully assert its oceans interests without treaty relations with other States and that it could continue to do so if our objections to Part XI are not met. The costs of this approach, however, would grow over time, and long-term United States interests in stable and predictable rules concerning uses of the oceans would be best served by entry into force of a widely acceptable convention.

THE AGREEMENT RELATING TO THE IMPLEMENTATION OF PART XI OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Progress in the United Nations Secretary General's consultations has been rapid since the April, 1993 announcement by the United States that it would actively engage in the reform effort. Negotiations concluded June 3rd of this year on the Agreement, which will fundamentally change Part XI.

The "Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982" (Agreement), avoids establishing a detailed regime anticipating all phases of potential activity associated commitment with mining of the deep seabed. Rather, it sets forth economic and commercial principles that are consistent with our free market philosophy and which form the basis for developing rules and regulations establishing a management regime when interest in commercial mining emerges.

The Agreement retains the institutional outlines of Part XI but scales back the structure and links the activation and operation of institutions to the actual development of concrete interest in seabed mining. Of fundamental importance, it alters Part XI to provide the United States, and other states with major economic interests, a voice in decisionmaking commensurate with those interests. The United States, acting alone, can block decision on issues of major financial or budgetary significance in a Finance Committee. Acting alone, the United States can block decisions to distribute revenues from mining (e.g., to liberation movements) in the executive Council. Other substantive decisions can be blocked in the Council by the United States and two of our allies acting in concert.

The mandatory technology transfer provisions are replaced by provisions for the promotion of technology transfer through cooperative arrangements (e.g., joint ventures) and through procurement on the open market. Importantly, such initiatives are to be based on "fair and reasonable commercial terms and conditions, including effective protection of intellectual property rights." Although the prospective operating arm (the Enterprise) is retained, the executive Council must decide whether and when it is to become operational. Moreover, the Agreement subjects the Enterprise to the same obligations as other miners and removes the obligation of developed States to finance it.

The Agreement limits assistance to land-based producers of minerals to adjustment assistance financed out of a portion of royalties from future seabed mining. It also replaces the production control regime of Part XI by the application of GATT principles on subsidization. The Agreement further replaces the detailed and burdensome financial obligations imposed on miners by a future system for recovering economic rents based on systems applicable to land-based mining and provides that it be designed to avoid competitive incentives or disincentives for seabed mining. The Agreement provides for grandfathering in the mining consortia licensed under U.S. law on the basis of terms and conditions "similar to and no less favorable than" those granted to French, Japanese, Russian, Indian and Chinese companies whose mine site claims have already been registered by the Law of the Sea Preparatory Committee. Finally, substantial financial obligations at the exploration stage are eliminated.

In short, the Agreement achieves a restructuring of Part XI of the Convention which is consistent with our economic principles as well as our need to ensure adequate United States influence over decisions made by the institutions of the regime. In doing so, it achieves the fundamental United States objective of guaranteed the United States access to deep seabed resources on the basis of reasonable terms and conditions.

INACTIVATION OF THE 44TH MISSILE WING

Mr. PRESSLER. Mr. President, the following is the text of remarks I intend to give at a dinner honoring the inactivation of the 44th Missile Wing in Rapid City on Sunday, July 3, 1994:

I am pleased to be here this evening to join you in honoring the 44th Strategic Missile Wing. The 44th has made the philosophy of "Peace Through Strength" a reality. The brave men and women of the 44th have served our nation with distinction for over 32 years. I extend my sincere thanks to them and to their families. We can never underestimate the important contributions of supportive family members. I am sure the American people also would like to extend appreciation for their many years of dedication and vigilance. The distinguished service of the men and women of the 44th Strategic Missile Wing represents of their commitment to keeping America safe and free. Clearly, their contribution to the national security of our country has been great.

The Cold War began on August 29, 1949 when the Soviet Union tested its first atomic weapon. The world entered an era of global instability, with communism challenging our most cherished democratic ideals. America responded to the challenge with the policy of containment and nuclear deterrence. For forty years, this policy served this nation as the primary means of ensuring our national security and protecting fundamental freedoms—values Americans hold so dear. The 44th Strategic Missile Wing played a crucial role in maintaining peace throughout the Cold War. Our policy of deterrence was successful—not only as a result of superior technology but also the superior spirit and commitment of each individual in the 44th Missile Wing.

The 44th Strategic Missile Wing, along with the development of the Minuteman weapons system, served our country during a period of great international tension. From 1962 to 1994, the 44th Missile Wing sustained our national security. Their nationally distinguished service has been recognized through numerous prestigious awards—and I will take this opportunity to personally congratulate Colonel Roscoe Moulthrop, the Wing Commander and the staff of the 44th Missile Wing who are to receive the Air Force Outstanding Unit Award later this month. You are a great credit to yourselves, your families, this community, the State of South Dakota, and the United States Air Force.

The revolutions of 1989 and the ensuing collapse of the communist empire in Eastern Europe were precipitated by America's commitment to a strong national defense—the key component of which was powerful nuclear deterrence. The outstanding individuals who served in the 44th Strategic Missile Wing, through their dedication to the principles of freedom, encouraged these remarkable changes in the world—changes which none of us ever dreamed we would witness in our lifetimes. I agree wholeheartedly with what former President Bush once said: ". . . there is no higher honor than to serve free men and women; no greater privilege than to labor . . . beneath the Great Seal of the United States and the American flag."

Thank you again for your commitment, your service, and your love for this great country and the principles for which it stands.

TRIBUTE TO SHARON MAHOE, PRESIDENT, HAWAII STATE TEACHERS ASSOCIATION

Mr. AKAKA. Mr. President, I rise today to express my congratulations and best wishes to Sharon Mahoe for her 4 years of distinguished service as president of the Hawaii State Teachers Association [HSTA].

Sharon epitomizes all that is best in our Nation's teachers—dedication, commitment, sincerity and honesty. It is often said that one person can make the difference. Sharon Mahoe has certainly proven that axiom. Since she began teaching in 1973, Sharon has made a difference in the lives of students and teachers as the strongest advocate of their causes.

Under Sharon's leadership, teachers were active participants in efforts to reform and improve the educational system in our State. Ms. Mahoe has also been instrumental in improving the professional development opportunities of Hawaii's teachers, and has fostered discussions and exchanges among teachers, students, and parents.

Throughout her presidential tenure, Sharon has been an advocate and defender of our teachers. Her skill, devotion, and fervor in the fight on behalf of our teachers are truly commendable. For the past 4 years, Sharon has dedicated herself to making HSTA the most effective champion of teachers in our State.

For all of us who attempt to serve, in our own ways, the contributions of special individuals like Sharon embody what we strive to achieve. Sharon Mahoe's dedication in pursuit of the common good; her efforts to enhance the ability of teachers to perform their duties; and the singular fashion in which she exemplifies all that is best in our traditional work ethic—these are attributes that can never be too highly extolled.

Mr. President, I would like to recognize Sharon Mahoe for her outstanding achievements. The true beneficiaries of her guidance are the teachers and students of Hawaii. Although her tenure as president of the Hawaii State Teachers Association comes to a close today, I am sure that we will continue to hear of her future accomplishments.

MESSSAGES FROM THE HOUSE

At 9 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent, without amendment:

S. Con. Res. 68. Concurrent resolution to authorize printing of Senator ROBERT C. BYRD's Addresses to the United States Senate on the History of Roman Constitutionalism.

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. 263. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes.

At 4:51 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 bills, in which it requests the concurrence of the Senate:

H.R. 3626. An act to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia, to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes.

H.R. 4606. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4624. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4650. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate.

S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The message further announced that, pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42-43), the Speaker appoints himself on the part of the House as a member of the Board of Regents of the Smithsonian Institution, to fill the existing vacancy thereon.

At 7:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3567) to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3626. An act to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia, to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4606. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.R. 4624. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.R. 4650. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

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-2957. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to the National Defense Authorization Act for fiscal year 1995; to the Committee on Armed Services.

EC-2958. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to the National Defense Authorization Act for fiscal year 1995; to the Committee on Armed Services.

EC-2959. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, notice relative to plans to adjust officer personnel assignments and promotion policies; to the Committee on Armed Services.

EC-2960. A communication from the Assistant Secretary of the Army (Installations, Logistics and Environment), transmitting, pursuant to law, notice relative to the Aberdeen Proving Ground, Maryland; to the Committee on Armed Services.

EC-2961. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on tied-aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC-2962. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Rwanda; to the Committee on Banking, Housing, and Urban Affairs.

EC-2963. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on intelligent vehicle-highway systems; to the Committee on Commerce, Science, and Transportation.

EC-2964. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Environmental Compliance and Restoration Program"; to the Committee on Commerce, Science, and Transportation.

EC-2965. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on bluefin tuna; to the Committee on Commerce, Science, and Transportation.

EC-2966. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the Slidell, Louisiana Computer Complex; to the Committee on Commerce, Science, and Transportation.

EC-2967. A communication from the Chairman of the Competitiveness Policy Council, transmitting, pursuant to law, a report of recommendations for policy changes; to the Committee on Commerce, Science, and Transportation.

EC-2968. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2969. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2970. A communication from the Department of Agriculture, transmitting, pursuant to law, the report of the activities of the Youth Conservation Corps during calendar year 1993; to the Committee on Energy and Natural Resources.

EC-2971. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Colorado River for calendar year 1993; to the Committee on Energy and Natural Resources.

EC-2972. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, a report entitled "Profiles of Foreign Direct Investment in U.S. Energy 1992"; to the Committee on Energy and Natural Resources.

EC-2973. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC-2974. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on Trade Adjustment Assistance benefits; to the Committee on Finance.

EC-2975. A communication from Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a reward paid; to the Committee on Foreign Relations.

EC-2976. A communication from Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to the Assistance Program for the New Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC-2977. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of the Pueblo of Nambe's judgment funds; to the Committee on Indian Affairs.

EC-2978. A communication from the Deputy Attorney General, transmitting, pursuant to law, a report on the Federal Prison Industries program; to the Committee on the Judiciary.

EC-2979. A communication from the National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of the audit of the financial statements and schedules for calendar year 1993; to the Committee on the Judiciary.

EC-2980. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations with respect to the Federal Family Education Loan Programs; to the Committee on Labor and Human Resources.

EC-2981. A communication from the Assistant Secretary of Education, transmitting, pursuant to law, a notice of final priority relative to the Cooperative Demonstration Program (Manufacturing Technologies); to the Committee on Labor and Human Resources.

EC-2982. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Federal Family Education Loan Programs; to the Committee on Labor and Human Resources.

EC-2983. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Federal Family Education Loan Programs; to the Committee on Labor and Human Resources.

EC-2984. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to health care services in the home demonstration program; to the Committee on Labor and Human Resources.

EC-2985. A communication from the Executive Director of the National Kidney and Urologic Diseases Advisory Board, transmitting, pursuant to law, the annual report of the Board for 1994; to the Committee on Labor and Human Resources.

EC-2986. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to transfer certain real and personal property at Saint Elizabeths Hospital; to the Committee on Labor and Human Resources.

EC-2987. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of proposed regulations governing nominating conventions; to the Committee on Rules and Administration.

EC-2988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-254 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-2989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-258 adopted by the Council on June 07, 1994; to the Committee on Governmental Affairs.

EC-2990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-259 adopted by the Council on June 07, 1994; to the Committee on Governmental Affairs.

EC-2991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-260 adopted by the Council on June 07, 1994; to the Committee on Governmental Affairs.

EC-2992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-261 adopted by the Council on June 07, 1994; to the Committee on Governmental Affairs.

EC-2993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-262 adopted by the Council on June 07, 1994; to the Committee on Governmental Affairs.

EC-2994. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled "Federal Employee Health Benefits Provider Integrity Amendments of 1994"; to the Committee on Governmental Affairs.

EC-2995. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2996. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the report of the audit of financial recommendations for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-2997. A communication from the Secretary of Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-2998. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of financial statements for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2999. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the study of the ability of the state and local governments to rebuild following the January 1994 earthquake in southern California; to the Committee on Governmental Affairs.

EC-3000. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-3001. A communication from the Secretary of Housing and Urban Development's designee, Federal Housing Finance Board, transmitting, pursuant to law, the report of financial statements for calendar year 1993; to the Committee on Governmental Affairs.

EC-3002. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC-3003. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-3004. A communication from the Chief Judge of the Court of Veterans' Appeals, transmitting, pursuant to law, the actuarial report of the Judges' Retirement Plan for calendar year 1993; to the Committee on Governmental Affairs.

EC-3005. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report of the analysis of the consolidated cash flow statement for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3006. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for calendar year 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-3007. A communication from the Assistant Secretary of State (Legislative Affairs)

transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–3008. A communication from the General Counsel and Chief Financial Officer, National Tropical Botanical Garden, transmitting, pursuant to law, the report of financial statements and schedules for calendar years 1992 and 1993; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

POM–586. A resolution adopted by the Commission of the City of Kissimmee, Florida relative to Taiwan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, with amendments:

S. 2082. An original bill to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103–295).

By Mr. DECONCINI, from the Select Committee on Intelligence, with an amendment in the nature of a substitute:

S. 2056. A bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States, and for other purposes (Rept. No. 103–296).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Anne C. Petersen, of Minnesota to be Deputy Director of the National Science Foundation;

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services;

Cynthia A. Metzler, of the District of Columbia, to be an Assistant Secretary of Labor;

Judith O. Rubin, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 1998;

Colleen Jennings-Roggensack, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 1996;

Fredric K. Schroeder, of New Mexico, to be Commissioner of the Rehabilitation Service Administration, Department of Education;

Rachel Worby, of West Virginia, to be a Member of the National Council on the Arts for a term expiring September 3, 1998;

John Haughton D'Arms, of Michigan, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Thomas Cleveland Holt, of Illinois, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 1998;

Darryl J. Gless, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 1998;

Ramon A. Gutierrez, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Martha Congleton Howell, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Nicolas Kanellos, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Charles Patrick Henry, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Harold K. Skramstad, of Michigan, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000;

Bev Lindsey, of Arkansas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000; and

Robert I. Rotberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2250. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities; to the Committee on Finance.

By Mr. JOHNSTON (by request):

S. 2251. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BENNETT):

S. 2252. A bill to amend section 17 of the Act of August 27, 1954 (25 U.S.C. 667p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian tribe, their Ute Indian heirs, or Ute Indian legatees, are not subject to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 2253. A bill to modify the Mountain Park Project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2254. A bill to amend the Energy Reorganization Act of 1974 to establish an Independent Nuclear Safety Board, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 2255. A bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security Equivalent Benefit Account; 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 has thirty days to report or be discharged.

By Mr. ROBB:

S. 2256. A bill to exclude from Federal income taxation amounts received in settlement of refund claims for State and local income taxes on Federal retirement benefits which were not subject to State or local income taxation on the same basis as State or local retirement benefits; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DURENBERGER, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MATHEWS, Mr. COHEN, Mr. PRYOR, Mr. BINGAMAN, Mrs. BOXER, and Mr. DORGAN):

S. 2257. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. DECONCINI, Mr. METZENBAUM, Mr. CHAFEE, and Mr. COHEN):

S. 2258. A bill to create a Commission on the Roles and Capabilities of the U.S. Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

By Mrs. MURRAY (for herself, Mr. HATFIELD, Mr. GORTON, Mr. INOUYE, and Mr. BRADLEY):

S. 2259. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2250. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities; to the Committee on Finance.

ALAMEDA TRANSPORTATION CORRIDOR TAX-EXEMPT FINANCING ACT

• Mrs. BOXER. Mr. President, today my colleague, Senator FEINSTEIN, and I are introducing legislation critical to helping the largest port complex in the United States expand its trade with the countries of the Pacific rim. Our bill would help provide more efficient cargo transportation by granting tax exempt financing for the Alameda transportation corridor improvement project. These improvements will speed the transport of international cargo between the San Pedro Bay ports of Los

Angeles and Long Beach to the Interstate Highway System and the national railroad network. The corridor will be a segment of the proposed National Highway System.

The Alameda corridor project is a rail consolidation plan for the Los Angeles-Long Beach ports and has major economic and environmental benefits, plus 10,000 construction jobs. The corridor project would consolidate more than 90 miles of rail into a single 20-mile high capacity corridor, eliminating 200 at-grade roadway crossings. The project will also widen and improve the truck route paralleling the rail facility to expedite port truck traffic.

This line will comprise two pairs of tracks leading directly from the port to switching yards in central Los Angeles. By eliminating the railroad crossings, the project would sharply reduce traffic congestion—saving 15,000 hours of delay by vehicles now waiting for trains to pass each day—with consequential benefits to the local air quality.

The estimated total cost of the project is $1.8 billion. More than half will be financed by the ports and port users. The ports will contribute $400 million and State and Federal governments are expected to contribute $700 million. The balance, about a third of the total cost, will come from tax-exempt bond financing. Fees paid by shippers using the corridor will be used to retire the bonds.

Our bill clarifies the scope of the current tax exemption for docks and wharves by specifically including related transportation facilities to ensure that State and local governments will be permitted to tax-exempt finance those transportation facilities which are reasonably required for the efficient use of publicly-owned port infrastructure.

The bill provides that transportation facilities—including trackage and rail facilities, but not rolling stock—shall be treated as "docks and wharves" for purposes of the exempt facility bond rules if at least 80 percent of the annual use of such transportation facilities is to be in connection with the transport of cargo to or from docks or wharves. For example, rail facilities for transporting cargo from a port area to the major railyard some miles away would qualify as an exempt port facility provided that 80 percent of the cargo transported on the facilities is bound for or arriving from the port. It is intended that use—for purposes of the 80-percent test—be computed in any reasonable fashion including, for example, on the basis of ton-miles or car-miles.

The bill provides that for purposes of the governmental ownership requirement for docks and wharves, related transportation facilities that are leased by a government agency shall be treated as owned by such agency if the lessee makes an irrevocable election not to claim depreciation or an investment credit with respect to such facilities and the lessee has no option to purchase the facilities other than at fair market value.

This bill is a critical step needed to help provide the most efficient transportation network possible to these vital ports. The Alameda Transportation Corridor project will create a transportation system of truly national significance.

The Pacific rim is the largest and fastest growing market in the global economy. U.S.-Pacific rim trade is expected to double in the next 15 to 20 years. In the Los Angeles region alone, more than 900 Asian and other Pacific rim firms employ more than 63,000 workers in local operations. More than 200,000 regional jobs are supported by the movement of goods through the ports of Los Angeles and Long Beach. They are critical components of our national economy. In fact, 25 percent of all U.S. waterborne international trade moves through the ports representing $116 billion in trade each year.

The ports have joined forces on a $4 billion, 2,000-acre terminal expansion program. Completion of the program will result in a dramatic expansion between the ports' cities and the Pacific rim. The value of that trade is estimated to reach $253 billion by the year 2010. Employment linked to this trade is also expected to grow from 2.5 million to 5.7 million jobs. Further, the growing trade will generate nearly $20 billion in additional Federal revenue by 2010.

The United States spends nearly $1 trillion a year—17 percent of our gross domestic product—on transportation services. A 1-percent improvement in the overall efficiency of our transportation system would translate into nearly $100 billion in savings across the economy within a decade. Meanwhile, half of our Nation's ports face growing congestion. Adequate access to our ports, which handled 450 billion dollars' worth of commerce in 1990, is a national priority. Total port commerce is expected to triple over the next three decades.

Mr. President, I hope our colleagues will support this legislation that is critical to our national efforts to compete as a nation in the global marketplace. To be successful we must modernize, and we must have the most efficient tools possible to promote jobs prosperity across our country.●

● Mrs. FEINSTEIN. Mr. President, today Senator BOXER and I introduce legislation that will allow for the Alameda Corridor Transportation Authority to issue tax-free bonds to help construct the Alameda corridor, probably the most important transportation project currently under consideration anywhere in the United States.

The Alameda corridor is a $1.8 billion project that will allow the San Pedro Bay Ports—Los Angeles and Long Beach—to expand and grow well into the 21st century. The project, in the years ahead, will require a Federal authorization of $700 million, the necessary Federal commitment. The ports have committed well over $400 million to purchase railroad rights-of-way.

But, initial construction will be funded by the issuance of bonds, and that is why this bill is so vital. Tax-free bonds can currently be issued for construction of harbor and port facilities, but under current law, the corridor would not apply since the major distribution center is 20 miles inland from the port. This legislation would extend the ability to issue tax-free bonds for transportation facilities, which would include trackage and rail facilities, if 80 percent of the cargo transported on the tracks is to and from the port, which is otherwise eligible for the issuance of tax-free bonds. Additionally, the facility must be publicly owned. This bill will reduce the cost of the corridor's construction by approximately $200 million.

Currently, to handle the cargo going in and out of the ports, according to the Alameda Corridor Transportation Authority, the San Pedro Bay ports now generate approximately 20,000 truck trips and 29 train movements per day. By the year 2020, truck traffic is projected to increase to 49,000 daily trips and 97 daily train movements.

Today, three railroads on three separate tracks serve the San Pedro Bay Ports, with 90 miles of track and over 200 grade crossings between the ports and inland cargo dispersal sites. Santa Fe's railroad alone has 92 crossings within a 20-mile span. Trucks carrying goods from the ports to dispersal sites farther inland face numerous stops and traffic.

With the projected increase in trade and cargo transport needs, the current transportation system will simply be inadequate to handle future demands.

The Alameda corridor project would consolidate the existing railways into a single corridor that would be depressed, and all crossing streets would bridge over the top. This would avoid the terrible delays as a result of the grade crossings. The corridor would also accommodate truck traffic.

Make no mistake, the Alameda corridor is a project of national significance.

The benefit of constructing the corridor will go far beyond the Los Angeles region, and well beyond the California borders. Every State in this Nation is impacted by the trade along the Pacific rim, and thus by the activities of Pacific ports. Trucks and trains must move the goods out of the ports. Workers must unload the goods from ships, put them on trains or trucks, and then once they arrive at a destination, more workers must unload these goods, before they are delivered to their final

stop. Trade creates jobs in every sector of the economy.

Put simply, trade means jobs.

All of the Nation's coastal States understand the importance of trade, seagoing trade in particular. In 1992, the last year for which statistics are available, this Nation exported 1.58.4 billion dollar's worth of goods through its seaports, and imported $293.1 billion of goods through the same ports of entry.

The San Pedro Bay ports are the busiest containerport facility in the world. Combined, 109 billion dollar's worth of cargo moved through the Los Angeles and Long Beach ports. Trade on the Pacific rim is only expected to grow.

We must be able to support the projected growth in international commerce, and the development of the Alameda corridor will help us insure that we do so.●

By Mr. JOHNSTON (by request):

S. 2251. A bill to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS OF 1994

● Mr. JOHNSTON. Mr. President, at the request of the Department of Energy, I send to the desk a bill to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively and for other purposes.

I ask unanimous consent that the bill, the communication, and a sectional analysis prepared by the Department of Energy be printed in the RECORD.

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

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Policy and Conservation Act Amendments Act".

SEC. 2. Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (1) by striking "standby" and ", subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of conservation plans, and"; and

(2) by striking paragraphs (3) and (6).

SEC. 3. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211-6251) is amended—

(a) by striking section 102 (42 U.S.C. 6211);

(b) in section 105 (42 U.S.C. 6213)—

(1) by amending subsection (a) to read as follows—

"(a) The Secretary of the Interior shall prohibit the bidding for any right to develop crude oil, natural gas, and natural gas liquids on any lands located on the Outer Continental Shelf by any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in that person, when the Secretary determines prior to any lease sale that this bidding would adversely affect competition or the receipt of fair market value."; and

(2) by striking subsections (c) and (e);

(c) by striking section 106 (42 U.S.C. 6214);

(d) in section 151 (42 U.S.C. 6231)—

(1) in subsection (a) by striking "limited" and "short-term"; and

(2) by amending subsection (b) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the shortage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products or to carry out obligations of the United States under the international energy program.";

(e) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraph (1), and

(2) in paragraph (11) by striking ", the Early Storage Reserve";

(f) by striking section 153 (42 U.S.C. 6233);

(g) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a)(1) to read as follows:

"(a)(1) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.";

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Strategic Petroleum Reserve Office and in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve."; and

(3) by striking subsection (c), (d), and (e).

(h) by striking section 155 (42 U.S.C. 6235);

(i) in section 156(b) (42 U.S.C. 6236(b)), by striking "To implement the Early Storage Reserve Plan or the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a), the" and inserting "The";

(j) by amending section 157 (42 U.S.C. 6237)—

(1) in subsection (a), by striking "The Strategic Petroleum Reserve Plan shall provide for the establishment and maintenance of" and insert "The Secretary shall establish and maintain as part of the Strategic Petroleum Reserve", and

(2) in subsection (b), by striking "To implement the Strategic Petroleum Reserve Plan, the Secretary shall accumulate and maintain" and inserting "The Secretary shall establish and maintain as part of the Strategic Petroleum Reserve";

(k) by striking section 158 (42 U.S.C. 6238);

(l) by amending the heading for section 159 (42 U.S.C. 6239) to read, "Development, Operation, and Maintenance of the Reserve";

(m) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by amending subsection (f) to read as follows:

"(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

"(1) issue rules, regulations, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part, under such terms and conditions as the Secretary may deem necessary or appropriate;

"(5) acquire subject to the provisions of section 160 by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) require an importer of petroleum products or refiner to acquire and to store and maintain, in readily available inventories, petroleum products in the Industrial Petroleum Reserve, under section 156;

"(9) require the storage of petroleum products in the Industrial Petroleum Reserve, under section 156, on terms that the Secretary specifies in storage facilities owned and controlled by the United States or in storage facilities other than those owned by the United States if those facilities are subject to audit by the United States;

"(10) require the maintenance of the Industrial Petroleum Reserve; and

"(11) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.";

(3) in subsection (g)—

(A) by striking "implementation" and inserting "development"; and

(B) by striking "Plan";

(4) by striking subsections (h) and (i); and

(5) by amending subsection (j) to read as follows:

"(j) When a pattern of appropriations for fill of the Strategic Petroleum Reserve develops such that a 750 million barrel inventory can reasonably be expected to be reached within five years by a continuation of that pattern, a plan for expansion will be submitted to the Congress.";

(6) by amending subsection (l) to read as follows:

"(l) During any period in which drawdown and distribution are being implemented, the Secretary may issue rules, regulations, or orders to implement the drawdown and distribution of the Strategic Petroleum Reserve in accordance with section 523 of this Act, without regard to the requirements of section 553 of title 5, United States Code, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).";

(n) in section 160 (42 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

"(a) To the extent funds are available under section 167(b) (2) and (3) and for the purposes of implementing the Strategic Petroleum Reserve, the Secretary may acquire, place in storage, transport, or exchange";

(2) in subsection (b), by striking "including the Early Storage Reserve" and paragraph (2); and

(3) by striking subsections (c), (d), and (e);

(o) in section 161 (42 U.S.C. 6241)—

(1) by striking subsections (b) and (c);

(2) by amending subsection (d)(1) to read as follows:

"(d)(1) No drawdown and distribution of the Strategic Petroleum Reserve may be made unless the President has found drawdown and distribution is required by a severe energy supply interruption or by obligations of the United States under the international energy program.";

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall sell any petroleum product withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale the Secretary considers proper, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and distribution under this Section."; and

(4) in subsection (g)—

(A) in paragraph (1), by striking "Distribution Plan" and inserting "distribution procedures", and

(B) by striking paragraphs (2) and (6);

(p) by striking section 164 (42 U.S.C. 6244);

(q) by amending section 165 (42 U.S.C. 6245) to read as follows—

"SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

"(1) a detailed statement of the status of the Strategic Petroleum Reserve, including—

"(A) the capacity of the Reserve and the scheduled annual fill rate for achieving this capacity;

"(B) the scheduled annual fill rate for the fiscal year for which the report is transmitted;

"(C) the type and quality of crude oil to be acquired for the Reserve under the schedule described in subparagraph (A);

"(D) the schedule of construction of any facilities, including a description of the type and location of the facilities, and of enhancements and improvements to existing facilities;

"(E) a description of the current method of drawdown and distribution to be utilized; and

"(F) an explanation of any changes made in the matters described in subparagraphs (A) through (E) since the transmittal of the previous report under this section;

"(2) a summary of the actions taken to develop, operate, or maintain the Strategic Petroleum Reserve;

"(3) a summary of the financial transactions in the Strategic Petroleum Reserve and SPR Petroleum Account; and

"(4) a summary of existing problems with respect to operation or maintenance of the Strategic Petroleum Reserve; and

"(5) any recommendation for supplemental legislation the Secretary considers necessary or appropriate to implement this part.";

(r) in section 166 (42 U.S.C. 6246) by striking all after "appropriated" and inserting "the funds necessary to implement this part.";

(s) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by inserting "test sales of petroleum products from the Reserve," after "Strategic Petroleum Reserve,";

(B) by striking paragraph (1);

(C) in paragraph (2), by striking "after fiscal year 1982"; and

(2) by amending subsection (e) to read as follows

"(e) The Impoundment Control Act of 1974 (2 U.S.C. 681–688) applies to funds made available under subsection (b).";

(t) in section 172 (42 U.S.C. 6249a) by striking subsections (a) and (b);

(u) by striking section 173 (42 U.S.C. 6249b); and

(v) in section 181 (42 U.S.C. 6251), by striking "1994" each time it appears and inserting "1999".

SEC. 4. Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking Part A (42 U.S.C. 201 through 204);

(b) in section 252 (42 U.S.C. 6272)—

(1) in subsections (a)(1) and (b), by striking "allocation and information" and inserting "emergency response";

(2) in subsection (d)(3), by striking "known" and inserting after "circumstances" "known at the time of approval";

(3) in subsection (e)(2) by striking "shall" and inserting "may";

(4) in subsection (f)(2) by inserting "voluntary agreement or" after "approved";

(5) by amending subsection (h) to read as follows—

"(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

"(1) the international energy program, or

"(2) any allocation, price control, or similar program with respect to petroleum products under this Act.";

(6) in subsection (i) by inserting "annually, or" after "least" and by inserting "during an international energy supply emergency" after "months";

(7) in subsection (k) by amending paragraph (2) to read as follows—

"(2) The term 'emergency response provisions of the international energy program' means—

(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984 decision by the Governing Board on "Stocks and Supply Disruptions") for the coordinated drawdown of stocks of petroleum products held or controlled by governments and complementary actions taken by governments during an existing or impending international oil supply disruption, whether or not international allocation of petroleum products is required by chapters III and IV of the international energy program."; and

(8) by amending subsection (l) to read as follows—

"(1) The antitrust defense under subsection (f) applies only to the development or carrying out of voluntary agreements and plans of action to implement the emergency response provisions of the international energy program, except that in the event the International Energy Agency seeks advice and information concerning preparation and implementation of measures by governments on the coordinated drawdown of stocks of petroleum products and complementary actions as described in subsection (k)(2)(B), the antitrust defense also applies but only to advising and consulting with and providing information or data to the International Energy Agency according to procedures set forth in a voluntary agreement or plan of action, unless the Attorney General, after consultation with the Secretary of State, the Secretary of Energy, and the Federal Trade Commission, determines that additional actions are necessary or appropriate to fulfill the purposes of this section; provided that the antitrust defense shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.";

(c) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal years 1996 through 1999, such sums as may be necessary."

(d) by striking Part C (42 U.S.C. 271 through 272); and

(e) in section 281 (42 U.S.C. 6285), by striking "1994" each time is appears and inserting "1999".

SEC. 5. (a) Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291–6327, 6361–6374d) is amended—

(1) in section 365(f) (42 U.S.C. 6325(f)) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (2), for the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999, such sums as may be necessary."; and

(2) section 397 (42 U.S.C. 6371f) is amended to read as follows:

"For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999, such sums as may be necessary.".

(b) Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"SEC. 422. For the purposes of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal years 1995 through 1999, such sums as may be necessary.".

SEC. 6. Title V of the Energy Policy and Conservation Act (42 U.S.C. 6381–6422) is amended—

(1) by striking section 507 (42 U.S.C. 6385), and

(2) by striking section 522 (42 U.S.C. 6392).

SECRETARY OF ENERGY,
Washington, DC, May 23, 1994.

HON. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal cited as the "Energy Policy and Conservation Act Amendments Act of 1994." This proposal would amend and extend certain authorities in the Energy Policy and Conversation Act that have expired or will expire September 30, 1994. Not all sections of the current act are proposed for extension. It also would extend authorization of appropriations for the Weatherization Assistance Program under the Energy Conservation and Production Act.

The Energy Policy and Conservation Act was passed in 1975. Title I authorizes the creation and maintenance of the Strategic Petroleum Reserve that would mitigate shortages during an oil supply disruption. Title II contains authorities essential for meeting key United States obligations to the International Energy Agency, our method of coordinating Energy Emergency Response Programs with other countries. The current antitrust defense that is provided to American companies by the Act when they cooperate with International Energy Administration programs is very limited and would be expanded by the proposed legislation. Titles I and II expire on September 30, 1994. Title III contains authorities for energy efficiency and conservation, some of whose appropriation authorization have expired. These successful and very cost-beneficial programs, designed to encourage and subsidize demand reducing investment and manufacturing, are proposed for extension without amendment. Title IV made amendments to the Emergency Petroleum Allocation Act, which expired in 1981. Title V contains provisions pertaining to energy data bases and information

and general and administrative matters that were residual from the Federal Energy Administration and should be made current.

The proposed legislation would extend the Strategic Petroleum Reserve, participation in the International Energy Program, and conservation and efficiency authorities to September 30, 1999. It will also revise or delete certain provisions that are outdated or unnecessary. The proposed legislation and a sectional analysis are enclosed.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President. We look forward to working with the Congress toward enactment of this legislation.

Sincerely,

HAZEL R. O'LEARY.

SECTION-BY-SECTION ANALYSIS

SECTION 2. AMENDMENTS TO THE STATEMENT OF PURPOSES

Section 2 of the bill would amend section 2 of the Energy Policy and Conservation Act (EPCA).

Paragraph (1) would strike language referring to standby energy conservation and rationing authorities in title II, part A, which expired June 30, 1985.

Paragraph (2) would strike paragraphs (3) and (6) of the Statement of Purposes to reflect the bill's elimination of sections 102 (Incentive to develop underground coal mines) and 106 (Production of oil or gas at the maximum efficient rate and temporary emergency production rate).

SEC. 3. AMENDMENTS TO TITLE I OF EPCA

Subsection (a) would strike section 102 of EPCA.

Section 102 of EPCA provides a loan guaranty program to encourage the opening of underground coal mines. Coal supply, however, is abundant, and the loan guarantee program has been inactive since the early 1980s. Because there is no current or foreseeable need for the program authorized by section 102 of EPCA, it is appropriate to delete the section.

Subsection (b) would amend section 105(a) of EPCA by providing that the Secretary of the Interior may allow joint bidding by major oil companies unless he or she determines that this bidding would adversely affect competition or the receipt of fair market value. If the Secretary finds that a prohibition must be issued, it may be done without issuing a rule, as previously required. This change would render unnecessary the exemption process required in section 105(c). The report required in section 105(e) has been issued to Congress.

Subsection (c) would strike section 106 of EPCA.

Section 106 of EPCA directs the Secretary of the Interior to determine the maximum efficient rate of production and the temporary emergency rate of production, if any, for each field on Federal lands which produces or is capable of producing significant volumes of crude oil or natural gas. The President may then require production at those rates, and the owner may sue for damages if economic loss is incurred.

Subsection (d) would amend section 151 of EPCA to clarify the policy for establishing a strategic reserve of petroleum products, and delete references to the Early Storage Reserve, the objectives of which have been achieved.

Subsection (e) would amend section 152 of EPCA by deleting the definition of "Early Storage Reserve." Requirements for and all references to this part of the program would be deleted by this bill.

Subsection (f) would strike section 153 of EPCA and amend section 154 to reflect the transfer of the Strategic Petroleum Reserve Office from the Federal Energy Administration to the Department of Energy.

Subsection (g) would amend section 154 of EPCA to eliminate requirements for a Strategic Petroleum Reserve Plan, and for specified fill rates and schedules, but would retain authority for a one billion barrel Reserve.

The Strategic Petroleum Reserve Plan is largely obsolete because the sites that are described for development in the Plan have now been developed. The need for the Drawdown and Distribution Plan, contained in Plan Amendment 4, is eliminated by the amendment to section 159, which would codify competitive sale as the drawdown and distribution policy and eliminate allocation as a method of distribution.

Subsection (h) would delete section 155 of EPCA, which requires the establishment of an Early Storage Reserve. All of the volumetric goals for the Early Storage Reserve have been accomplished, and there is no longer a distinction between the Early Storage Reserve and any other facilities or petroleum that make up the Strategic Petroleum Reserve.

Subsection (i) would amend section 156(b) of EPCA on the Industrial Petroleum Reserve authority to remove references to the Early Storage Reserve and the Strategic Petroleum Plan, which are being deleted by other amendments.

Subsection (j) would amend section 157 of EPCA to remove references to the Strategic Petroleum Reserve Plan.

Subsection (k) would delete 158 of EPCA.

Section 158 requires reports to Congress on Utility Reserves, Coal Reserves, and Remote Crude Oil and Natural Gas Reserves within six months of passage of the original Act. This requirement has been fulfilled.

Subsection (l) would amend the heading for section 159 of EPCA to reflect amendment to its contents.

Subsection (m) would amend section 159 of EPCA.

Paragraph (1) would eliminate subsections (a) through (e) of section 159 of EPCA, which require Congressional review of the Strategic Petroleum Reserve Plan and provide for Plan amendments, to reflect the deletion of the requirement for a Strategic Petroleum Reserve Plan in subsection (g) of this amendment.

Paragraph (2) would amend subsection 159(f) of EPCA to eliminate references to the Strategic Petroleum Reserve Plan and the Early Storage Reserve Plan. This amendment also would clarify and make explicit the Secretary's discretionary authority to lease, sell, or otherwise dispose of underutilized Strategic Petroleum Reserve facilities. If necessary or appropriate, lease terms could exceed the five-year limitation of section 649(b) of the Department of Energy Organization Act.

Paragraph (3) would remove references in subsection (g) of section 159 of EPCA to the Strategic Petroleum Reserve Plan.

Paragraph (4) would delete subsections 159(h) and (i) of EPCA. Subsection 159(h) deals with interim storage facilities which provide for storage of petroleum prior to the creation of Government-owned facilities. That authority is no longer needed since the Reserve has 750 million barrels of capacity, of which approximately 160 million barrels are empty. Subsection 159(i) required the submission of a report to Congress within 18 months after enactment of the 1990 EPCA Amendments on the results of contract negotiations conducted pursuant to part C of EPCA. The Department did not conclude any contracts pursuant to part C, and the reporting provision has expired by its own terms.

Paragraph (5) would amend subsection 159(j) of EPCA to reflect the elimination of the statutory requirement for a Strategic Petroleum Reserve Plan by amendment of section 154 of the Act. This amendment would continue the requirement for submission to Congress of proposed plans for expansion of storage capacity following a determination by the Secretary that a pattern of funding has been established which will fill the Reserve to 750 million barrels within five years. This reflects the situation that financing of fill for the available capacity in the Reserve is problematic, and that premature planning for capacity expansion beyond current capacity is unwise and costly.

Paragraph (6) would amend subsection 159(l) to eliminate the reference to the Distribution Plan, but would retain the Secretary's authority, during drawdown and distribution of the Reserve, to promulgate regulations necessary to the drawdown and distribution without regard to rulemaking requirements in section 553 of title 5, United States Code and section 501 of the Department of Energy Organization Act.

Subsection (n) would amend section 160 of EPCA.

Paragraph (1) would amend subsection 160(a) of EPCA to provide that the Secretary's authority to acquire petroleum products for the Strategic Petroleum Reserve is contingent on the availability of funds.

Paragraph (2) would amend subsection 160(b) of EPCA by striking the reference to the Early Storage Reserve, which would be eliminated by this bill.

Paragraph (3) would strike subsections 160(c), (d) and (e) of EPCA.

Subsection 160(c) of EPCA requires minimum fill rates. These requirements have proved unrealistic given changes in oil markets and availability of financing. The proposed amendment gives the Secretary flexibility to fill the Reserve contingent upon the availability of funds.

Subsection 160(d) links sales authority for the United States share of crude oil at Naval Petroleum Reserve Numbered 1 to a fill level of 750,000,000 barrels or a fill rate of 75,000 barrels per day. The requirement for Strategic Petroleum Reserve fill is dependent on the availability of financing for Strategic Petroleum Reserve acquisition, and the logistics of moving Naval Petroleum Reserve Numbered 1 crude oil to the Strategic Petroleum Reserve have proved to be very problematic.

Subsection 160(e) describes various exceptions to the linkage between the Naval Petroleum Reserve Numbered 1 crude oil sales authority and the Strategic Petroleum Reserve fill rate, which would be eliminated by this bill.

Subsection (o) would amend section 161 of EPCA.

Paragraph (1) would strike subsections 161 (b) and (c) of EPCA, because they refer to both the Strategic Petroleum Reserve Plan and the Early Storage Reserve Plan which would be eliminated by this bill.

Paragraph (2) would amend subsection 161(b) of EPCA by eliminating the references to the Distribution Plan contained in the Strategic Petroleum Reserve Plan but would not change the existing conditions for Presidential decision to draw down and distribute the Reserve.

Paragraph (3) would amend subsection 161(e) of EPCA to require the Secretary to distribute oil from the Reserve via a public competitive sale to the highest qualified bidder. The amendment eliminates the Secretary's allocation authority.

The amendment also would make explicit the authority of the Secretary to cancel a sale in progress. This authority would enable the Secretary to respond to inordinately low bids, changes in market conditions, or a sudden reversal in the nature of the shortage or emergency.

Paragraph (4) would amend subsection 161(g) of EPCA.

Subparagraph (4)(A) would amend subsection 161(g)(1) of EPCA to substitute "distribution procedures" for "Distribution Plan."

Subparagraph (4)(B) would strike subsection 161(g)(2) of EPCA because it refers to the Distribution Plan eliminated by the bill, and subsection 161(g)(6) of EPCA because it refers to the minimum required fill rate eliminated by the bill.

Subsection (p) would strike section 164 of EPCA. Section 164 of EPCA required a study of the use of Naval Petroleum Reserve No. 4 jointly by the Secretaries of Energy, the Interior and the Navy, with a report to Congress within 180 days of the passage of the original Act. The study and report were completed.

Subsection (q) would amend section 165 of EPCA by deleting the requirement for quarterly reports on the operation of the Strategic Petroleum Reserve, and requiring instead an annual report consistent with other parts of this amendment. Quarterly reports, considered important during the early growth period of the Strategic Petroleum Reserve to inform the Congress of progress in construction and the rate of fill, are now unnecessary, and their deletion would save administrative costs. Subsection (q) would also eliminate references to the Strategic Petroleum Reserve Plan, the Distribution Plan, and the Early Storage Reserve, which are eliminated by the bill.

Subsection (r) would amend section 166 of EPCA to authorize appropriations necessary to implement the Strategic Petroleum Reserve, and to delete year specific authorizations for the early years of the Reserve.

Subsection (s) would amend section 167 of EPCA to recognize explicitly that funds generated by test sales will be deposited in the SPR Petroleum Account. The amendment would remove language specific to fiscal year 1982 which limited the amount of money in the SPR Petroleum Account that year. The amendment also would delete reference to the use of funds for interim storage, which will no be needed because the permanent facilities are complete for the storage of 750 million barrels of oil.

Subsection (t) would amend section 172 of EPCA to delete subsections (a) and (b). The exemption in subsection (a) from the requirement for a Strategic Petroleum Reserve Plan amendment is no longer necessary because the bill eliminates the requirement for the Plan.

Subsection (b), which provides for treatment of part C contract oil coming out of the Reserve for purposes of calculating fill rates, is unnecessary since the requirement for specific fill rates is deleted by amendment of section 160 of the Act.

Subsection (u) would delete section 173 of EPCA which requires congressional review and, therefore, public scrutiny of the details of contracts even though no implementing legislation is needed, and requires a 30-day "lie before" period before the contract can go into effect. This requirement is a substantial impediment to acquisition of oil for the Reserve by "leasing" and other alternative financing methods authorized by EPCA, part C.

Subsection (v) would amend section 181 of EPCA by extending the expiration date of title I, parts B and C from September 30, 1994 to September 30, 1999.

SEC. 4. AMENDMENTS TO TITLE II OF EPCA

Subsection (a) would strike part A of EPCA title II, which contains the authorities for gasoline rationing and other mandatory energy conservation measures which expired on July 1, 1995.

Subsection (b) would amend section 252 of EPCA, which makes available to United States oil companies a limited antitrust defense and breach of contract defense for actions taken to carry out a voluntary agreement or plan of action to implement the "allocation and information provisions" of the Agreement on an International Energy Program ("IEP"). These limited defenses are now available only in connection with the companies' participation in planning for and operation of the IEP's emergency oil sharing and information programs. The amendment would extend the section 252 antitrust defense (but not the breach of contract defense) to U.S. companies when they assist the International Energy Agency ("IEA") in planning for and implementing the coordinated drawdown of government-owned or government-controlled petroleum stocks. In 1984, largely at the urging of the United States, the IEA's Governing Board adopted a decision on "Stocks and Supply Disruptions" which established a framework for coordinating the drawdown of member countries' government-owned and government-controlled petroleum stocks in those oil supply disruptions that appear capable of causing severe economic harm, whether or not sufficient to activate the IEP emergency oil sharing and information programs. During the 1990–91 Persian Gulf crisis the IEA successfully tested the new coordinated stockdraw policy.

Paragraph 1 would amend subsections 252(a) and (b) of EPC by substituting the term "emergency response provisions of the international energy program" for the term "allocation and information provisions of the international energy program." The new term, which would be defined in amended subsection (k)(2), establishes the scope of oil company activities covered by the antitrust defense and includes actions to assist the IEA in implementing coordinated drawdown of petroleum stocks.

Paragraph 2 would amend paragraph 252(d)(3) of EPCA to clarify that a plan of action submitted to the Attorney General for approval must be as specific in its description of proposed substantive actions as is reasonable "in light of circumstances known at the time of approval" rather than "in light of known circumstances."

Paragraph 3 would amend paragraph 252(e)(2) of EPCA to give the Attorney General flexibility in promulgating rules concerning the maintenance of records by oil companies related to the development and carrying out of voluntary agreements and plans of action.

Paragraph 4 would amend paragraph 252(f)(2) of EPCA to clarify that the antitrust defense applies to oil company actions taken to carry out an approved voluntary agreement as well as an approved plan of action.

Paragraph 5 would amend subsection 252(h) of EPCA to strike the reference to section 708(A) of the Defense Production Act of 1950, which was repealed by Public Law 102-558 (October 28, 1992), and the reference to the Emergency Petroleum Allocation Act of 1973, which expired in 1981.

Paragraph 6 would amend subsection 252(i) of EPCA to require the Attorney General and the Federal Trade Commission to submit reports to Congress and to the President on the impact of actions authorized by section 252 on competition and on small businesses annually rather than every six months, except during an "international energy supply emergency," when the reports would be required every six months.

Paragraph 7 would amend paragraph 252(k)(2) of EPCA by substituting a definition of the term "emergency response provisions of the international energy program" for the present definition of "allocation and information provisions of the international energy program." The new term, which establishes the scope of company actions covered by the antitrust defense, covers (A) the allocation and information provisions of the IEP and (B) emergency response measures adopted by the IEA Governing Board for the coordinated drawdown of stocks of petroleum products held or controlled by governments and complementary actions taken by governments during an existing or impending international oil supply disruption, whether or not international allocation of petroleum products is required by the IEP.

Paragraph 8 would amend subsection 252(l) of EPCA to clarify that the antitrust defense applies only to company actions to implement the IEA's emergency oil sharing system and IEA emergency response measures on coordinated stockdraw. With respect to stockdraw measures, the antitrust defense applies only to advising and consulting with or providing information or data to the IEA, unless the Attorney General, after consultation with the Departments of State and Energy, determines that additional actions are necessary or appropriate. However, the amendment makes clear that no antitrust defense would be available for oil companies to participate voluntarily in so-called "subtrigger" or "subcrisis" international oil allocation.

Subsection (c) would amend subsection 256(h) of EPCA to authorize appropriations for fiscal years 1996 through 1999 for the activities of the interagency working group and interagency working subgroups established by section 256 of EPCA to promote exports of renewable energy and energy efficiency products and services.

Subsection (d) would strike EPCA part C, which was added to the EPCA by the Energy Emergency Preparedness Act of 1982 and which required the submission to Congress of reports on energy emergency legal authorities and response procedures. The reporting requirement was fulfilled in 1982.

Subsection (e) would amend section 281 of EPCA by extending the expiration date of title II from September 30, 1994 to September 30, 1999.

SEC. 5. AMENDMENTS TO TITLE III OF EPCA AND SECTION 422 OF THE ENERGY CONSERVATION AND PRODUCTION ACT

Subsection (a) would amend sections 365 and 397 of EPCA, which provide authorization for appropriations for fiscal years 1991, 1992, and 1993 for State Energy Conservation programs and the Energy Conservation Program for Schools and Hospitals. The amendment would authorize appropriation of such funds as may be necessary for fiscal years 1995 through 1999.

Subsection (b) would amend section 422 of the Energy Conservation and Production

Act, which provides authorization for appropriations for fiscal years 1992, 1993, and 1994 for the Weatherization Assistance Program. The amendment would authorize appropriation of such funds as may be necessary for the program for fiscal years 1995 through 1999.

SEC. 6. AMENDMENTS TO TITLE V OF EPCA

Paragraph 1 would delete section 507 of the Act, which provides that the Energy Information Administration must continue to gather the same data on pricing, supply and distribution of petroleum products as it did on September 1, 1981. This section hinders the flexibility of the Administrator to collect information that is currently meaningful. There is no reason to have a statutory prohibition against modifying and amending the types of data collected.

Paragraph 2 would delete section 522 of the Act, which provides conflict of interest disclosure requirements for the Federal Energy Administration. This section was superseded by the Department of Energy Organization Act.•

By Mr. HATCH (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BENNETT):

S. 2252. A bill to amend section 17 of the Act of August 27, 1954 (25 U.S.C. 667p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian Tribe, their Ute Indian heirs, or Ute Indian legatees, are not subject to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Finance.

UTE INDIAN TAX STATUS ACT

Mr. HATCH. Mr. President, I am joined today by my colleagues, Senators INOUYE, MCCAIN, and BENNETT, to introduce a bill of great importance to the Ute Indians, a native population of my home State of Utah.

This legislation will restore the tax status of the Ute mixed blood Indians with regard to proceeds received from a trust created by the Federal Government as agreed in a settlement between the Federal Government and the tribe in 1954.

Until recently, the Federal Government has respected the intent of Congress to exempt this income from Federal and State taxation. However, in a recent tenth circuit decision the court construed the intent of Congress as allowing the tax exemption on the settlement proceeds to lapse. This bill is necessary to clarify the legislative intent of Congress and reinstate the exemption.

In my view, it was the intent of Congress in the 1954 settlement to exempt from Federal and State taxation the income derived from the assets held in continued trust by the Federal Government for, and paid to, the mixed blood Ute Indians. This has been the law for nearly four decades and should remain the law.

Historically, with regard to all settlements between the Federal Government and numerous Indian nations, the proceeds from settlements have been exempt from Federal and State taxation. The mixed blood Ute Indians have been singled out and treated differently since the tenth circuit's decision. This bill clarifies the 1954 settlement and simply restores the tax status of the mixed blood members of the tribe.

I believe all of my Senate colleagues will recognize this legislation as both fair and necessary. I am pleased to have the support of the chairman and ranking Republican member of the Senate Indian Affairs Committee as well as my Utah colleague, Senator BENNETT. I urge all Senators to help us clarify this exemption.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 2253. A bill to modify the Mountain Park Project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

THE MOUNTAIN PARK PROJECT ACT OF 1994

• Mr. NICKLES. Mr. President, I am pleased today to introduce legislation on behalf of myself and Senator BOREN to allow the Mountain Park Conservancy District in Oklahoma to prepay, or refinance, its obligation to the Bureau of Reclamation for the Mountain Park project. This prepayment will be equal to the fair market value of the district's debt, and is necessary to prevent a possible default by the district on their obligation.

To provide some background on this issue, Mr. President, the Mountain Park Master Conservancy District was formed by the Oklahoma communities of Altus, Frederick, and Snyder in the early 1970's. The district contracted with the Bureau of Reclamation for construction of the Mountain Park project in response to projections that the local population would increase significantly in the future and that additional water supply would be needed. Unfortunately, such population growth never developed, creating a very difficult financial situation for the district and the Federal Government.

Later this year, one of the municipalities obligated to the district may default on its loan payment to the district. Such a default would, in turn, likely cause the district to default on its obligation to the Bureau.

Since 1992, the district has worked with the Oklahoma congressional delegation to obtain relief from the financial burden caused by its obligation to repay the water supply costs associated with the Mountain Park project. The district has requested that they be allowed to purchase or prepay this obligation by making a one-time payment to the United States of the fair market value of such repayment obligation as of the date of such prepayment. Similar transactions have been allowed in the past in connection with not only certain Bureau projects, but those of other Federal agencies, as well.

During the 102d Congress, legislation I introduced to help the district was consolidated into the Reclamation Projects Authorization and Adjustment Act of 1992 and enacted as Public Law 102-575. As finally approved, however, Public Law 102-575 placed more stringent requirements on the district than those historically required by OMB in that it placed a cap on the discount factor which could be used in determining the discounted present value of the district's obligation, limiting the discount factor to a rate consisting of the current market yield on Treasury securities of comparable maturities.

Following an analysis of this legislation, the Bureau's own financial adviser recently noted, "[b]ecause the legislation prohibits the Secretary from basing the interest rate of discount factor on third party and open market factors a market value for the obligation cannot be established." Thus, Public Law 102-575 essentially prohibits the Secretary from accepting a prepayment in an amount equal to the fair market value of the district's obligation.

Public Law 102-575 also directed the Secretary to offer a revised schedule of payments to the district not later than 12 months following its enactment. Since January 1994, when the Secretary's offer was received, the district has been working with the Bureau to find an answer to the cities' financial problems. These discussions resulted in a request by the district for legislation to modify the language in Public Law 102-575 and allow the Secretary to accept a payment equal to the fair market value of this obligation. In addition, the district has proposed that a portion project's water supply be reallocated for environmental purposes to further reduce their municipal water supply repayment obligation.

It is urgent that Congress enact this legislation this year, Mr. President. The Mountain Park Conservancy District is acting in a responsible manner to solve this financial problem while protecting the interest of the Federal Government, and I believe we should accommodate that effort in a timely manner. I have spoken with the chairman of the Senate authorizing subcommittee, Senator BRADLEY, and he has assured me that he will cooperate to move this legislation as soon as possible.•

• Mr. BOREN. Mr. President, I introduce with Senator NICKLES a bill to restructure the debt owed by the Mountain Park Conservancy District to the Federal Government. Several years

ago, Congress passed legislation allowing the Mountain Park District to restructure debt owed to the Bureau of Reclamation. Unfortunately, the legislation that passed did not give the district the desired relief.

Today, the communities of the district are faced with a tough choice. Either default on the loan to the Federal Government or face bankruptcy. Neither of these choices will benefit the community nor the Federal Treasury.

Both the House and Senate have recognized the need to provide relief to the district and protect the financial investment made by the Bureau of Reclamation. Congressional action is needed this year to modify the original legislation and prevent default by the district.

I would have preferred to solve this problem on the Energy and Water appropriations bill, as it is most likely guaranteed of passing both the House and Senate this year. However, I do understand the reluctance to approve authorizing legislation on an appropriations bill. I would like to thank Senator BRADLEY for his pledge to work out a solution in the Energy Committee and his Subcommittee on Water and Power as soon as possible. I also appreciate his understanding of the urgency of this matter and his commitment to work together and pass a solution before Congress adjourns for the year.●

By Mr. BIDEN:

S. 2254. A bill to amend the Energy Reorganization Act of 1974 to establish an Independent Nuclear Safety Board, and for other purposes; to the Committee on Environment and Public Works.

INDEPENDENT NUCLEAR SAFETY BOARD ACT OF 1994

● Mr. BIDEN. Mr. President, I introduce a bill to establish an independent nuclear safety board. The function of this board will be to conduct impartial investigations of events which threaten human health and safety at Nuclear Regulatory Commission [NRC] licensed facilities.

I introduce this measure, not to replace the NRC, but because I have continuing questions about the NRC's ability to both regulate the nuclear industry and simultaneously ensure that the public's health, safety and welfare predominates. I originally introduced this legislation in 1987 during the 100th Congress, and it passed the Senate as part of an overall reorganization of the NRC. I reintroduced it during the 101st Congress and again during the 102d Congress as an amendment to S. 2166, the national energy strategy legislation.

The need to establish an independent safety board first became clear to me in 1983 when an accident occurred at the Salem nuclear generating plant in New Jersey, one of the largest operating nuclear facilities in the country. The complex-owned and operated by Public Service Electric and Gas, is located just across the Delaware River from my home town of Wilmington. The subsequent handling of the accident by the NRC raised several concerns regarding its ability to safeguard the public.

In 1983, a so-called fail-safe mechanism—Salem I's automatic shutdown system—failed. In fact, there were two failures over a 4-day period. What made the situation worse, to me and many others, was that the NRC seemed unwilling to require improvements in the plant and allowed for a restart with no assurances that the plant was safe. After pressure was placed on the NRC, it took another look at the situation and eventually fined the utility $850,000, at the time the largest fine ever handed down. Since operations began at Salem over 17 years ago, the utility has been fined for violations 10 times. And even more important, in my view, is the fact that in the case of more than 20 NRC findings of violations at Salem, the utility was not fined at all.

Among those violations that went unfined, was the November 1991 explosion of the Salem II steam turbine. The explosion, which resulted in a fire that caused $75 million in containment and damage costs at the plant, and which the NRC concluded was caused in most part by involved personnel error, insufficient preventative maintenance and inadequate surveillance, did not result in any fine whatsoever for the utility. One factor in determining that a fine should not be imposed, according to the NRC, was the fact that the utility reported the accident to the NRC.

Mr. President, the latest in a long list of incidents at Salem occurred in April of this year. The sequence of events I will briefly summarize would seem almost comical if the potential for life-threatening consequences were not so serious.

The problem that initiated the incident itself would have been considered minor, river grasses that clogged cooling water intake valves. It was also a problem that was well known to the utility's management months before and could have been easily rectified if the management had made the needed modifications to the plant. However, it was never properly addressed and workers at the plant, for some time, had been addressing it by manually hosing off the circulating filter screens. The hosing was not sufficient to stop the clogging and a decrease in the quantity of water entering the plant occurred. If the workers at the plant had simply let the reactor trip, the plant would have shutdown. That did not happen. In an effort to keep the plant operational, workers started a chain of events full of operational and mechanical errors which could only be described as a serious breakdown in Salem operations.

The day after the incident occurred, the NRC sent an augmented inspection team [AIT] to investigate. While investigating, the team discovered a hydrogen and nitrogen gas bubble in the reactor vessel head. The operator had ignored the indicator that showed there was water displacement in the reactor and the equipment had not even been checked.

After the April 7 incident, I wrote to NRC Chairman Ivan Selin on two separate occasions. In these letters, I asked the NRC to thoroughly review all aspects of Salem's operations and to provide assurances that much needed management improvements were already in place before granting a restart at the Salem I facility.

Mr. President, despite my concerns and requests, a little over a month after this incident occurred, Salem I was granted permission by the NRC to restart the facility. When justifying their reason for permitting the restart, the NRC concluded that "near-term and long-term actions initiated by the licensee appear to be sufficient to cause improvement if management maintains their commitment of the program."

Unfortunately, those same commitments have been made over and over again by the utility. Just last year, in a May 13 letter to the NRC, PSE&G acknowledged weaknesses in management and the need to take corrective action. According to the NRC "a state of denial existed previously."

Yet, in 1991, the operator provided the NRC with assurances that management deficiencies would be corrected. And in 1989, when I visited the plant, the same assurances, with equal fervor and enthusiasm, were given to me.

Mr. President, what concerns me most is that a state of denial may still exist, and if history is any guide, we have no reason to believe that the operator has truly resolved its problems. In fact, just 1 month before the April 7 incidence, the NRC had fined Salem $50,000 for maintenance violations blaming "continued demonstrated weaknesses" of the plant's management.

At what point does the NRC say "We're not going to let you fool us again?" When public safety and health has been compromised? At that point it is too late to take corrective action.

After the NRC granted permission to restart Salem, my staff and I met with Chairman Selin. While concurring with my observations of repeated and continuous problems at the plant, Chairman Selin nonetheless supported the NRC staff recommendation to allow the restart. As I told the Chairman, experience offers little hope that the promises made this time will be followed any better than in the past.

Mr. President, serious problems at nuclear powerplants and insufficient regulatory scrutiny by the NRC are not

limited to the Salem facility. One example involves the Millstone plant in Connecticut and an incident that took place there in August 1993, an incident that an NRC official later declared had the potential to be another Three Mile Island.

The problem began when a leak occurred in a safety valve at the facility. Instead of temporarily shutting the plant down to replace the valve, the operator continued to keep the plant running while repairing the valve. The repair consisted of drilling holes in the valves and pouring in a sealant to stop the leak.

This method of drilling was used more than 30 times over a period of 73 days. Finally, so much stress had been placed on the bolts holding the valve that one of the bolts broke. The plant was finally shutdown and the valve fixed properly.

The NRC was aware of the leaky valve from the beginning and allowed the operators at Millstone to use this very rudimentary repair method. In fact, an NRC investigator was stationed at the facility during that period. At the time of the incident, the NRC severely underplayed the seriousness of the situation. Only later was the public informed of the real dangers that could have resulted from such handling by the operator.

Mr. President, questionable NRC practices such as those that have occurred at Salem and Millstone must be corrected. The public has a right to demand and expect only the highest of standards from a regulatory agency where safety should be of utmost singular importance. That level of strict oversight has not been present and will not be, in my view, if the NRC continues to investigate its own regulatory failings. That is the underlying conflict the independent safety board seeks to resolve.

By establishing an independent body to conduct accident investigations at nuclear powerplants, there will be a much greater assurance that all facts and circumstances surrounding an incident and its subsequent investigation are not hidden from public view. Most critically, the inherent conflict of NRC staff investigating accidents which exhaustive NRC oversight might have precluded is removed through outside independent investigation.

Other shortfalls of current investigatory practices are also addressed in my bill. The causes and contributing factors to accidents will be reviewed by experienced, not first-time, investigators. Those who do the investigating will be in a position to assure that the Board's recommendations are answered by the NRC. As practices stand now, accident investigators are returned to their normal duties and are not in a good position to assure that their recommendations are ever addressed or result in changes in nuclear plants.

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The Board will have only limited financial and staff resources. It will be impossible for the Board called for in my legislation to become a mini-NRC. The Board will have broad authority to investigate what it deems important, but the limited resources will force it to focus on the highest priority accidents or concerns.

Again Mr. President, it is my belief that an Independent Nuclear Safety Board will dramatically improve the NRC's regulatory accountability. The public should not have to live in an environment where questionable regulatory and enforcement methods can and do lead to serious safety risks. The Federal Government has the responsibility to do all it can to eliminate such risks.

I ask unanimous consent that a brief summary and the text of the bill be printed in the RECORD.

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

S. 2254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Nuclear Safety Board Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that there is a great need for—

(1) vigorous investigation of events at facilities, or involving materials, licensed or otherwise regulated by the Nuclear Regulatory Commission that could adversely affect public health or safety; and

(2) continual review and assessment of licensing and other regulatory practices of the Nuclear Regulatory Commission, which may result in conclusions critical of the Nuclear Regulatory Commission or officials of the Commission.

(b) PURPOSE.—The purpose of this Act is to establish an Independent Nuclear Safety Board which shall promote nuclear safety by—

(1) conducting independent investigations of events at facilities, or involving materials, licensed or otherwise regulated by the Nuclear Regulatory Commission that could adversely affect public health or safety;

(2) reviewing and assessing the licensing and other regulatory practices of the Nuclear Regulatory Commission;

(3) recommending to the Nuclear Regulatory Commission improvements in licensing and related regulatory practices; and

(4) informing Congress of findings and recommendations of the Board that result from the investigations referred to in paragraph (1).

SEC. 3. ESTABLISHMENT OF NUCLEAR SAFETY BOARD.

Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended by adding at the end the following new section:

"SEC. 212. INDEPENDENT NUCLEAR SAFETY BOARD.

"(a) ESTABLISHMENT.—There is established a board to be known as the 'Independent Nuclear Safety Board' (referred to in this section as the 'Board').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Board shall be composed of 3 members appointed by the President, by and with the advice and consent of the Senate, from among respected experts in the field of commercial nuclear energy with a demonstrated competence and knowledge relevant to the independent investigative and prescriptive functions of the Board. Not more than 2 members of the Board shall be members of the same political party. Not later than 90 days after the date of enactment of this section, the President shall submit the nominations for appointment to the Board.

"(2) VACANCIES.—Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

"(3) FINANCIAL INTERESTS.—No member of the Board shall—

"(A) have any significant financial relationship in any firm, company, corporation, or other business entity that is engaged in an activity regulated by the Nuclear Regulatory Commission (referred to in this section as the 'Commission') as a licensee or contractor; or

"(B) have had such a relationship within the 2-year period preceding the appointment of the member.

"(c) CHAIRPERSON.—

"(1) IN GENERAL.—The Chairperson and Vice Chairperson of the Board shall be designated by the President. The Chairperson and Vice Chairperson may be reappointed.

"(2) FUNCTIONS.—

"(A) IN GENERAL.—The Chairperson shall be the chief executive officer of the Board and shall, subject to such policies as the Board may establish, exercise the functions of the Board with respect to—

"(i) the appointment and supervision of personnel employed by the Board;

"(ii) the organization of any administrative units established by the Board; and

"(iii) the use and expenditure of funds.

"(B) DELEGATION.—The Chairperson may delegate any of the functions under this paragraph to any other member of the Board or to any appropriate employee or officer of the Board.

"(3) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the case of the absence or incapacity of the Chairperson or in the case of a vacancy in the office of Chairperson.

"(d) TERMS OF MEMBERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board shall serve for a term of 6 years. A member of the Board may be reappointed.

"(2) INITIAL MEMBERS.—Of the members first appointed to the Board—

"(A) 1 member shall be appointed for a term of 2 years;

"(B) 1 member shall be appointed for a term of 4 years; and

"(C) 1 member shall be appointed for a term of 6 years;

as designated by the President at the time of appointment.

"(3) SPECIAL TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which the predecessor of the member was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of the term of the member until a successor has taken office.

"(4) REMOVAL.—Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(e) QUORUM.—Two members of the Board shall constitute a quorum, but a lesser number may hold hearings.

"(f) FUNCTIONS AND AUTHORITIES.—

"(1) INVESTIGATIONS.—

"(A) IN GENERAL.—

"(i) INVESTIGATIONS BY BOARD.—The Board shall investigate any event at any facility, or involving any material, licensed or otherwise regulated by the Commission, that the Board determines to be significant because the event could—

"(I) adversely affect public health or safety; or

"(II) be the precursor of an event that could adversely affect public health or safety.

"(ii) INVESTIGATIONS BY COMMISSION.—The Board may request the Commission to carry out an investigation of an event described in clause (i) and to report the findings of the Commission to the Board in a timely fashion. Whenever the Commission concludes such an investigation, the Board may analyze the findings of the Commission for the purpose of making its own conclusions and recommendations.

"(B) PURPOSE OF INVESTIGATIONS.—The purpose of a Board investigation of an event under this paragraph shall be—

"(i) to ascertain information concerning the circumstances of the event, and the implications of the event for public health and safety;

"(ii) to determine whether the event is part of a pattern of similar events at 1 or more facilities, or involving any material, licensed or otherwise regulated by the Commission that could—

"(I) adversely affect public health or safety; or

"(II) be the precursor of an event that could adversely affect public health or safety; and

"(iii) to provide such recommendations to the Commission for changes in licensing, safety regulations and requirements, and other regulatory policy as may be prudent or necessary.

"(2) ANALYSIS OF OPERATIONAL DATA.—For purposes of carrying out this section, the Board shall have access to and may systematically analyze—

"(A) operational data from any facility, or involving any material, licensed or otherwise regulated by the Commission to determine whether there exist certain patterns of events that indicate safety problems; and

"(B) operational data of the Commission including personnel and files.

"(3) SPECIAL STUDIES.—The Board may conduct special studies pertaining to nuclear safety at any facility, or involving any material, licensed or otherwise regulated by the Commission.

"(4) EVALUATION OF SUGGESTIONS.—The Board may evaluate suggestions received from the scientific and industrial communities, and from the interested public, on specific measures to improve safety at any facility, or involving any material, licensed or otherwise regulated by the Commission.

"(5) RECOMMENDATIONS TO COMMISSION.—

"(A) IN GENERAL.—The Board shall recommend to the Commission specific measures that should be adopted to minimize the likelihood that events will occur at any facility, or involving any material, licensed or otherwise regulated by the Commission, that could adversely affect public health or safety. The Commission shall respond in writing to the recommendations of the Board not later than 120 days after receipt of the recommendations. The written response shall detail specific measures adopted by the Commission in response to the recommendations, and explanations for the inaction of the Commission on recommendations the Commission chose to reject.

"(B) SUBMISSION TO CONGRESS.—The recommendations of the Board made pursuant to subparagraph (A) shall be submitted to Congress.

"(6) REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of investigations, the Board shall establish reporting requirements that shall be binding on—

"(i) any person who operates, designs, supplies, maintains, or is otherwise involved with the operation or construction of, a facility licensed or otherwise regulated by the Commission; and

"(ii) any person who processes, stores, transports, uses, or possesses a material licensed or otherwise regulated by the Commission.

"(B) PROTECTED MATERIAL.—

"(i) REPORTING.—The information that the Board may require to be reported under this paragraph may include any material designated as classified material pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any information designated as safeguards information and protected from disclosure under section 147 of such Act (42 U.S.C. 2167).

"(ii) PUBLIC ACCESS.—Information received by the Board shall be made available to the public in accordance with the applicable provisions of subsections (a) and (b) of section 306 of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1905).

"(7) HEARINGS.—

"(A) IN GENERAL.—The Board or, on the authorization of the Board, any member of the Board, may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or the authorized member determines advisable.

"(B) SUBPOENAS.—

"(i) IN GENERAL.—A subpoena may be issued only under the signature of the Chairperson, or any member of the Board designated by the Chairperson, and shall be served by any person designated by the Chairperson or the member. The attendance of witnesses and the production of evidence may be required from any place in the United States at any designated place of hearing in the United States.

"(ii) OATHS.—Any member of the Board may administer an oath or affirmation to a witness appearing before the Board.

"(iii) ENFORCEMENT.—Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpoena duly issued under the authority of this paragraph, shall be fined not more than $5,000, or imprisoned for not more than 180 days, or both. Upon certification by the Chairperson of the Board of the facts concerning any willful disobedience by any person to the United States attorney for any judicial district in which the person resides or is found, the attorney may proceed by information for the prosecution of the person for the offense.

"(8) REPORTS.—

"(A) IN GENERAL.—The Board shall issue periodic reports that shall be made available to Congress, and to Federal, State, and local government agencies concerned with safety at a facility, or involving any material, licensed or otherwise regulated by the Commission. The reports shall be made available to other interested persons on request.

"(B) CONTENTS.—Each report shall contain—

"(i) the major findings of the Board investigations; and

"(ii) recommendations of—

"(I) specific measures to reduce the likelihood of a recurrence of nuclear events similar to events investigated by the Board; and

"(II) corrective steps implemented or required by the Commission to enhance or improve safety conditions at facilities investigated by the Board and other facilities as considered appropriate by the Board.

"(9) STAFF AND CONSULTANTS.—In accordance with the civil service laws and regulations, the Chairperson of the Board may hire staff and employ consultants for the purpose of carrying out the functions and duties of the Board under this subsection.

"(10) EVENTS.—As used in this subsection, the term 'event' includes an action or failure to act by any person, including the Commission as an organization and the staff of the Commission, or a continuing series of actions or failures to act by any such person, including operational failures, that the Board determines have a potentially adverse effect on public health or safety as described in paragraph (1).

"(g) TRANSFER OF FUNCTIONS.—There are transferred to the Board—

"(1) all functions of the Office for Analysis and Evaluation of Operational Data of the Commission relating to the functions of the Board described in subsection (f); and

"(2) such personnel from the Office for Analysis and Evaluation of Operational Data as the Director of the Office of Management and Budget determines are necessary to carry out the functions described in subsection (f).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995 through 2000.

"(i) TERMINATION.—The Board shall terminate on September 30, 2000.".

INDEPENDENT NUCLEAR SAFETY BOARD ACT OF 1994—BILL SUMMARY

Bill Title: The Independent Nuclear Safety Board Act of 1994.

Purpose: To establish an Independent Nuclear Safety Board.

The Board established by this bill would conduct independent investigations of events at facilities, review and assess NRC licensing and regulatory practices, recommend improvements to those practices, and report to Congress on these.

The Board would consist of three bipartisan and experienced members who have no financial relationships with nuclear business entities. Board members would have access to all data, including classified documents. The Board may also hold public hearings to which witnesses may be subpoenaed. Witnesses refusing to comply with subpoenas will be fined not more than $5,000, or imprisoned for up to 180 days, or both

The bill authorizes $10 million for each of fiscal years 1995 through 2000. The bill terminates the Board on September 30, 2000.●

By Mr. GORTON:

S. 2255. A bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security equivalent benefit account; 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 has 30 days to report or be discharged.

THE SOCIAL SECURITY TRUST FUND PROTECTION ACT OF 1994

• Mr. GORTON. Mr. President, today I am introducing legislation entitled "The Social Security Trust Fund Protection Act of 1994." It is legislation that will protect the Social Security trust fund from the greedy hands of a Government looking for any way possible to raise revenue. It is a hands-off Social Security bill.

In the early 1980's, Social Security was on the brink of bankruptcy. The promise of a secure retirement was in jeopardy and people lost confidence in the system. It was only the quick action of Congress that saved it. Now it is solvent well into the future.

As part of that bailout, Congress made a deal with seniors. We said that in return for taxing up to 50 percent of their Social Security benefits, we would help ensure the integrity of the trust fund by placing those revenues back into the Social Security system.

It was a commitment we made—a promise we are beholden to honor. Revenues raised from the taxation of Social Security benefits were to strengthen, or fortify, the Social Security trust fund.

Last year's tax bill, however, reneged on that deal. The tax bill included a massive tax hike on Social Security benefits, raising the taxable portion from 50 percent to 85 percent. I vehemently opposed that tax hike and actively worked to strip it from the bill. In fact, I voted for five separate amendments, both in the Budget Committee and on the Senate floor, to eliminate this onerous tax. Unfortunately, we failed, and the tax hike was signed into law.

Beyond my steadfast opposition to the tax hike, I was outraged by where the money was to be deposited. It was not, as we promised in the 1980's, placed back into the trust fund. Instead, it was diverted away to fund other Government programs. Congress broke its promise—as if it never mattered—and for the first time ever, revenues from the taxation of benefits are now used to fund other Government programs.

Mr. President, that is wrong. That was not part of the deal seniors made and seniors know it. It was simply a back door raid on the trust fund. I have been contacted by many seniors and other citizens of my home State of Washington about this issue. They believe that the Government should stick by its deal, and that Social Security money should stay in the Social Security system.

I listened, and I agree. That is why I am introducing the Social Security Trust Fund Protection Act of 1994, to restore the deal Congress made.

This legislation is simple. It creates a 60-vote budget point-of-order against any bill, amendment, or conference report that directs revenues derived from an increased tax on Social Security benefits away from the Social Security trust fund. It covers instances where the taxable portion of Social Security benefits is raised, and instances where the threshold levels are readjusted below the current levels. It covers revenues raised from Railroad Retirement tier I benefits in the same manner.

Its effects will be dependent on the type of underlying bill. For reconciliation bills, this point of order will combine with an already existing point of order to make it much more difficult to tax Social Security benefits at all. If additional revenues raised from a tax hike are placed into the trust fund, the reconciliation bill is subject to the existing point of order. If it places revenues anywhere else, it is subject to this new point of order. In essence, my bill makes it almost impossible, on a reconciliation bill, for Congress to take away more of a senior's Social Security checks through higher taxation.

For all other types of bills, there is no current prohibition on placing new revenues into the trust fund. So my new point of order would simply mandate that any additional revenues raised from a tax hike be placed back into the trust fund.

Mr. President, I am outraged that Congress succeeded in raising the tax on Social Security benefits, and am dismayed that the Government uses that money to fund other Government programs. And I am worried that since this tax increase and revenue diversion slipped through once, it could happen again.

Congress may soon decide that it needs more revenues and may once again look into the pockets of seniors to get that revenue. My bill will make Social Security off limits in the future. It will eliminate the incentive to tax Social Security benefits to fund other Government programs. No longer will Social Security be considered a cash cow, providing vast amounts of money to fund Government programs. It means that if Congress ever passes another tax hike on Social Security benefits, seniors will know that the money has to be used only to further strengthen the system.

I listened to the concerns of the people of Washington State on this matter, and I am responding. I am introducing legislation designed to protect the Social Security trust fund in the future, and encourage my colleagues to join this fight with me and cosponsor the bill.

Mr. President, I ask that a letter from the Seniors Coalition in support of this bill appear in the RECORD.

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

THE SENIORS COALITION,
June 29, 1994.

Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: Speaking for the two million members and supporters of The Seniors Coalition, I would like to thank you for your leadership in introducing the Social Security Trust Fund Protection Act of 1994.

We have been gravely concerned with the tax increase on Social Security benefits approved in the 1993 budget. However, we have been more concerned with the direction and use of those revenues. It is unconscionable that the revenues generated by this tax on senior citizens are being funneled into government programs, and not into the Social Security Trust Fund. The continual and blatant "raiding" of the Social Security Trust Fund by Congress must end.

The Social Security Trust Fund Protection Act of 1994 is precisely the type of legislation that serves the senior citizens of this country best. This measure helps to secure the fiscal integrity of the trust fund and guarantees that senior citizens will not be targeted as a quick source of revenue for more government spending.

Senator Gorton, you are to be applauded for your efforts to protect the senior citizens of America. Please do not hesitate to contact myself, or Kimberly Schuld at (703) 591-0663 if we can be of assistance to you on this measure.

Sincerely,

JAKE HANSEN,
Director of Government Affairs.•

By Mr. ROBB:

S. 2256. A bill to exclude from Federal income taxation amounts received in settlement of refund claims for State or local income taxes on Federal retirement benefits which were not subject to State or local income taxation on the same basis as State or local retirement benefits; to the Committee on Finance.

THE FEDERAL RETIREES FAIRNESS ACT

• Mr. ROBB. Mr. President, I introduce a bill to prevent a serious injustice from occurring, and to ask that my Senate colleagues join me as cosponsors of an important piece of legislation. This measure, the Federal Retirees Fairness Act, will guarantee fair treatment for military and Federal retirees who had their retirement benefits improperly taxed by States and are now seeking recompense.

In 1991, the Supreme Court ruled in Davis versus Michigan that States cannot tax the retirement benefits of military and Federal retirees differently than State retirees. In some instances, States compelled to discontinue this practice have begun to issue refunds to the retirees for the improperly collected State income taxes.

This legislation will ensure that these retirees do not pay Federal taxes a second time on their retirement benefits.

When these retirement benefits were initially received by the retirees, they were properly taxed by the Federal Government. State income taxes were also collected on the benefits, albeit improperly. Some retirees deducted

from their Federal taxes the amount of State tax they paid on their benefits. Many others took the standard deduction and did not deduct the amount of State tax.

With State refunds forthcoming, those retirees who took the Federal standard deduction face the very real possibility of being taxed again on the same income. Should the IRS consider the refund as original income, these standard deduction filers would be forced to pay tax a second time on their retirement benefits. I think all my colleagues will agree that this is entirely unfair and should be prevented.

This bill will do just that by spelling out clearly that these refunds shall be exempt from Federal taxation. Adoption of this legislation will ensure that Federal and military retirees, in several States across the Nation, will not be subjected to double taxation on their retirement benefits by the Federal Government.

I fully understand that this measure could create a slight windfall for retirees who filed itemized returns and deducted from their Federal taxes the amount of State tax paid on their benefits. However, since these benefits have been subject to Federal tax once, it is important to note that the only interest the Federal Government has in these refunds is in recouping the amounts which retirees deducted from Federal taxes.

Considering the demographics involved in this matter and the fact that a majority of retirees were likely better off taking the standard deduction, it is very reasonable to assume that the number of filers who itemized is quite small. Consequently, the amount of foregone Federal revenues could also be quite small, meaning that the cost to the IRS of collecting that tax may very well exceed the benefits to the Federal Government.

Mr. President, this bill is ultimately about fairness. Should a Federal or military retiree, who, in a very real sense, was forced to make a multiyear, interest-free loan to the State, be subjected to a double tax by the Federal Government? I think not, and I would argue that this body does not either. I respectfully request that my colleagues stand up for fairness for our Nation's Federal and military retirees and cosponsor this worthwhile legislation.●

By Mr. BAUCUS (for himself, Mr. DURENBERGER, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MATHEWS, Mr. COHEN, Mr. PRYOR, Mr. BINGAMAN, Mrs. BOXER, and Mr. DORGAN):

S. 2257. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes; to the Committee on Environment and Public Works.

ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

● Mr. BAUCUS. Mr. President, I introduce a bill to reauthorize programs within the Economic Development Administration. It is with great pleasure that I am joined by my colleagues, Senators DURENBERGER, MITCHELL, MATHEWS, COHEN, PRYOR, BINGAMAN, BOXER, MOYNIHAN, and DORGAN.

Mr. President, programs under the jurisdiction of the Economic Development Administration have not been reauthorized for more than a decade. Despite the uncertainty and instability this has created, EDA has become the cornerstone for efforts to strengthen and diversify the economies of our Nation's communities.

Since its inception in 1965, the EDA has established an impressive track record of helping communities to help themselves. These bootstrap efforts have allowed communities to meet economic challenges in a variety of ways—making public works improvements to attract new businesses and provide technical assistance and planning grants that allow a community to plan for their future, for example.

In just three words, I can tell you why I've become a strong believer in EDA: Libby, Havre, and Poplar. These words may not mean much to people in this town. But, to me, they are communities—they are people—they are names, faces, families, and Montanans—that I care deeply about. Unfortunately, each of these communities has experienced hard economic times.

Libby, for instance, is a timber dependent community in Montana's northwest corner. The timber mill that is Libby's largest employer recently changed hands and cut its workforce by half, costing about 300 jobs.

At the other end of the State, on the Fort Peck Indian Reservation, lies Poplar. In the face of Poplar's historically high unemployment, A & S Tribal Industries became a success story. Most recently, this firm delivered vital supplies to our forces in Operation Desert Storm. As a tribal run defense procurement contractor, A & S developed into Montana's largest manufacturer. But the end of the Cold War has meant the loss of almost 400 jobs at A & S.

And, finally, there's Havre. Located along the old Great Northern line, Havre is primarily a railroad town. In 1992, we were all shocked to learn that the Burlington Northern Railroad planned to shut the doors on its machine shop, costing Havre 300 jobs.

They say that tough times never last, but tough people do. I know this applies to folks in Libby, Poplar, and Havre and economically troubled communities all across America. With hard work and a strong spirit, these communities are fighting to rebuild their economic base—to bring jobs back. And, in each case, EDA has been there; not offering a handout; but, rather a helping hand by empowering people to help themselves.

Havre is an excellent example. With the help of EDA's revolving loan fund, strong community teamwork attracted a new manufacturing business. There is an excellent chance that this new business will ultimately employ more than the 300 people thrown out of work by the BN shutdown.

EDA has also been instrumental in responding to and assisting areas affected by natural disasters. In Florida and Louisiana, EDA was there to help businesses affected by the devastation of Hurricane Andrew. And EDA is still working with those areas of the Midwest devastated by the disastrous floods of 1993.

The programs within the EDA have become even more critical to Congress' efforts to alleviate and address job losses due to the closure and realignment of military bases around the country.

The EDA's programs are effective tools that are used on the local level—working hand-in-hand with local governments and businesses to develop future economic investment strategies. By acting as a catalyst, economic development funds are used to attract significant private contributions and support.

Despite efforts to dismantle EDA, the agency has matured in its approach to local economic development efforts. But the lack of authorization has not allowed Congress to make necessary changes to the statute and mission of EDA. As with any program, there are some areas that are working well and other areas that need to be refined. The lack of authorization has left some aspects of EDA's programs outdated or unnecessary. That is why I am introducing this bill today—a bill to streamline and advance EDA's successful programs.

The bill starts with the basic strengths of EDA and improves its process for delivering assistance to areas that are economically distressed. It streamlines the grant application and review process while also requiring that applicants prove the economic distress of their area.

The bill calls for a greater role for EDA to coordinate the efforts of various agencies that have economic development programs to reduce duplication and promote cooperation among those agencies.

It is my intention to act quickly on this legislation and I encourage my colleagues to take a look at this bill.

Mr. President, our country is faced with many challenges. Many of our communities are in economic transition and we need to strengthen and diversify the economies of those communities. We need to reauthorize EDA. It

is high time that we recognize the important role that EDA plays in the future of this country. And I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Reauthorization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DIRECT AND SUPPLEMENTARY GRANTS.

(a) DIRECT GRANTS.—Section 101(a)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "acquisition, construction" and inserting "acquisition, design, engineering, construction";

(2) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) the area for which the project is to be undertaken has an approved overall economic development plan as provided in section 402 and such project is consistent with such plan; and"; and

(3) in subparagraph (D)—

(A) by striking "so designated under section 401(a)(6)," and inserting "described in section 401(a)(7),"; and

(B) by striking "area." and inserting "area; and".

(b) CONSIDERATIONS FOR SUPPLEMENTARY GRANTS.—Section 101(c) of such Act is amended—

(1) in the second and third sentences, by striking "designated as such under section 401(a)(6) of this Act." and inserting "described in section 401(a)(7)."; and

(2) in the last sentence—

(A) by striking "the area, the" and inserting "the area and the"; and

(B) by striking ", and the amount of such" and all that follows and inserting a period.

SEC. 3. GRANTS FOR PUBLIC WORKS FACILITIES.

Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended to read as follows:

"SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 1995 through 1997. Such sums shall remain available until expended. Not less than 15 percent and not more than 35 percent of the amounts appropriated for any of fiscal years 1995 through 1997 under this section shall be expended in redevelopment areas described in section 401(a)(7).".

SEC. 4. REPEAL OF FINANCIAL ASSISTANCE FOR SEWER FACILITIES.

(a) IN GENERAL.—Title I of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131–3137) is amended—

(1) by repealing section 106;

(2) by redesignating section 107 as section 104; and

(3) by moving such section 104 to appear after section 103.

(b) CONFORMING AMENDMENT.—Section 211(b)(3) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211(b)(3)) is amended in the last sentence by striking "Notwithstanding" and all that follows through "education-related" and inserting "An education-related".

SEC. 5. RELATIONSHIP OF OVERALL ECONOMIC DEVELOPMENT PLAN TO PUBLIC WORKS AND DEVELOPMENT FACILITY LOANS.

Section 201(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) such area has an approved overall economic development plan as provided in section 402 and the project for which financial assistance is sought is consistent with such plan.".

SEC. 6. ELIMINATION OF OVERALL ECONOMIC DEVELOPMENT PROGRAM.

Section 202(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3142(b)) is amended—

(1) in paragraph (1), by striking "Such financial assistance shall not be extended" and inserting "The applicant for such financial assistance shall include, in the application of the applicant for such assistance, an assurance that the assistance will not be used"; and

(2) in paragraph (10), by striking "there shall be submitted to and approval of the Secretary an overall program for the economic development of the area and" and inserting "the applicant shall submit to the Secretary under section 402, and obtain approval of, an overall economic development plan and there is".

SEC. 7. REDEVELOPMENT AREA LOAN PROGRAM.

(a) IN GENERAL.—Section 204(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(a)) is amended by striking the last two sentences.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV through fiscal year 1971", approved July 6, 1970 (42 U.S.C. 3162 note) is repealed.

(2) Section 6 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a one-year period", approved June 18, 1973 (42 U.S.C. 3162 note) is amended—

(A) in subsection (a), by striking "(a)"; and

(B) by striking subsection (b).

SEC. 8. TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION.

Section 301(a)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(a)(1)) is amended by striking "areas which he has designated as redevelopment areas under this Act," and inserting "redevelopment areas,".

SEC. 9. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

Section 303 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended to read as follows:

"SEC. 303. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

"(a) DEFINITION.—As used in this section, the term 'isolated small business' means a small business that is unable to effectively access small business services provided by a Federal, State, or local government due to linguistic, cultural, or geographic barriers, as determined by the Secretary.

"(b) DEMONSTRATION PROJECT.—Using funds made available under this title, the Secretary shall conduct a demonstration project in each of fiscal years 1994 through 1996 for the purpose of demonstrating methods of assisting isolated small businesses to access small business services provided by Federal, State, and local governments.

"(c) ESTABLISHMENT OF CENTERS.—In conducting the demonstration project under this section, the Secretary shall establish 3 business outreach centers. At least 1 of the centers shall be located in a rural area.

"(d) DUTIES OF CENTERS.—Each business outreach center established under this section shall—

"(1) provide a one-stop clearinghouse to assist isolated small businesses in accessing small business services provided by Federal, State, and local governments; and

"(2) improve efficiency in the delivery of such services.

"(e) SERVICES TO BE PROVIDED.—Each business outreach center established under this section shall provide each of the following services:

"(1) Outreach to isolated small businesses.

"(2) Assessment of the need of isolated small businesses for assistance services.

"(3) Referral of isolated small businesses to small business assistance agencies.

"(4) Preparation of materials required by isolated small businesses for participation in small business assistance programs.

"(5) Case management to ensure follow-up and quality control of business services.

"(6) Coordination of networking among isolated small businesses.

"(7) Quality control of small business assistance services.".

SEC. 10. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) is amended by adding at the end the following new section:

"SEC. 305. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

"(a) ESTABLISHMENT.—The Secretary shall establish in the Economic Development Administration an Office of Strategic Economic Development Planning and Policy (referred to in this section as the 'Office').

"(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary and who shall report to the Assistant Secretary for Economic Development.

"(c) DUTIES.—The duties of the Director are as follows:

"(1) RESEARCH, EVALUATION, AND DEMONSTRATION PROJECTS.—The Director shall support research, evaluation, and demonstration projects to study and assess best practices in economic development and to examine trends and changes in economic conditions that affect regional development. The Director shall conduct a study of innovative economic development financing tools that may be employed to further economic development of States, regions, and localities.

"(2) POLICY DEVELOPMENT.—The Director shall develop and submit to the Secretary recommendations on both short- and long-term policies regarding economic development issues and programs, to help foster the diffusion of innovative, best practices in economic development throughout the Department of Commerce.

"(d) FEDERAL COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—*There is established* a Federal Coordinating Council for Economic Development (referred to in this subsection as the 'Council').

"(2) COMPOSITION OF THE COUNCIL.—

"(A) IN GENERAL.—The Council shall be composed of representatives from Federal agencies, appointed by the heads of the agencies, involved in matters that affect regional economic development. The Secretary shall determine the Federal agencies that are involved in matters that affect regional economic development.

"(B) VACANCIES.—Any vacancy in the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

"(3) DUTIES.—The Council shall assist the Secretary in providing a unifying framework for economic development efforts and shall develop a governmentwide strategic plan for economic development. The Council shall work to improve coordination of Federal economic development efforts to eliminate duplication and to direct Federal resources to improve economic conditions.

"(4) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for service on the Council but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the members in the performance of services for the Council.

"(5) FACILITIES, SUPPLIES, AND PERSONNEL.—

"(A) IN GENERAL.—Upon the request of the Council, the Secretary shall provide to the Council any facilities, supplies, and personnel necessary for the Council to carry out the responsibilities of the Council under this subsection.

"(B) DETAILS.—In the case of a detail of a Federal Government employee under paragraph (1), the employee may be detailed to the Council without reimbursement. The detail shall be without interruption or loss of civil service status or privilege.

"(6) HEARINGS.—The Council may hold *such hearings, sit and act at such times and* places, take such testimony, and receive such evidence as the Council considers advisable to carry out this subsection.

"(7) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any Federal department or agency such information as the Council considers necessary *to carry out this subsection. Upon request of* the Council, the head of such department or agency shall furnish such information to the Council.

"(8) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(9) TERMINATION.—The Council shall terminate 1 year after the date of the establishment of the Council.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS FOR TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151-3153) (as amended by section 10) is further amended by adding at the end the following new section:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 1995 through 1997. Such sums shall remain available until expended.".

SEC. 12. REDEVELOPMENT AREAS.

Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended to read as follows:

"SEC. 401. AREA ELIGIBILITY.

"(a) CERTIFICATION.—An applicant seeking assistance under this Act to undertake a project for an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The per capita income of the area is 80 percent or less of the per capita income of the United States.

"(2) The average rate of unemployment in the area (seasonally adjusted), as determined by the Secretary of Labor for the most recent 24-month period for which statistics are available, minus the national average rate of unemployment (seasonally adjusted), as so determined, is equal to or exceeds 1 percent.

"(3) The average rate of unemployment in the area (seasonally adjusted), as determined by the Secretary of Labor for the most recent 12-month period for which statistics are available, minus the national average rate of unemployment (seasonally adjusted), as so determined, is equal to or exceeds 2 percent.

"(4) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect on the rate of unemployment in the area (if information on such rate is available), as such rate is determined by the Secretary of Labor.

"(5) The population growth rate of the United States, as determined by the Secretary of Commerce for an appropriate period, minus the population growth rate of the area, as so determined, is equal to or exceeds 3 percent.

"(6) The area has experienced a decline in total employment that is equal to or exceeds 2 percent over the most recent 5-year period for which statistics are available, as such employment is determined by the Secretary of Labor, acting through the Commissioner of Labor Statistics.

"(7) The area is a community or neighborhood *(defined without regard to political or* other subdivisions or boundaries) that the Secretary determines has 1 or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) A rural area having substantial outmigration or substantial economic deterioration *and unemployment.*

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—

"(1) DATA AND STATISTICS.—A certification made under subsection (a) shall be supported by Federal data, if available, and in other cases by data available through the appropriate State government. The applicant shall use the most recent statistics available to support the certification.

"(2) ACCEPTANCE OF DATA.—The Secretary shall accept the data unless the Secretary determines that the data are inaccurate.

"(c) SPECIAL RULE.—With respect to a redevelopment area described in subsection (a)(7)—

"(1) the project to be carried out in the area shall not be subject to section 101(a)(1)(A);

"(2) the area shall not be subject to section 101(a)(1)(C); and

"(3) the area shall not be considered to be a redevelopment area for purposes of section 403(a)(1)(B).

"(d) PRIOR DESIGNATION.—Any designation of a redevelopment area for the purposes of this Act that was made before the date of enactment of the Economic Development Reauthorization Act of 1994 shall not be effective after such date.

"(e) DEFINITION.—As used in this Act, the term 'redevelopment area' means an area that is the subject of a certification that is—

"(1) described in subsection (a); and

"(2) submitted by an applicant as part of an application for assistance—

"(A) that is described in subsection (a); and

"(B) for which the applicant obtains the approval of the Secretary.".

SEC. 13. ANNUAL REVIEW.

(a) IN GENERAL.—Section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended to read as follows:

"SEC. 402. OVERALL ECONOMIC DEVELOPMENT PLAN AND INVESTMENT STRATEGY.

"(a) OVERALL ECONOMIC DEVELOPMENT PLAN AND INVESTMENT STRATEGY.—The Secretary may provide assistance under this Act to an applicant for a project to be undertaken in an area only if the applicant has prepared and submitted to the Secretary, and obtained approval of, an overall economic development plan or an investment strategy. Such an overall economic development plan or investment strategy shall—

"(1) identify the economic development problems to be addressed using such assistance;

"(2) identify past, present, and projected further economic development investments in such area and public and private participants and sources of funding for such investments; and

"(3) set forth a strategy for addressing the economic development problems identified pursuant to paragraph (1) and describe how the strategy will solve such problems.

"(b) APPLICATION REQUIREMENTS.—In submitting an application for assistance under title I or II, an applicant shall describe how the proposed project implements the plan or strategy, provide estimates of costs and timetables for completion for the project, and provide a summary of public and private resources expected to be available for the project.

"(c) EXISTING PLANS AND INVESTMENT STRATEGIES.—To the maximum extent practicable, the Secretary shall approve under subsection (a) overall economic development plans, and overall economic development

programs, that were approved by the Secretary under this Act before the date of enactment of the Economic Development Reauthorization Act of 1994 and that substantially meet the requirements of this section.

"(d) DEFINITION.—As used in this Act, the term 'economic development plan' includes—

"(1) a plan or program described in subsection (c) and submitted for approval under subsection (a); and

"(2) an investment strategy submitted for approval under subsection (a) in lieu of such a plan.".

(b) CONFORMING AMENDMENTS.—

(1) TRADE ACT OF 1974.—Section 273(c)(2) of the Trade Act of 1974 (19 U.S.C. 2373(c)(2)) is amended—

(A) by striking "overall economic development program" and inserting "overall economic development plan or investment strategy"; and

(B) by striking "section 202(b)(10)" and inserting "section 402".

(2) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 626(b)(1) of the Community Economic Development Act of 1981 (42 U.S.C. 9815(b)(1)) is amended—

(A) by striking "Public" and inserting "Public";

(B) by striking "overall economic development program" and inserting "overall economic development plan or investment strategy"; and

(C) by striking "section 202(b)(10)" and inserting "section 402".

SEC. 14. ECONOMIC DEVELOPMENT DISTRICTS.

(a) RELATIONSHIP TO OVERALL ECONOMIC DEVELOPMENT PLANS.—Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended—

(1) in subsections (a)(1)(C), (a)(1)(D), (a)(2)(A), (a)(3)(A), (a)(4)(B), (e), and (i) by striking "overall economic development program" and inserting "overall economic development plan";

(2) in subsection (a)(1)(D), by striking "program" the second place the term appears and inserting "plan"; and

(3) in subsections (b) and (b)(2)(B), by striking "overall economic development programs" and inserting "overall economic development plans".

(b) RELATIONSHIP TO REDEVELOPMENT AREA.—*Section 403(a)(4) of such Act* is amended by striking "(designated under section 401)".

(c) ECONOMIC DEVELOPMENT DISTRICT DEFINED.—Section 403(d) of such Act is amended by adding at the end the following new sentence: "Such term includes any economic development district designated by the Secretary under this section before the date of enactment of the Economic Development Reauthorization Act of 1994, unless the Secretary terminates the designation.".

(d) FUNDING.—Section 403 of such Act is amended—

(1) by striking subsection (g) and inserting the following new subsection:

"(g) Amounts authorized to be appropriated under other sections of this Act shall be available for purposes of carrying out paragraphs (3) and (4) of subsection (a).";

(2) by striking subsection (h); and

(3) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 15. APPLICATIONS FOR ASSISTANCE.

(a) EXPEDITED PROCESSING.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is amended by adding at the end the following new section:

"SEC. 605. EXPEDITED PROCESSING OF APPLICATIONS.

"(a) GUIDELINES.—Not later than 60 days after the date of enactment of this section, the Assistant Secretary for Economic Development shall—

"(1) develop and publish in the Federal Register guidelines that establish procedures to expedite the processing of applications for assistance under this Act; and

"(2) transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing such guidelines.

"(b) CONTENTS.—Guidelines to be developed and published under subsection (a) shall, at a minimum, provide for—

"(1) increased reliance on self-certification by applicants for such assistance to establish compliance with other Federal laws;

"(2) greater use of uniform application forms and procedures;

"(3) delegation of decisionmaking authority to regional offices of the Economic Development Administration; and

"(4) reduction in the time and number of reviews conducted by offices of the Department of Commerce other than the Economic Development Administration.".

(b) UNIFORM APPLICATION FORM.—Title VI of such Act (as amended by subsection (a)) is further amended by adding at the end the following new section:

"SEC. 606. UNIFORM APPLICATION FORM.

"(a) DEVELOPMENT.—The Secretary shall, in cooperation with the heads of appropriate Federal departments and agencies, develop a general, simplified application form for grant assistance under this Act that may be used by all Federal departments and agencies that provide grant assistance.

"(b) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall transmit to Congress a report on use of the form developed pursuant to subsection (a) by Federal departments and agencies.".

SEC. 16. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) (as amended by subsections (a) and (b) of section 15) is further amended by adding at the end the following new section:

"SEC. 607. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

"(a) IN GENERAL.—At least once every 2 years, the Secretary shall conduct an evaluation of each university center receiving assistance under title III (referred to in this section as a 'university center') and economic development district receiving grant assistance under this Act to assess the performance and contribution toward job creation of the recipient.

"(b) CRITERIA.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

"(2) CRITERIA FOR UNIVERSITY CENTERS.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the contribution of the center to providing technical assistance, conducting applied research, and disseminating results of the activities of the center.

"(3) CRITERIA FOR ECONOMIC DEVELOPMENT DISTRICTS.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

"(c) PEER REVIEW.—In conducting an evaluation of a university center under subsection (a), the Secretary shall provide for the participation in the evaluation of at least 1 other university center on a cost-reimbursement basis.".

SEC. 17. TRANSFER OF FUNDS.

Section 708 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3218) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may accept such transfers of funds from other departments and agencies of the Federal Government as the Secretary determines to be appropriate and use such funds to carry out objectives of this Act, if the Secretary uses the funds to carry out objectives for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Not more than 5 percent of such funds may be transferred to the account relating to salaries and expenses of the Economic Development Administration.".

SEC. 18. EXTENSION OF BENEFITS.

Section 715 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3225) is amended by striking "such areas as may be designated as 'redevelopment areas' or 'economic development centers' under the authority of section 401 or 403 of this Act:" and inserting "redevelopment areas and such areas as may be designated as 'economic development centers' under section 403:".

SEC. 19. SUPERVISION OF REGIONAL COUNSELS.

Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211–3226) is amended by adding at the end the following new section:

"SEC. 717. SUPERVISION OF REGIONAL COUNSELS.

"The Secretary shall take such actions as may be necessary to ensure that individuals serving as Regional Counsels of the Economic Development Administration report directly to their respective Regional Directors.".

SEC. 20. PURPOSE.

The first sentence of section 901 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241) is amended by striking "It is the purpose of this title" and inserting "The purposes of title I and of this title are".

SEC. 21. BASE CLOSINGS AND REALIGNMENTS.

Section 903 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3243) is amended by adding at the end the following new subsection:

"(e)(1) In any case in which the Secretary determines that a need exists for assistance under subsection (a) due to the closure or realignment of a military installation, the Secretary may make such assistance available to an eligible recipient for a project to be carried out on the military installation or for a project to be carried out in a community adversely affected by the closure or realignment.

"(2) Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this title for a project to be carried out on a military installation that is closed or scheduled for closure or realignment, without requiring that the eligible recipient have title to the property on which the installation is located, or a leasehold interest in the property, for any specified term.".

SEC. 22. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is amended—

(1) by redesignating section 905 as section 908; and

(2) by inserting after section 904 the following new section:

"SEC. 905. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

"(a) DESIGNATION OF AGENCY REPRESENTATIVES.—The Assistant Secretary for Economic Development shall designate for each State in which communities are adversely affected by closures and realignments of military installations, an individual to serve as a representative of the Economic Development Administration. Such individual may be the State Economic Development Agency Representative or another qualified individual.

"(b) RESPONSIBILITIES.—Individuals appointed as agency representatives under subsection (a) shall provide outreach and technical assistance, to communities adversely affected by closures and realignments of military installations, on obtaining assistance from the Economic Development Administration.".

SEC. 23. TREATMENT OF REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) (as amended by section 22) is further amended by inserting after section 905 the following new section:

"SEC. 906. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—An amount made available through a grant made under this title that is used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as an amount derived from Federal funds for the purposes of any Federal law after such amount is loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—An amount described in subsection (a) that is loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may be used only for a project that is consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards that were originally applicable to such amount on the date on which the Secretary made the amount available to the recipient through a grant described in subsection (a).

"(c) REGULATIONS.—Not later than 30 days after the date of enactment of this section, the Secretary shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants made under this title, the Secretary shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.".

SEC. 24. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) (as amended by section 23) is further amended by inserting after section 906 the following new section:

"SEC. 907. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, or other financial instrument in the portfolio of a revolving loan fund described in section 906 may be sold, at the discretion of the grant recipient that established the fund, to a third party. The proceeds of the sale—

"(1) shall be deposited in the fund and only used for projects that are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards that were originally applicable to the financial instrument on the date on which the financial instrument was entered into.".

SEC. 25. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

Section 908 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3245) (as redesignated by section 22(1)) is amended to read as follows:

"SEC. 908. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $124,800,000 for fiscal year 1995 and $81,000,000 for each of fiscal years 1996 and 1997. Such sums shall remain available until expended.

"(b) SET-ASIDE FOR ACTIVITIES RELATED TO CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.—Of the amounts appropriated pursuant to subsection (a) for fiscal year 1995, not less than $80,000,000 shall be available for purposes of assisting eligible recipients in carrying out activities related to closures and realignments of military installations.

"(c) ADDITIONAL AMOUNTS.—In addition to the appropriations authorized by subsection (a), there are authorized to be appropriated to carry out this title such sums as may be necessary to provide assistance for activities related to closures and realignments of military installations and to provide assistance in the case of a natural disaster for each of fiscal years 1995, 1996, and 1997. Such sums shall remain available until expended.".

SEC. 26. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available under this title, or any amendment made by this title, may be expended to acquire articles, materials, or supplies, or to procure services, in violation of the applicable provisions of sections 2 through 4 of title III of the Act of March 3, 1933 (commonly known as the "Buy American Act") (41 U.S.C. 10a–10b–1).●

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. DECONCINI, Mr. METZENBAUM, Mr. CHAFEE, and Mr. COHEN):

S. 2258. A bill to create a Commission on the Roles and Capabilities of the U.S. Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

COMMISSION CREATION LEGISLATION

Mr. WARNER. Mr. President, I am rising today to introduce legislation that would establish a Presidential Commission to examine the roles and missions of the U.S. intelligence community.

It was not too many years ago, Mr. President, that there was a solid consensus in Congress in support of the intelligence budget and our intelligence agencies. During the decade of the 1980's, for example, the intelligence authorization bill was so noncontroversial that it was often passed during a late night session on a voice vote without debate or amendment. That era is now gone, and the intelligence authorization bill seems to attract more debate and discussion every year.

I anticipate that this year the Senate will establish a new record for the length of time that it debates the intelligence authorization bill. We will consider counterintelligence legislation in connection with the intelligence bill this year; we will probably face amendments aimed at cutting the intelligence budget, as we have each of the last few years; and the Senate may revisit the issue of declassifying the intelligence budget totals. Some Senators have indicated they may seek to convene the Senate in executive session to debate classified programs. That is a procedure I always support.

As my colleagues are aware, the Department of Defense has been the subject of extensive reviews in recent years. The Bottom-Up Review being the most recent. In 1986, both Houses of Congress overwhelmingly approved the Goldwater-Nichols Act, which strengthened the Unified Combatant Commands and the Office of the Chairman of the Joint Chiefs of Staff. A Presidential commission has been established to review the roles and mission of our Armed Forces. These have been very productive and necessary steps, and I believe that a comparable review of the intelligence community is now, timely. Such a review, I predict, will result in the strengthening of the Nation's intelligence.

The bill that I am introducing today, together with Senator GRAHAM of Florida, chairman of the Intelligence Committee, is intended to provide a thorough and fully independent review of the organization and mission of the intelligence community. While the Jacobs' panel looked at part of our intelligence structure, and made a valuable contribution, this proposed commission would be the first fully independent review of the roles and missions of the entire intelligence community since the establishment of the CIA in 1947.

Our bill has a number of important features.

First, the Commission would be composed of four Members of Congress appointed by our leadership in consultation with the chairman and vice chairman of the Intelligence Committee as well as seven individuals from the private sector appointed by the President. In order to ensure an independent perspective, we have stipulated in the bill that the members of the Commission shall not have previously held leadership positions in the intelligence community.

Second, we have provided funds so that the Commission can have a clearance staff to handle classified material, and will therefore not need to depend on intelligence community officials for information and analysis.

Third, we have provided the Commission the time necessary to do a thorough and detailed study. Its report would not be due until December 1996.

Finally, I think it is important for my colleagues to understand that our

bill tasks the Commission with reviewing the full range of issues that have arisen with regard to the intelligence community in recent years. For example, under our bill, the Commission would be charged with reviewing the budgets of the intelligence community as well as their roles and missions; the role of economic intelligence would be addressed, as would the issue of declassifying the intelligence budget.

I want the record to reflect the fact that this bill was a collaborative effort involving myself, Senator DECONCINI, and Senator GRAHAM of Florida. Over the last couple of months, I have been publicly outspoken regarding the need for a Presidential Commission, and on May 19 I wrote the President urging his support for such a Commission. But my initial idea had been to have a Presidential Commission that would have focused primarily on the CIA and its relations with other organizations. Senator GRAHAM at that point approached me expressing support for a Presidential Commission, suggesting however that its purview be expanded to include the entire intelligence community. Senator GRAHAM and our distinguished chairman, Senator DECONCINI, both had ideas for topics the Commission should consider that have been incorporated in this bill. So my colleagues from Florida and Arizona are not only cosponsors, but coauthors of this legislation.

I strongly believe that the world is a more complex and difficult place in many respects than it was during the cold war. There is no doubt in my mind that an independent Commission will validate the continued need for clandestine human and technical intelligence collection to support U.S. national security interests. Nevertheless, the Commission may very well recommend changes that eliminate waste or duplication and increase the performance and effectiveness of the intelligence community. We need an independent review at this time, to scrub the existing structure and provide both the Congress and the public with assurances that the intelligence organization and activities we support are consistent with our great Nation's values, budgets, and interests. I have no doubt that the intelligence community will pass this test and emerge with renewed public and congressional support.

I hope that my colleagues, the administration and the public will review the bill and comment on it so that we can make any needed changes or improvement prior to the time the intelligence authorization bill comes to the floor of the Senate. It would be my intention, and I know that of our distinguished chairman and the distinguished Senator from Florida, to offer this bill as an amendment to the intelligence authorization bill at that time.

Mr. President, in closing, I ask unanimous consent that a letter I wrote to the President on this topic last month be included in the RECORD.

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

U.S. SENATE,
May 19, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing today to urge you to consider establishing a Presidential Commission to review the roles, mission, funding level and organizational structure of the Central Intelligence Agency as well as its integral role as the lead agency in the Intelligence Community.

As you know, the CIA has come under intense public scrutiny as a result of the Ames case. My own view is that much of this criticism is unjustified. Nevertheless, this tragic case has triggered many of my colleagues (and their constituents) to pose constructively, a broad range of important questions, not only about the CIA's counterintelligence practices, but more fundamentally, the appropriate role of clandestine activities in a world devoid of the Soviet threat. As I, Chairman DeConcini, and others, support the Intelligence Authorization bill (and subsequent appropriations) on the floor, it would be helpful to refer to a decision by you to initiate an in-depth study by a Presidential Commission.

For nearly a quarter of a century, I have worked with the CIA. Unequivocally, I believe that the CIA continues to play a unique and vital role in supporting U.S. national security interests. The threat of nuclear conflicts has diminished, in the wake of the demise of the Soviet Union, but the dramatic collapse of that vast empire has produced a heightened instability throughout not only the former Soviet Union, but the world.

Further, as you well know, in the minds of many the world is more complex and unpredictable than it was before the collapse of the Soviet Union. The time for a hard look at the CIA is now. I am confident that the Agency will pass "the test," no matter how vigorously examined, and that constructive new ideas, which neither you nor I now have, will emerge to change and strengthen intelligence.

In recent years, other parts of the national security apparatus have undergone fundamental reforms. The Goldwater-Nichols bill reformed important structures within the Department of Defense and was approved overwhelmingly by both Houses of Congress. It was enacted in 1986, following vigorous efforts by the Senate Armed Services Committee. Last Year, the Defense Department conducted a "bottom-up review" in order to assure that we have an appropriate balance between U.S. military objectives and force structure. More recently, Congress directed, and you appointed, a panel to review the roles and missions of the armed forces. A Presidential Commission, however, is essential in this case.

In my view, an independent appraisal of the Agency, in the context of it's partners, would restore a sense of confidence in the Agency and in Congress.

Congress, in its oversight capacity, is undertaking, to a limited extent, its own review; but, in my judgment would welcome an independent analysis. In keeping with past practice, I recommend that such a commission be composed of individuals appointed by yourself and the leaders of the House and Senate and be directed to report back to you in less than a year.

Senator Boren and Senator Cohen worked very successfully with a group—with similar objectives—known as the "Jacobs Panel." Both Senators, unsolicited, support the concept of your appointing a group and suggest that one or more of the "Jacobs Panel" be included to achieve a measure of continuity.

In closing, I would urge that this panel examine the question of economic intelligence, for I foresee growing problems as other nations are becoming more active in this area and economic competition intensifies.

If you support the idea of a Presidential Commission, I would be happy to offer an amendment authorizing such a commission during Senate consideration of the Fiscal Year 1995 Intelligence Authorization bill. I appreciate your consideration of this important issue.

Respectfully yours,

JOHN WARNER.

Mr. GRAHAM. Mr. President, I am pleased to join Senators WARNER and DECONCINI in introducing legislation to establish a blue ribbon commission on the roles and capabilities of the U.S. intelligence community.

The purpose of this commission is to commence an analysis of the missions, roles, functions, and relationships of the intelligence community and its responsiveness to consumers' needs, based on the post-cold war environment.

With the collapse of the Soviet Eastern bloc we face a dramatically changed world. Rather than one principle enemy, we now confront a world where regional instability presents a variety of threats.

As the world is changing, so must our approach to intelligence gathering. We must chart a new course. The commission which we are today proposing will play a critical role in charting that new course.

I believe, as my colleague and friend from Virginia has stated, this is the time to step back to take a long view and a fresh look at our intelligence priorities. Where changes are needed we need to make them. New thinking is required and nothing is sacrosanct. Most importantly in an environment of reduced resources we must match means to ends.

Intelligence is critical to the security of our Nation and will remain so. As we reduce our defense spending the role of intelligence becomes even more critical. Good intelligence is invaluable, it can tell us where the next threat will arise and how we should best deploy resources to address it.

I am also well aware that recent events, such as the Ames spy case, have focused a critical light on the intelligence community and generated renewed concerns for an evaluation.

Mr. President the time is right for a comprehensive review. I would like to highlight three issues which the commission will evaluate closely:

First, the roles and missions of the intelligence community in terms of providing support to its traditional customers—the defense and foreign policy establishments.

Second, whether intelligence efforts are prepared to address emergency needs—such as increasingly sophisticated economic intelligence for new customers.

Third, available requirements and resources—both human and material—are they properly watched and allocated within the intelligence community.

A particular concern is whether the recruitment, training, and promotion policies of the intelligence community will achieve the human resources needed in a world in which human intelligence capabilities will be increasingly required.

I am particularly concerned that at a time when I suspect that human intelligence, as distinct from technological means of gathering intelligence, will assume greater importance, particularly in places in the 60 emerging hot spots around the world, that we have the capability to recruit, train, and lead our humans who will be providing that human intelligence.

The proposed commission would consist of 11 members: seven appointed by the President; one member each appointed by the Senate majority leader and minority leader; and one member each appointed by the Speaker of the House and the House minority leader.

This proposed commission would ensure an independent evaluation with executive and legislative branch collaboration, to provide a review that could serve to strengthen the support and refine the management of these vital capabilities essential for our national security. The structure of this commission will ensure its independence.

I look forward to its creation and receiving its recommendations by December 31, 1996.

Mr. President, I appreciate this time and join my colleague from Virginia in looking forward to the creation and the receipt of the report of the commission by December 31, 1996.

By Mrs. MURRAY (for herself, Mr. HATFIELD, Mr. GORTON, Mr. INOUYE, and Mr. BRADLEY):

S. 2259. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

GRAND COULEE DAM SETTLEMENT ACT

• Mrs. MURRAY. Mr. President, today I am proud to introduce the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act.

This legislation would codify an historic agreement recently reached between the Confederated Tribes of the Colville Reservation and the United States. Since the Federal construction of the Grand Coulee Dam, the people of Washington State and the Nation have benefited greatly from the power produced from the waters of the Columbia. But few have sacrificed as much for these gains as the Confederated Tribes of the Colville Reservation, on whose land the Grand Coulee Dam was built. This bill would resolve this inequity, settling the tribe's long-standing claims against the United States for compensation of the reservation lands taken for Grand Coulee Dam construction and operation.

In 1933, the Federal Power Commission granted a permit to develop the water resources at the site that is now the Grand Coulee Dam on the Columbia River in Washington State. The dam was to be constructed under a Federal Power Act license, and the tribe was to receive annual payments for tribal lands taken and used for the production of power. The tribe testified before Congress, that their best lands would be lost and their ability to fish would be destroyed. The Secretary of the Interior, Harold Ickes, supported the tribes, affirming that they should be compensated according to the power produced by the dam.

Even so, when the United States completed the dam and began producing electricity in 1942, the tribe received nothing for its contribution to the production of electricity.

The tribe then commenced to pursue its claim in the Federal courts. For almost 50 years—nearly a generation—the tribe filed claims litigation seeking compensation. The tribe first brought suit against the United States under the 1946 Indian Claims Commission Act for the taking of its property and the use of its lands. Finally, in 1992, the Court of Appeals for the Federal Circuit reversed a previously dismissed claim, thereby opening the door for settlement negotiations between the tribe, the Justice Department, and the Bonneville Power Administration [BPA] to begin.

The settlement agreement negotiated between the United States and the tribe is a fair, equitable, and final settlement for tribal compensation claims. Over 6 months of negotiations, representatives of the Department of Justice, the Department of Interior, and the BPA agreed with the Colville Tribe on the Settlement Agreement represented by this act.

The purposes of this act are as follows. First, to approve and ratify the Settlement Agreement entered to by the United States and the Confederated Tribes of the Colville Reservation in Washington State. And second, to direct the BPA to carry out payment obligations under the Settlement Agreement.

Under the Settlement Agreement, the United States has agreed to pay $53 million to the tribe as settlement for past unpaid annual charges. The BPA will pay the tribe an annual payment for the continued use of reservation lands. The first payment will be for $15.25 million and will be made by March 1, 1996. Additional payments will be subject to a formula set forth in the agreement. These payments will fluctuate according to the amount of power produced annually at the Grand Coulee Dam and BPA's average sale price for power.

Mr. President, The Confederated Tribes of the Colville Reservation have contributed greatly to the success of my region of the country, and will continue to do so for many generations to come. It is time for the United States to recognize the contributions that have been made. Therefore, it is with conviction that I urge my colleagues to vote with me for passage of this act. Thank you.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

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

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration;

(2) BONNEVILLE POWER ADMINISTRATION.—The term "Bonneville Power Administration" means the Bonneville Power Administration of the Department of Energy or any successor agency, corporation, or entity that markets power produced at the Dam.

(3) DAM.—The term "Dam" means the Grand Coulee Dam—

(A) operated by the Bureau of Reclamation of the Department of the Interior, and

(B) with respect to which power is marketed by the Bonneville Power Administration of the Department of Energy.

(4) CONFEDERATED TRIBES V. UNITED STATES.—The term "Confederated Tribes v. United States" means the case pending before the United States Court of Claims arising from the claim filed with the Indian Claims Commission with the docket number 181-D that—

(A) was transferred to the United States Court of Claims pursuant to the Federal Courts Improvement Act of 1982 (96 Stat. 25) as Confederated Tribes v. United States (20 Cl. Ct. 31);

(B) with respect to which an appeal was filed in the United States Court of Appeals, Federal Circuit (964 F.2d 1102) (Fed. Cir. 1992); and

(C) on the basis of the appeal, was remanded in part by the United States Court of Appeals to the United States Court of Claims.

(5) MINOR.—The term "minor" means a child who has not attained the age of 18.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Settlement Agreement entered into between the

United States and the Confederated Tribes of the Colville Reservation, signed by the United States on April 21, 1994, and by the Tribe on April 16, 1994, to settle the claims of the Tribe under Confederated Tribes v. United States.

(8) TRIBE.—"Tribe" means the Confederated Tribes of the Colville Reservation, a federally recognized Indian tribe.

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) An action by the Confederated Tribes of the Colville Reservation against the United States is pending before the United States Court of Federal Claims.

(2) In such action, the Tribe seeks to recover damages under section 2(5)) of the of the Indian Claims Commission Act (60 Stat. 1050 (formerly 25 U.S.C. 70a(5)) relating to fair and honorable dealings.

(3) Although the matter that is the subject of such action is in dispute, the potential liability of the United States is substantial.

(4) The claim filed by Tribe with respect to such action alleges that—

(A) after the construction of the Grand Coulee Dam, the United States has used land located in the Colville Reservation in connection with the generation of electric power;

(B) the United States will continue to use such land during such time as the Grand Coulee Dam produces power; and

(C) the United States has promised to pay the Tribe for the use referred to in subparagraph (A), but has failed to make such payment.

(4) After years of litigation, the United States has negotiated a Settlement Agreement with the Tribe that was signed by the appropriate officials of the Department of Justice, the Bonneville Power Administration, and the Department of the Interior.

(5) The Settlement Agreement is contingent on the enactment of enabling legislation to approve and ratify the Settlement Agreement.

(6) Upon the enactment of this Act, the Settlement Agreement will—

(A) provide mutually agreeable compensation for the past use (as determined under such Agreement) of land of the Colville Reservation in connection with the generation of electric power at Grand Coulee Dam;

(B) establish a method to ensure that the Tribe will be compensated for future use (as determined under such Agreement) of land of the Colville Reservation in the generation of electric power at Grand Coulee Dam; and approved; and

(C) settle the claims of the Tribe against the United States brought under the Indian Claims Commission Act.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To approve and ratify the Settlement Agreement entered into by the United States and the Tribe.

(2) To direct the Bonneville Power Administration to carry out the obligations of the Bonneville Power Administration under the Settlement Agreement.

SEC. 4. APPROVAL, RATIFICATION AND IMPLEMENTATION OF SETTLEMENT AGREEMENT.

(a) IN GENERAL.—The Settlement Agreement is hereby approved and ratified.

(b) DUTIES OF THE BONNEVILLE POWER ADMINISTRATION.—The Bonneville Power Administration shall—

(1) on an annual basis, make payments to the Tribe in a manner consistent with the Settlement Agreement; and

(2) carry out any other obligation of the Bonneville Power Administration under the Settlement Agreement.

(c) IMPLEMENTATION OF SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—In a manner consistent with the negotiated terms of the Settlement Agreement, the United States shall join in the motion that the Tribe has agreed to file in Confederated Tribes of Colville Reservation v. United States, for the entry of a compromise final judgment in the amount of $53,000,000.00.

(2) REQUIREMENTS FOR PAYMENT.—The United States shall pay the amount specified in paragraph (1) from funds appropriated pursuant to section 1304 of title 31, United States Code. The amount paid as a judgment may not be not reimbursed by the Bonneville Power Administration.

SEC. 5. DISTRIBUTION OF THE SETTLEMENT FUNDS.

(a) LUMP SUM PAYMENT.—The payment made under section 4(c)(1) (including any interest that accrues on the payment) shall be deposited by the Secretary of the Treasury in a trust fund established for the Tribe pursuant to of Public Law 93-134 (25 U.S.C. 1401 et seq.) for use by the tribal governing body of the Confederated Tribes of the Colville Reservation, pursuant to a distribution plan developed by the Tribe and approved by the Secretary of the Interior pursuant to section 3 of Public Law 93-134 (25 U.S.C. 1403), except that—

(1) under the distribution plan developed pursuant to this subsection any payment to be made to a minor shall be held by the United States in trust for the minor until the later of—

(A) the date the minor attains the age of 18; or

(B) the date of graduation of the secondary school class with respect to which the minor is scheduled to be a member; and

(2) the Secretary may, pursuant to regulations prescribed by the Secretary relating to the administration of the Bureau of Indian Affairs, authorize the emergency use of trust funds for the benefit of a minor.

(b) ANNUAL PAYMENTS.—In addition to the lump sum payment described in subsection (a), the appropriate official of the Federal Government shall make annual payments directly to the Tribe in accordance with the Settlement Agreement. The Tribe may use any amount received as an annual payment under this subsection in the same manner as the Tribe may use any other income received by the Tribe from the lease or sale of natural resources.

SEC. 6. REPAYMENT CREDIT.

(a) IN GENERAL.—Beginning with fiscal year 2000, and ending at the end of the last fiscal year during which the Tribe receives an annual payment pursuant to the Settlement Agreement, the Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13(b) of the Federal Columbia River Transmission System Act (16 U.S.C. 838(b)) an amount equal to 26 percent of the payment made to the Tribe for the immediately preceding fiscal year.

(b) CREDIT OF INTEREST.—

(1) IN GENERAL.—Each deduction made under this section shall—

(A) be credited to the amount of interest payments that would otherwise be payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) be allocated on a pro rata basis to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are payable during the fiscal year specified in subparagraph (A).

(2) SPECIAL ALLOCATION RULE.—If, for any fiscal year a deduction calculated pursuant to paragraph (1) would be greater than the amount of interest due on debt associated with the generation function described in paragraph (1)(B) for such fiscal year, the amount by which the deduction exceeds the interest due on debt associated with the generation function shall be allocated on a pro rata basis as a credit for the payment of any other interest that is payable by the Administrator by the Secretary for such fiscal year.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) LIENS AND FORFEITURES.—Funds paid or deposited to the credit of the Tribe pursuant to the Settlement Agreement or this Act, any interest or investment income earned or received on such funds, any payment authorized by the Tribe or the Secretary of the Interior to be made from such funds to members of the Tribe, and any interest or investment income earned on any such payment earned or received and deposited in a trust pursuant to this section for a member of the Tribe, may not be subject to any levy, execution, forfeiture, garnishment, lien, encumbrance, seizure, or taxation by the Federal Government or a State or political subdivision of a State.

(b) ELIGIBILITY FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—None of the funds described in subsection (a) may be treated as income or resources or otherwise used as the basis for denying or reducing the financial assistance or other benefits to which the Tribe, a member of the Tribe, or a household of the Tribe would otherwise be entitled under the Social Security Act (42 U.S.C. 301 et seq.) or any program of the Federal Government or program that receives assistance from the Federal Government.

(c) TRUST RESPONSIBILITY.—This Act and the Settlement Agreement may not be construed to affect the trust responsibility of the United States to the Tribe or to any of the members of the Tribe.●

ADDITIONAL COSPONSORS

S. 373

At the request of Mr. DECONCINI, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 373, a bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1063

At the request of Mr. MACK, his name was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

At the request of Mr. HATCH, the name of the Senator from Oklahoma

[Mr. NICKLES] was added as a cosponsor of S. 1063, supra.

S. 1326

At the request of Mr. CAMPBELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1805

At the request of Mr. WARNER, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 2120

At the request of Mr. INOUYE, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Virginia [Mr. ROBB], the Senator from Nebraska [Mr. EXON], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf War.

S. 2231

At the request of Mr. BINGAMAN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2231, a bill to amend the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") to authorize appropriations for each of fiscal years 1994 through 2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States-Mexico border area, and for other purposes.

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. D'AMATO] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 70

At the request of Mr. MCCONNELL, his name was withdrawn as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1995

KERRY (AND OTHERS) AMENDMENT NO. 2127

Mr. KERRY (for himself, Mr. GREGG, Mr. BUMPERS, and Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 40, between lines 21 and 22, insert the following:

SEC. 502. TERMINATION OF ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) TERMINATION.—Except as provided in subsection (b), funds appropriated under this Act may not be obligated or expended for purposes of the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) program.

(b) TERMINATION COSTS.—Funds appropriated under this Act for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) program may be obligated and expended for that program only for payment of the costs associated with the immediate termination of the program beginning in fiscal year 1995.

HARKIN (AND OTHERS) AMENDMENT NO. 2128

Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. AKAKA, Mrs. BOXER, Mr. CAMPBELL, Mr. WELLSTONE, Mr. DECONCINI, Mr. KOHL, and Mr. ROTH) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 40, between lines 21 and 22, insert the following:

FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES RELATING TO RENEWABLE ENERGY SOURCES

SEC. 502. (a) REDUCTION IN APPROPRIATION FOR WEAPONS ACTIVITIES FOR ATOMIC ENERGY DEFENSE.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES WEAPONS ACTIVITIES" is hereby reduced by $33,042,000.

(b) INCREASE IN APPROPRIATION FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading "ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES" is hereby increased by $33,042,000.

(c) AVAILABILITY OF FUNDS.—Of the funds appropriated in title III of this Act under the heading "ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES"—

(1) not less than $94,400,000 shall be available for photovoltaic energy systems (of which $93,400,000 shall be available for operating expenses and $1,000,000 shall be available for capital equipment);

(2) not less than $33,293,000 shall be available for solar thermal energy systems (of which $33,593,000 shall be available for operating expenses and $700,000 shall be available for capital equipment);

(3) not less than $51,710,000 shall be available for wind energy systems (of which $50,710,000 shall be available for operating expenses and $1,000,000 shall be available for capital equipment);

(4) not less than $13,129,000 shall be available for international solar energy programs;

(5) not less than $4,700,000 shall be available for resource assessment (of which $4,300,000 shall be available for operating expenses and $400,000 shall be available for capital equipment);

(6) not less than $9,460,000 shall be available for solar and renewable energy program direction; and

(7) not less than $14,000,000 shall be available for hydrogen research.

BURNS AMENDMENT NO. 2129

Mr. JOHNSTON (for Mr. BURNS) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 18, line 19 insert the following before the period:

"*Provided further*, That within the funds made available in this Act for the Water Management and Conservation Program, $300,000 shall be available for any western regional drought mitigation center located within the Great Plains Region through a competitive grant process."

NICKLES AMENDMENT NO. 2130

Mr. JOHNSTON (for Mr. NICKLES) proposed an amendment to the bill H.R. 4506, supra; as follows:

At the end of the sentence on page 22, line 7, after the word "Act", insert the following new provision—

"*Provided further*, That within funds available for hydrogen research, $250,000 shall be made available to an institution where expertise in electrochemical (fuel cells), thermochemical and photochemical reactions for hydrogen production may be synergistically studied and the application to gas storage and alternate vehicle technology may be integrated."

KEMPTHORNE AMENDMENT NO. 2131

Mr. JOHNSTON (for Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 22, line 7, insert before the period the following: : *Provided further*, That not less than $1,500,000 shall be available for hydropower research and development, of which $1,000,000 shall be available under the Advanced Hydropower Turbine program for design activities conducted and funded jointly by the Secretary of Energy and one or more appropriate entities from the private sector for an energy-efficient turbine that reduces the environmental impact on fish species.

DOMENICI AMENDMENT NO. 2132

Mr. JOHNSTON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 17, at the end of line 13, delete the period after the word "Act" and add the following new proviso: ": *Provided further*, That of the total appropriated, $4,827,000 shall be available for transfer to the State of New Mexico Irrigation Works Construction Fund for settlement of all claims associated with Costilla Dam".

FORD AMENDMENT NO. 2133

Mr. JOHNSTON (for Mr. FORD) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 14, after line 8, add the following:

SEC. 102. The Secretary of the Army, acting through the Chief of Engineers, shall not collect fees at boat launching ramps located in undeveloped or lightly developed shorelands with minimum security and illumination.

DOLE AMENDMENT NO. 2134

Mr. HATFIELD (for Mr. DOLE) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 16, line 2, insert the following before the period: ": *Provided further*, That of the funds appropriated for General Investigations, $500,000 is provided for the Wichita, Kansas, Equus Beds project".

LEVIN AMENDMENT NO. 2135

Mr. JOHNSTON (for Mr. LEVIN) proposed an amendment to the bill H.R. 4506, supra; as follows:

Page 3, between lines 21 and 22 insert the following: "Grand Marais Harbor, Michigan, $100,000";.

CHAFEE AMENDMENT NO. 2136

Mr. JOHNSTON (for Mr. CHAFEE) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 9, line 15, before the " : ", insert the following: "Allendale Dam, Rhode Island, $67,500".

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 2137

Mr. JOHNSTON (for Mr. LAUTENBERG and Mr. BRADLEY) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 21, line 25, after "expended" insert:

", of which $45,000,000 is to initiate construction of the Tokamak Physics Experiment (TPX) at the Princeton Plasma Physics Laboratory, subject to subsequent enactment into law of specific authorizing legislation."

STEVENS (AND OTHERS) AMENDMENT NO. 2138

Mr. STEVENS (for himself, Mr. INOUYE, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4506, supra; as follows:

At the end of the Committee amendment on page 32 insert the following:

"*Provided*, The Secretary may expend up to $25 million in unobligated funds for the formulation and implementation of a program to provide Alaska villages with reliable and affordable electrical generation systems, and, notwithstanding any other provision of law, may use any such unobligated funds to provide fuel for electrical generation, at market prices to any village in Alaska that is unable to obtain such fuel from commercial vendors: *Provided further*, that the State of Alaska will provide a dollar-for-dollar match of the Federal share."

WELLSTONE (AND JEFFORDS) AMENDMENT NO. 2139

Mr. WELLSTONE (for himself and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 22, line 5, insert after "distribution activities:" the following: "*Provided further*, That from available funds appropriated under this Act, but not from any funds appropriated for the Solar and Renewable Energy Programs, not less than $90,000,000 shall be expended for photovoltaic energy systems (of which $89,000,000 shall be for operating expenses and $1,000,000 shall be for capital equipment): *Provided further*, That from available funds appropriated under this Act, but not from any funds appropriated for the Solar and Renewable Energy Programs not less than $46,000,000 shall be expended for wind energy systems (of which $45,000,000 shall be for operating expenses and $1,000,000 shall be for capital equipment): *Provided further*, That from available funds appropriated under this Act, but not from any funds appropriated for the Solar and Renewable Energy Programs, not less than $12,000,000 shall be expended for "hydrogen research:".

PRESSLER (AND DASCHLE) AMENDMENT NO. 2140

Mr. JOHNSTON (for Mr. PRESSLER for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 4506, supra; as follows:

On page 16, line 2 insert the following before the period:

": *Provided further*, That of the funds appropriated for general investigations, $50,000 is provided for the Lewis and Clark Rural Water System, South Dakota feasibility study".

KEMPTHORNE (AND CRAIG) AMENDMENT NO. 2141

Mr. KEMPTHORNE (for himself and Mr. CRAIG) proposed an amendment to the bill H.R. 4506, supra; as follows:

At the appropriate place in the bill insert the following: "It is the sense of the Senate that the Corps of Engineers shall not facilitate or carry out the draft or drawdown below 1520 feet of Dworshak Reservoir until such time as the Corps of Engineers has completed a study of all possible alternatives and potential options including environmental and economic analysis for the affected area, and presented such report to the appropriate committees of Congress and the affected delegations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

LEVIN (AND COHEN) AMENDMENT NO. 2142

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 25, beginning with line 4, strike out all through page 26, line 13.

On page 272, line 16, strike out "$2,189,858,000" and insert in lieu thereof "$2,339,858,000".

WARNER (AND OTHERS) AMENDMENT NO. 2143

Mr. WARNER (for himself, Mr. SARBANES, Mr. HARKIN, Mr. COCHRAN, Mr. GORTON, Mr. D'AMATO, and Mr. BINGAMAN) proposed an amendment to the bill S. 2182, supra; as follows:

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

SEC. . ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—for the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

(c) LIMITATION.—subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of $376,000,000 to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

NUNN AMENDMENT NO. 2144

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill S. 2182, supra; as follows:

On page 138, between lines 11 and 12, insert the following new section:

SEC. 634. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS.

(a) MILITARY RETIREMENT.—Section 1401a(b)(2)(B) of title 10, United States Code, is amended by striking out clause (ii) and inserting in lieu thereof the following:

"(ii) FISCAL YEARS 1995 AND 1996.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1994 or 1995, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be June of the following year.

"(iii) FISCAL YEARS 1997 AND 1998.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1996 or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be April of the following year.".

(b) CIVIL SERVICE RETIREMENT.—(1) Notwithstanding section 11001 of Public Law 103-66 (107 Stat. 408; 5 U.S.C. 8340 note), this section shall apply with respect to any cost-of-living increase scheduled to take effect, during fiscal years 1995, 1996, 1997, or 1998, under—

(A) section 8340(b) or 8462(b) of title 5, United States Code;

(B) section 826 or 858 of the Foreign Service Act of 1980; or

(C) section 291 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2131).

(2) A cost-of-living increase described in paragraph (1) shall not take effect—

(A) in the case of each of fiscal years 1995 and 1996, until June 1 of the following year; and

(B) in the case of each of fiscal years 1997 and 1998, until April 1 of the following year.

(3) Nothing in this section shall be considered to affect any determination relating to eligibility for an annuity increase or the amount of the first increase in an annuity under section 8340 (b) or (c) or 8462 (b) or (c) of title 5, United States Code, or comparable provisions of law.

NOTICE OF HEARING

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing July 20, 1994, on Child Support Enforcement; The Federal Role.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Rick Goodman, at 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NUNN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 30, beginning immediately after the first vote, to report S. 823, the National Wildlife Refuge Management Act, as amended by the committee at the June 23 full committee business meeting.

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

COMMITTEE ON FINANCE

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Thursday, June 30, 1994, at 10 a.m., to consider the Health Security Act of 1994.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 30, at 10 a.m. to hold a hearing with Secretary of State Christopher giving a foreign policy overview.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, June 30, at 9:30 a.m., for a nomination hearing on John Andrew Koskinen, to be Deputy Director for Management, OMB.

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

COMMITTEE ON THE JUDICIARY

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 30, 1994 to hold a hearing on the nomination of Alexander Williams, Jr. of Maryland, to be U.S. district judge for the district of Maryland.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 30, 1994, off the floor after a vote, for an executive session to consider the nominations of Colleen Jennings-Roggensack, Judith Rubin, and Rachel Worby to be members of the National Council on the Arts; Cynthia Metzler to be an Assistant Secretary, Department of Labor; Nelba Chavez to be Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Frederic Schroeder to be Commissioner of the Rehabilitation Services Administration, Department of Education; Anne Peterson to be Deputy Director, National Science Foundation; and John Haughton D'Arms, Darryl J. Gless, Ramon A. Gutierrez, Charles Patrick Henry, Thomas Cleveland Holt, Martha Congleton Howell, Nicolas Kanellos, Bev Lindsey, Robert Rotbert, and Harold K. Skramstad, Jr. to be members of the National Council on the Humanities.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NUNN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 30, 1994 at 9 a.m. to hold a closed hearing on intelligence matters.

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

RECESS UNTIL FRIDAY, JULY 1, 1994 AT 8:20 A.M.

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess until 8:20 a.m., Friday, July 1.

There being no objection, the Senate, at 12:26 a.m., recessed until Friday, July 1, 1994, at 8:20 a.m.

EXTENSIONS OF REMARKS

EXPORT OF MILITARY SENSITIVE DUAL-USE TECHNOLOGY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HUNTER. Mr. Speaker, shortly the House of Representatives will begin consideration of the Export Administration Act of 1994. This will be one of the most critical national security votes of this session.

As many of my colleagues are aware, the House Foreign Affairs Committee has reported out H.R. 3927, which rewrites our current laws regarding the export of militarily sensitive dual-use technology. I think it is safe to say that many in the nonproliferation community are alarmed by the Foreign Affairs Committee bill. In a statement before the House Armed Services Committee, Gary Milhollin, Director of the Wisconsin Project on Nuclear Arms Control, stated, "The bill reported out of the Foreign Affairs Committee would greatly weaken existing law. As I have already said there is absolutely no justification for that. In fact, the lesson of Iraq is that controls need to be stronger instead of weaker." Later in his statement Mr. Milhollin notes, "At best, the bill would allow the United States to control exports about the same way that Germany controlled them in the 1980's. The graphic I referred to above shows that German firms were the main suppliers of Iraq's chemical weapons, nuclear weapons, and long-range missile programs."

There are many problems with the Foreign Affairs Committee bill; however, the most glaring is that this legislation would significantly reduce the authority of the Secretary of Defense in making determinations of what to control and his authority to review license applications. I would like to remind my colleagues that in 1991 the Government Operations Committee held extensive hearings on our export control laws and specifically sales to Iraq, and Government Operations concluded that, "U.S. export officials (Commerce and Energy) transferred sensitive U.S.-origin equipment directly into the hands of Iraq's bomb and missile makers, and did it on behalf of an exporter that was already notorious for nuclear smuggling. The export went out at top speed even through there was a bad seller, a bad buyer, and a bad end use."

Mr. Speaker, it is clear that Defense needs more authority, not less.

Many in industry are strongly supportive of the work done by the Foreign Affairs Committee. They argue that the Department of Defense slows down the process and that too many items are controlled. Industry claims that $10–20 billion in sales and hundreds of thousands of jobs are lost. While I am sensitive to these claims, I am concerned that they may be overstated. My colleagues should be aware that in 1992, 96 percent of all manufactured exports left the country without a license. Of the remaining 4 percent that required a validated license, 96 percent were approved for export. According to the Senate Committee on Governmental Affairs the dollar value of license denials is about $700 million, a far cry from $10–20 billion.

Mr. Speaker, we all care about jobs but we must also consider that sales of dual-use technology could cost our soldiers their lives. During consideration of the Export Administration Act, I plan to offer several amendments regarding the role of the Secretary of Defense and amendments to strengthen the process for creating the Commodity Control List. For example, I believe the Secretary of Defense should be given the authority to stop any export that he feels could be detrimental to U.S. national security. I am not trying to slow down the process or to hurt our businesses' potential to export. I just want to ensure that we don't create another Iraq.

SIXTH DISTRICT HIGH SCHOOL TENNIS CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. COBLE. Mr. Speaker, people who know me know that my only athletic activity is tennis. I enjoy playing the game and watching the game. That is why I am so proud to say that the Sixth District is the new home of the North Carolina class 1A–2A high school tennis champions. In fact, the Sixth District had representatives in all three levels of the State's high school tennis championships this year.

On June 4, Western Alamance High School captured the 1A–2A dual team tennis championship with a 5–4 victory over Union Pines High School. In fact, the championship match completed a perfect season for the Warriors. Western Alamance, under the guidance of head coach Eric Ratchford, compiled a 23–0 record this season. The win also put the only mark on a perfect season for Union Pines which finished the year at 24–1. Coach Ratchford told the Burlington Times-News:

We hit a pinnacle today. You're not going to get much better than this. I don't know if this will ever happen again. I've enjoyed working with these kids and they've got a lot to be proud of.

Coach Ratchford is equally proud of each and every member of the Western Alamance tennis team including, Kevin Gobble, Jason Smith, Jeremy Madrazo, Scott Meyer, David Slade, Nathan Raycroft, Jason Casidy, Thomas Sahadi, Brady Plummer, Perry Bullard, Alex Fitzgerald, Christopher Gowin, Sander Pol, Jan-Jelle van Herksen, and Jeff Meyer. We also offer our congratulations to athletic director John Garrison and principal Sam Fowler.

We also need to congratulate two other schools in the Sixth District which reached the State finals. Grimsley High School in Greensboro lost to Broughton High School of Raleigh in the class 4A tennis championships. In the 3A title match, Williams High School of Burlington was defeated by T.C. Roberson High School of Skyland. We are proud to say that the Sixth District was represented in the 4A, 3A, and 1A–2A title contests.

On behalf of the citizens of the Sixth District of North Carolina, we offer our congratulations to all of the students, parents, faculty, and staff of Western Alamance High School on the tennis team's championship, the first State title—in any sport—for the Warriors.

TRIBUTE TO JAMES HILL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute a dedicated labor leader, James Hill, on the occasion of his retirement as financial secretary/treasurer of Sheet Metal Workers International Association Local 104.

James Hill has served California and the labor community since his apprenticeship with Sheet Metal Workers Local 75 in 1958. Starting in 1974, he has worked as an executive board member of Sheet Metal Workers Local 309, including a term as its president in 1976. He has also been appointed to the mechanical review board and the health services agency for Santa Clara County. In addition, James Hill is a delegate to the Santa Clara and San Benito Counties Building Trades Council, and has served as a member of the San Jose Joint Apprenticeship Committee since 1968.

His commitment to workers in the bay area is unsurpassed, and has been recognized for his advocacy work with numerous awards from the Department of Apprenticeship Standards.

Mr. Speaker, James Hill has gained the utmost respect and regard of those with whom he has both worked with and served. I ask my colleagues to join me in honoring this special man for his countless contributions to our community.

SCRAP TIRES SHOULD BE RECYCLED AND USED IN ROAD CONSTRUCTION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SWETT. Mr. Speaker, the advent of the automobile opened new vistas of opportunity

and freedom for Americans by giving them the kind of mobility earlier generations could only dream about. But not all of the consequences of the age of the automobile have been so positive. For automobiles ride on tires, and today we are faced with a surplus tire stockpile of between 2 and 3 billion tires. Worse still, this stockpile grows by 250 million each year.

These tires pose a serious threat to our environment. They are bulky and fill up our landfills. They do not biodegrade. They catch on fire easily. They retain water and create breeding grounds for mosquitos, with all the consequent public health problems.

What is the answer to this problem? The Intermodal Surface Transportation Efficiency Act of 1992 [ISTEA]—authored by the Public Works and Transportation Committee on which I am proud to serve—attempted to address this problem by requiring that States begin to utilize some of these tires in asphalt paving through the use of a new technology which produces a material known as rubberized asphalt, or "crumb rubber."

The good news is that this new material creates a superior road surface which requires less maintenance and will be longer lasting—characteristics which I believe are important since I think it critical that this country move to a life-cycle costing approach to road building. The bad news is that this provision of ISTEA has not been implemented because of a funding ban inserted in recent transportation appropriations bills.

The Public Works and Transportation Committee has attempted to resolve this policy impasse in the National Highway System bill (H.R. 4385) it approved, and the full House passed, earlier this year. The compromise language contained in H.R. 4385 is a sincere attempt to strike a reasonable compromise on this issue. None of the contending parties are entirely happy with the language (section 108), but all are agreed that the compromise is better than continued policy paralysis.

It is my strong hope that this compromise will be reflected in the fiscal year 1995 transportation appropriations conference report. I urge my colleagues and the transportation appropriations conferees to support this workable compromise.

NATIONAL CHARACTER COUNTS WEEK

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HUGHES. Mr. Speaker, I rise today in support of House Joint Resolution 366, designating the week of October 16–22, 1994, as "National Character Counts Week."

House Joint Resolution 366 is a noble effort to bring national attention to the issue of character education and the importance of some crucial values. Unfortunately, with the deterioration of family, our young people are not receiving enough exposure to the importance of good character.

It is a national tragedy that so many children are raised without the benefit of positive family influences. These young people often do not understand even the fundamental precepts of right and wrong. They too often are not sensitive to such qualities as respecting others' opinions and taking responsibility for their own actions.

Somewhere out there is a youngster who will soon come to a crossroads. There are thousands like him who will be faced with the critical decision of which road to travel. And despite the moves toward tougher justice, the crime rate keeps going up. There is no doubt that our children are at risk, which means that our future is at risk.

"Character Counts" is a way to put basic good citizenship back into the lives of our children. It incorporates civics work with kids to provide a path for personal growth and safety, as well as emotional stability.

House Joint Resolution 366 aims to encourage communities, schools, and youth organizations to promote six core elements of character including trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship. These six traits are the elements that we can all agree are absolutely essential to good citizenship and a productive and satisfying life.

The coalition will put the issue of character development in the forefront of the American agenda through a wide variety of grassroots activities built upon the simple but profound conviction that Character Counts. The coalition is built upon the common ground of consensus ethical values that form the foundation of a democratic society.

Character education programs are currently going on in thousands of our schools across the Nation. The intent is to teach students about these shared principles which contribute to ethical behavior and good citizenship. I believe in these positive efforts and feel that they need to be encouraged.

Over 48 national youth influencing organizations and 30 million young people and adult supporters already have a belief and commitment in "Character Counts." I urge my colleagues to join in this bipartisan effort to invest in the future of our young people. I hope that you will cosponsor House Joint Resolution 366, for it is a well-structured and worthwhile partnership for the future.

MFN TO CHINA

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. ANDREWS of Texas. Mr. Speaker, it has been over 20 years since former President Richard M. Nixon opened diplomatic relations with China and our nations have been intertwined ever since. Our countries have had a history of mutual respect, as well as a desire to continue this mutually beneficial relationship.

That is why I support the President's decision to renew China's most-favored-nation [MFN] trade status and like the administration, I believe that this is the best way to promote, over the long term, the full scope of United States economic and strategic interests with China.

This extension is not a forfeiture of human rights in China. There are still serious concerns about human rights in China and we must continue to pursue the human rights issue as a significant foreign policy objective.

In addition, we must continue to work with China on other issues that are vital to this country—relations with North Korea and nuclear proliferation, trade, and immigration. I believe that with greater exposure to democratic principles, western business practices, and economic contacts, the Government of China will be a trading partner with the same human rights agenda and principles this Nation promotes. In doing so, it is also important that we continue to encourage China to participate in the international community, while pursuing overall economic engagement in the process.

The administration is pushing a program to support the people in China who are working consistently and defiantly to promote democracy and human rights. There is support for Radio Free Asia and an ever-increasing promotion of a greater engagement of the Chinese people in general.

We must be plain about the differences and work to reconcile these differences when possible. We must advance exchange relationships that further China's knowledge and appreciation for the law, as well as promote freedom of choice and actively engage China in the implementation of the rights-related obligations.

We should maintain an active and engaging role in China. Trade with China supported over 150,000 American jobs and produced nearly $9 billion in United States exports. There is no doubt that with increased trade relations with China, these numbers will rise. Our vital interests with China are best served by continuing a normalized relationship over the long term.

China is changing economically, socially, and politically at a very fast pace. Therefore, it is important that the United States has a national interest in a China that is steady, reform-minded, constructive, secure, and meets all of the international human rights standards.

United States-China relations are of critical importance to the economic welfare of our country and a continued viable relationship with China will be helpful to our Nation, the Chinese people, and the international community.

CENTENNIAL OF THESSALONIA BAPTIST CHURCH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Thessalonia Baptist Church, a South Bronx landmark which on July 16, 1994, will celebrate its centennial.

Originally founded in 1892, Thessalonia Baptist Church has seen the South Bronx community through times of glory and of decline. Happily, this venerable institution survives not only to see the renaissance of the Bronx, but to contribute to it.

The centennial of Thessalonia Baptist Church will be celebrated in its 30,000-square-foot cultural community center. In addition to serving the needs of the church and the community at large, this new building will house the Thessalonia Academy, the New York City Board of Education's first academy in the South Bronx.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to the Rev. Dr. Shellie Sampson, Jr., and to the congregation and administration of Thessalonia Baptist Church on the occasion of this momentous centennial celebration.

STOP THE DEPENDENCY ON FOREIGN OIL

HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. LAMBERT. Mr. Speaker, I rise today to express my continued concern over our Nation's dependency on foreign oil imports. I note that our dependency on foreign oil is higher than at any time since the Arab oil embargo some 20 years ago.

In March of this year, I cosigned a letter to the President with dozens of my colleagues expressing our concern about some of the problems which our domestic energy industry is facing. The fact that 49 percent of the oil consumed in our Nation is imported is a major problem.

If our dependency on foreign oil continues to grow, we will continue to witness job losses in our domestic oil industry and our trade deficit will continue to grow and hamper economic recovery.

Of particular concern to me is the need to seek alternative fuel and energy sources. These sources will not be adequately researched and developed as long as our markets are dominated by foreign oil supplies, leaving our economy vulnerable to price spikes on the world market and to regional conflicts such as the Iraqi war in 1992.

Today the Department of Energy is releasing a report which calls for a removal of the ban on the exportation of Alaskan oil. This report not only shows that the ban would pose no adverse impacts, but that lifting the ban would create many jobs in the domestic oil industry and spur more oil production in the United States, thereby reducing our dependence on foreign sources. In addition, lifting this ban could also help to lower our trade deficit.

I am encouraged by the administration's efforts to help our domestic energy industry and I look forward to continuing to work with them to create even more jobs and develop alternative sources.

INTRODUCTION OF LEGISLATION TO COMPENSATE THE VICTIMS OF ILL-FATED POSTAL INSPECTION SERVICE DRUG ENFORCEMENT OPERATIONS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. CLAY. Mr. Speaker, since at least 1985 the Inspection Service of the U.S. Postal Service has been hiring convicted felons as paid confidential informants in its narcotics trafficking enforcement operations. Those felons were placed in postal positions in postal facilities and given the responsibility of handling our mail. Postal inspectors did not supervise their informants properly. The informants began running the drug enforcement operations. They implicated innocent postal employees who were falsely arrested by inspectors who blindly accepted the information furnished by their paid felons. The more arrests an inspector made, the higher his or her performance rating—an operation known as Collars for Dollars. There was no incentive to scrutinize a paid informant who was targeting innocent postal employees.

Proper police procedures were not followed by the Postal Inspection Service. Inspectors were given only 2 days' training on the use of paid confidential informants in drug enforcement operations. This lack of training and expertise showed. Informants made alleged drug buys out of the view of inspectors. Innocent employees were arrested during Postal Service staged media events at which these innocent employees were handcuffed, paraded in front of TV cameras and taken to jail. In Los Angeles in 1986, both the judge and jury in one case made statements in court that a case against a postal employee should not have been brought because the investigation was so poorly conducted. But the Inspection Service continued to hire more felons as paid informants throughout the country and continued the same errors. This resulted in a 1992 operation in Cleveland where 19 innocent postal employees and one private citizen were falsely arrested. Some were erroneously convicted. There were no drug buys in Cleveland. The informants pocketed the buy money and provided the inspectors with baking soda. In all, $300,000 of Government funds were wasted and lost, and the lives of innocent workers were ruined. They lost income, jobs, reputation, and self esteem. Their families shared in that suffering.

The Committee on Post Office and Civil Service conducted its own extensive investigation into Inspection Service drug enforcement operations after it learned about the disastrous Cleveland drug sting from press reports. The committee found that the Cleveland operation was not an isolated case. Innocent employees were falsely fingered by the Inspection Service's paid felons in Los Angeles, West Palm Beach, Indianapolis, Boston, Toledo, and Minneapolis. Most of these employees were never convicted because of improper actions by the inspectors and their paid felons. In fact, in West Palm Beach, a postal inspector warned his superiors that the paid informant was entrapping postal employees. That inspector was reprimanded for his efforts. Because the Postal Service did not control its paid felons and made no effort to do so, innocent people suffered. These people and their families may never recover from the injuries they suffered.

The Postal Service has compounded their suffering. After removing them from their source of income, it fought providing them unemployment compensation. It has fought rehiring many of these victims. It has forced those it rehired to pay for health insurance during the time they were unemployed and did not have health insurance. It has failed to help any family members who suffered from its negligent actions.

The Postal Service's actions have been deplorable. The Postal Service must compensate those it wrongly harmed and must cease its disregard for the rights of its employees. The House has already passed one important piece of legislation to help prevent a repeat of these deplorable actions. H.R. 4400, the Postal Inspection Service and Inspector General Act creates an independent inspector general for the Postal Service who will oversee the Inspection Service and who would have protected postal workers from overzealous inspectors. H.R. 4400 also prohibits the Postal Service from hiring paid confidential informants for drug investigations unless the use of the mails is involved. Never again should the Postal Service employ paid felons and set them loose on the workroom floor. This legislation that I am introducing today provides a mechanism to compensate these innocent victims. Any individual who was arrested after 1983 by the postal inspectors for violating a controlled substance law as the result of an investigation in which a paid confidential informant was used, and was not convicted of violating a controlled substance law, may petition a panel of three administrative law judges for compensation for injuries. The individual must have exhausted all judicial and administrative procedures. In awarding damages the panel must consider injuries suffered by the victim's spouse and children and any compensation already received by the victim. No award may exceed $500,000. The Postal Service, not the U.S. Treasury, shall fund the costs of the procedures and all awards.

This is an extraordinary compensation bill to correct an extraordinary disrespect of the lives and rights of postal employees by the Postal Inspection Service.

THOSE TROUBLESOME CHRISTIANS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HUNTER. Mr. Speaker, in light of recent remarks regarding the religious right I wanted to urge my colleagues to read the following Review & Outlook article from today's Wall Street Journal. I found the article very interesting and believe my colleagues will also.

THOSE TROUBLESOME CHRISTIANS

Call it whatever they may—the Christian right, the radical religious right, conservative Christians—it's clear that word of a

vast new conspiracy against freedom, democracy and, oh yes, tolerance, is getting to be big news. This process oozed to a peak of sorts last week when Rep. Vic Fazio, head of the Democratic Congressional Campaign Committee, condemned the "religious right." Following his declamation came President Clinton's attack on certain evangelical Christians. How seriously are we supposed to take these people?

We'll leave it to Mr. Clinton to get to the bottom of whether his own staff or the press were violating the Seventh Commandment in the bathrooms of the USS George Washington. But here is Mr. Fazio on the one hand carrying on about activist Christians and their "secretiveness" and describing them, confidently, as "what the American people fear the most." This is the same Rep. Fazio who last February refused to vote for a resolution condemning Khalid Muhammad, aide to Minister Louis Farrakhan.

Mr. Muhammad, recall, had been out on college campuses with this message of fellow-feeling: "We kill everything white. . . . We kill the women, we kill the children, we kill the babies . . . we kill the faggot, we kill the lesbian, we kill them all." And something about the "cracker" pope. When time came to vote, Rep. Fazio rose to attest that while he deplored Mr. Muhammad's views, it was also true that we now had a President "who values the diversity that is America." Moreover, Mr. Fazio declared, he did not think it Congress's job to "evaluate" expressions of bigotry. Possibly the author of these virtuous pronouncements can tell us whether there is any room in "the diversity that is America" for those Christian activists he has just described as a "peril" and "what the American people fear the most."

Details of the threats posed by the Radical Religious Right can now be heard—and read—every day. On the New York Times' opinion page, columnist Frank Rich accuses the Christian Action Network of mounting an assault in the tradition of Senator McCarthy and of attempting to spread "homophobic panic."

The cause of Mr. Rich's excitation had to do with the questions being raised, once again, about funding by National Endowment for the Arts. Its beneficiary, performer Ron Athey—an artist at the cutting edge of sorts—caused a ruckus during a theater performance when he sliced into another man's back. Mr. Rich earnestly explained that this performance was a way of dramatizing the homosexual artist's struggles and that, anyway, the blood produced by this piece of artistry was HIV negative. He took the occasion, further, to commend new NEA head Jane Alexander for her stalwart defense of artistic freedom.

Ms. Alexander herself recently announced that true Christians should speak up to counter the intolerance of conservative Christians who targeted the NEA. The NEA head went on to muse that she would have a hard time bringing herself to approve of any project that had "a terrible racial or homophobic slur." Would that we could know whether Ms. Alexander might have such trouble funding a work of "art" like Serrano's "Piss Christ"—consisting of a crucifix dipped in urine.

Meanwhile, of course, Surgeon General Joycelyn Elders, avowed opponent of those she describes as the "un-Christian" religious right, recites hymns to condoms and the possibility of drug legalization.

Also among those agitated about the Christian "right" is the Anti-Defamation League, which recently produced a tome outlining the various forms of menace posed by "stealth" candidates of the Christian right. This massive study is—in its complex drawings of vast secret conspiracies and ominous interconnections—reminiscent of nothing so much as the work of that fabled political star of the '50s, Senator McCarthy.

There is something, it must be said, wonderful in the spectacle of all these defenders of democracy and pluralism now busy alerting the nation to the menace of "the Christian Right." For the menace, in their descriptions, all comes down to the same remarkable charge: namely that Evangelicals and other Christians have committed the crime of getting into politics to make their views heard. In the strange view of the defenders of "pluralism" getting into public politics is equal to "extremism."

The last time we looked, the Christians were winning—elections, that is. The Democrats, who control Washington, our very own Rome, have been losing votes. We guess this means that in a democracy, you don't always have to go meekly to the lions.

TRIBUTE TO GENE VAN DEN HEUVAL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute a dedicated labor leader, Gene Van Den Heuval, on the occasion of his retirement as business representative for Monterey/San Benito Counties for the Sheet Metal Workers International Association Local 104.

Gene Van Den Heuval has served California and the labor community through both his work and volunteer activities since arriving in California in 1953. He was appointed to the Santa Clara Joint Apprenticeship Committee as delegate in 1958, elected to the Sheet Metal No. 309 Executive Board for three terms, and elected in 1973 as business representative for Sheet Metal Workers Local 209. This dedicated individual also accepted a position as the Monterey Joint Apprenticeship Committee training coordinator, served with the Economic Development Corporation of Monterey County as an Executive Committee board member for 3 years, and served as president of the Monterey/Santa Cruz Counties Building Trades Council for three terms. In addition, Gene Van Den Heuval served as chairman of the Monterey Building Trades Youth Foundation for 3 years, delegate to the California State Building and Construction Trades Council Executive Board for 18 years, and delegate to the Western States Council for 3 years. Further, he cofounded the Santa Cruz Coalition of Labor-Agriculture-Business in 1986 and currently serves as chairperson of the Monterey Bay Coalition of Labor, Agriculture and Business.

Gene Van Den Heuval's commitment to workers in the bay area is unsurpassed, and he has been recognized with numerous awards for his advocacy work, including multiple service awards from the Department of Apprenticeship Standards during his tenure as apprenticeship coordinator from 1973 to 1994.

Mr. Speaker, Gene Van Den Heuval has gained the utmost respect and regard of those with whom he has both worked with and served. I ask my colleagues to join me in honoring this special man for his countless contributions to our community.

IN TRIBUTE TO VICTIMS OF DOMESTIC VIOLENCE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SWETT. Mr. Speaker, I stand in support of the Violence Against Women Act. If this important and necessary legislation had been passed earlier, perhaps the list of New Hampshire women who have died as a result of domestic violence would not be so long.

I want to read the first names of a few New Hampshire women who have been killed as a result of domestic violence.:

Ashley, Antoinette, Jackie, Tina, Candy, Kelly, Judy, Paula, Pauline, Jill, Joanna, Jean, Mary Kay, Patricia, Emily, Elise, Mary Jane, Sandra, Roberta, Doreen, Rebecca, Tammy Anne, Robin, Brenda, Melody, Sheila, Michelle, Wendy, Tammy Joe, Barbara, Deborah, Donna, Dawn, Margaret, Sharon, Carol-Anne, Sharon, Diane, June, Alene, Claudine, Lorraine, Valerie, Debra, Kristen, Emma, Janice, Wanda, Diane, Ginger, Fay, and Elaine.

As a final point, I would like to recognize three New Hampshire children—Ashley, Holly, and Kelly—who were also killed as a result of domestic violence.

Mr. Speaker, let us commit to do all we can to put an end to domestic violence and make certain that these horrible lists do not grow any longer.

H.R. 3626, ANTITRUST AND COMMUNICATIONS REFORM ACT OF 1994

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HASTERT. Mr. Speaker, during Tuesday's debate on H.R. 3626, the Antitrust and Communications Reform Act of 1994, I made reference to the historic nature of this bill's consideration as evidenced by its overwhelming passage by a 423 to 5 vote. I was especially pleased to note the fact that both the Competitive Long Distance Coalition, Inc. [CLDC]—composed of the big three long distance carriers—AT&T, MCI, and Sprint—as well as nearly all of the other nearly 400 long distance companies—and the MFJ Task Force—comprising of the seven Bell companies—were in support of the bill. Contained in the legislation is language describing the process for Bell entry into long distance service and telecommunications equipment manufacturing—two heretofore prohibited lines-of-businesses in the MFJ.

It is important to note that the final language in H.R. 3626 regarding intrastate long distance includes provisions to provide the Department of Justice with antitrust review of State utility commission actions relating to allowing Bell

companies to provide long distance within a State. That is different language from the Energy and Commerce Committee's version which we reported out in March. Indeed, the final provisions represent a compromise before Chairmen DINGELL and BROOKS which both the long distance and Bell company officials have agreed to as indicated in their support of the legislation.

At this point, Mr. Speaker, I would like to insert in the RECORD the CLDC's statement of support for the bill as well as a newspaper advertisement sponsored by the Bell companies.

CLD COALITION, INC.,
Washington, DC, June 24, 1994.

PRESS RELEASE, JUNE 24, 1994

Contact: Al McGann, Matt Wagner.

Statement by Al McGann, Executive Director of the Competitive Long Distance Coalition, on Today's Release of House Telecommunications Legislation:

"Today's release of H.R. 3626 and H.R. 3636 is an important juncture in a long legislative process which we hope will result in final telecommunications legislation that benefits all Americans. We commend Chairmen Brook, Dingell, and Markey, and Congressman Fields, on their skill in moving this legislation to the floor of the House.

"The version of H.R. 3626 released today is a substantial improvement on the original version. Chairmen Brooks and Dingell have wisely recognized that the Bell monopolies' ability to harm competition necessitates a federal antitrust review of Bell entry into the already competitive long distance markets. We thank the Chairmen for strengthening the antitrust entry tests in the bill.

"H.R. 3636 strong fosters the establishment of local competition, which must be a prerequisite to Bell entry into long distance. the Competitive Long Distance Coalition continues to believe that the proper sequence for RBOC entry into long distance is local competition first and then Bell entry into long distance. This entry sequence is reflected in pending Senate legislation.

"As the focus of this debate now shifts to the Senate, we will continue to work with Members in the Senate and House to shape final legislation that protects consumers and fosters competition in local telecommunications markets."

H.R. 3626—THE RIGHT ROAD TO A BETTER AMERICA

Everyone's looking forward to the Information SuperHighway. Full competition in telecommunications would mean exciting new technologies, millions of new jobs in the United States, and consumer savings of $63 billion a year.

Now there's a bill we can all support. H.R. 3626, the Brooks-Dingell-Fish-Moorhead bill, would give America's consumers the real benefits of competition—lower prices and improved services. And America's working families would be winners too: A prestigious WEFA Group study recently projected that full telecommunications competition would generate 3.6 million new jobs in the United States in the next ten years.

America's Bell Companies are looking forward to their role in building our nation's future in telecommunications. Every day, we and other local carriers serve 250 million Americans. They want and deserve the benefits of competition—now.

Vote "Yes" on H.R. 3626, The Brooks-Dingell-Fish-Moorhead Bill.

Ameritech, Bell Atlantic, BellSouth, NYNEX, Pacific Telesis Group, Southwestern Bell Corporation, US WEST.

On a related matter, during the full Energy and Commerce Committee's consideration of H.R. 3626, the committee adopted, on a bipartisan vote, the so-called Oxley substitute amendment to the then-pending Bryant amendment which requires all Bell operating companies to pay to the local exchange carrier that originates or terminates its interexchange service a nondiscriminatory access fee. Nondiscriminatory means, for the purpose of this provision, a fee that does not give any undue preference or advantage to the Bell operating company. If the Bell operating company's interexchange services originate or terminate with its affiliated local exchange service facilities, then the Bell operating company must pay a nondiscriminatory access fee to its own local exchange carrier. This fee may be paid by means of appropriate accounting procedures.

SMALL BUSINESS PREPAYMENT PENALTY RELIEF ACT OF 1994

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. LAFALCE. Mr. Speaker, I rise today as chairman of the House Committee on Small Business, to introduce the Small Business Prepayment Penalty Relief Act of 1994.

This is one of two bills that I will introduce today that will become part of the pending legislation to reauthorize the Small Business Administration. That legislation is currently under consideration in my committee.

Our Nation's small businesses are the essential component of the engine that is driving our economic growth. This bill will greatly help small business owners by providing some relief to those locked into high-interest rate loans.

My proposal will allow the SBA to provide some relief to those borrowers currently paying the highest interest rates—some as much as 15 percent. The bill authorizes $30 million for relief to make up for lost penalties. The bill requires the SBA to start with borrowers who are paying the highest interest rates and work down. It is expected that the amount authorized by the bill will provide relief to borrowers with interest rates over 10.5 percent. Borrowers who are paying high interest rates will have their interest rates reduced upon request. Borrowers with nearly $300 million in loans will be helped under this proposal.

A summary of the legislation is attached.

H.R. may be cited as the "Small Business Prepayment Penalty Relief Act of 1994."

Section 2 would authorize the SBA to reduce the interest rate on debentures issued by certified development companies under section 503 and sold to the Federal Financing Bank.

Section 3 would authorize the SBA to reduce the interest rate on debentures issued by Small Business Investment Companies which have been sold to the Federal Financing Bank.

Section 4 would authorize SBA to reduce the interest rate on debentures issued by Specialized Small Business Investment Companies which have been purchased by SBA.

Section 5 would direct that SBA utilize the amount of the appropriation to carry out this Act to reduce the highest interest rate on the entire portfolio of these three types of debentures to a uniform rate.

Subsection (b) would authorize the appropriation of such sums as may be necessary to carry out the Act.

INTRODUCTION OF A BILL MAKING TECHNICAL CORRECTIONS TO VARIOUS INDIAN STATUTES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. RICHARDSON. Mr. Speaker, today, I am introducing a bill to make technical amendments to several laws affecting native Americans. As chairman of the Natural Resources Subcommittee on Native American Affairs, I have received many requests from tribes across the country to correct minor problems experienced by several Indian tribes. I am pleased to be joined by the ranking minority member of the Subcommittee, Representative THOMAS of Wyoming, who is cosponsoring the legislation. I have received requests for these amendments from Members and Indian tribes in the States of New Mexico, Texas, California, Montana, Oregon, Arizona, Oklahoma, North Dakota, and Wyoming. One section of the bill came as a request from the administration.

Mr. Speaker, I trust that we will work closely with the administration, the Members and the Indian tribes on this bill. This is a small bill, but it has great importance to the Indian tribes seeking our assistance.

I urge my colleagues to support this measure.

GLOBAL LANDMINE CRISIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. EVANS. Mr. Speaker, over the last quarter century, as we have tried to limit the nuclear threat, the more immediate threat has proved to be no bigger than a cigarbox and cheaper than its contents—the antipersonnel landmine.

Landmines are the real weapons of mass destruction, killing 1,200 people a month. Small, simple, and cheap, they are among the most cruel and deadly weapons used today.

It is ironic that while we labored so hard to stop the nuclear threat, we have done almost nothing to halt the spread of these indiscriminate and insidious weapons.

In the short term, there is little we can do to stop the killing. For example, even if we do see the beginning of the end in Bosnia, the millions of landmines that have been spread throughout the country will prolong this war for decades. And the innocent will suffer—whether it's farmers trying to plow their fields or children playing in the woods.

That is why it is so urgent that we seek an international ban on these weapons. In some countries, it will take more than their annual GNP to remove mines. It costs $300 to $1,000 to clear a landmine. Multiply this by the 85–100 million scattered throughout the world and the scope of this crisis becomes clear.

If this problem was present in our own country, and our own children were being killed and maimed in our backyards and playgrounds, we would see a ban tomorrow. Please join me in sponsoring legislation that I am introducing today to seek an international ban on these indiscriminate killers.

CELEBRATING THE 15TH ANNIVERSARY OF THE TRAVEL AGENTS OF SUFFOLK COUNTY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I am pleased to recognize and honor the Travel Agents of Suffolk County [TASC] on the occasion of their 15th anniversary on July 13, 1994. TASC consists of over 400 dedicated travel professionals from Long Island, NY, who participate in tourism-related jobs.

Tourism is our Nation's second-largest employer, with nearly 6 million Americans employed in travel-related jobs. Only health services generate more jobs than the travel and tourism industry. TASC, which was formed in 1979, has helped to focus attention on the positive contribution of tourism toward job creation and economic development of Long Island. Additionally, TASC is known throughout the travel industry as a group that does its homework. TASC is not afraid to take a strong position on legislative and administrative issues affecting tourism and travel interests, and has made a positive contribution toward crafting responsible legislation.

Thousands of travelers visit Long Island each year for business and vacation, creating a demand for goods and services. Long Island's east end is well known throughout the Northeast as a top destination for summer vacationers. Our historic villages, pristine beaches, wineries, restaurants, and shopping and lodging facilities uniquely fit together to make our area a top vacation attraction. TASC members are essential professionals for facilitating travel plans for vacationers visiting Long Island, and for arranging Long Islanders' travel plans.

Mr. Speaker, TASC has done a wonderful job of promoting grassroots involvement among its members, and in educating lawmakers about issues of importance to the travel industry. I am pleased to offer my congratulations and encouragement to the members of TASC on their 15-year anniversary. I wish them continued success.

SUPPORT THE SPOUSAL EQUITY IN BANKRUPTCY AMENDMENTS OF 1994

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. SLAUGHTER. Mr. Speaker, today I am introducing the Spousal Equity in Bankruptcy Amendments of 1994, legislation to give high priority to child support and alimony payments in the event of bankruptcy.

The 1978 overhaul of the Bankruptcy Code was necessary to reexamine bankruptcy procedure and strike a careful balance between the rights of creditors and debtors. This year, the Code should again be revisited. The passage of time has rendered a number of provisions obsolete and current problems not originally envisioned must be addressed.

One such problem concerns alimony and child support payments. While the current Code does not allow courts to forgive outstanding debts "in the nature of support," child support and alimony are given no priority when a debtor has assets and the proceeds are distributed. Thus, even while creditors can be paid, spouses and children who are entitled to support are not likely to be the beneficiaries. My legislation would elevate child support and alimony from their current status as general unsecured debts to formally prioritized debts, thereby ensuring that a spouse with dependent children will receive support payments without waiting for years.

In addition, my legislation establishes a Bankruptcy Commission to study the impact of bankruptcy laws on the family, and it protects child support and alimony payments from judicial liens and trustee avoidance proceedings.

The Spousal Equity in Bankruptcy Amendments also takes into account a little-known but potentially devastating loophole in bankruptcy and divorce proceedings. In the midst of a divorce or separation agreement, it is not uncommon for the custodial parent to accept a lower level of child support and/or alimony payments in exchange for the other parent's agreement to assume the couple's marital debts; these could be any debts which have been incurred over the marriage, such as auto loans, mortgage payments, and credit card bills. If the noncustodial parent declares bankruptcy following this agreement, however, the marital debts would then fall to the custodial nonbankrupt spouse. Since child support and alimony was negotiated down earlier, the custodial parent faces a bleak future: little to no support payments, the heavy responsibilities of the couple's debts while married, and the normal expenses that come with rearing children alone. This unfortunate situation does, indeed, occur and is the subject of current court proceedings within my home State of New York.

My legislation would expand current law to include these marital debts among those which are not discharged by a bankruptcy filing. I think it is outrageous that wives and dependent children would have to answer to all the couple's creditors for debts the husband agreed to pay in return for lower support and alimony. This relatively small—but vital—change in the Bankruptcy Code proposed by my legislation would prevent this, and ensure a more equitable treatment of all parties in the event of bankruptcy.

The spousal equity in bankruptcy amendments will also contribute to ending the cycle of poverty and welfare for custodial parents. Delinquent support payments and marital debts can be overwhelming for single-parent families to endure. The burden is further shifted on the Federal Government when these families face no other choice but welfare to provide the support the absent parent ought to be providing. Prioritizing support payments and shielding single parents against the shifting of spousal debts can help break this tragic welfare cycle.

Mr. Speaker, the President has said that ending prolonged dependence on welfare is a priority. Many of our colleagues have also recognized the urgent need to amend the current Bankruptcy Code. My legislation speaks to both important tasks. I urge my colleagues to support the Spousal Equity in Bankruptcy Amendments of 1994.

LIFTING THE BAN ON ALASKAN OIL

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. DELAY. Mr. Speaker, the Department of Energy has just produced a study which makes a compelling case for an action some of us have supported for a long time. That action is the lifting of the ban on exporting crude oil from the Alaska North Slope. The Department has indicated, in its careful and deliberate study, that this would have a very positive effect on jobs in both the production and shipping industries.

If the President really wants to help the ailing domestic energy industry, he should take heed of the results of this study by his own executive agency. This is a way to help spur domestic production and bring stability to our domestic producers with absolutely no cost to the taxpayers.

Mr. Speaker, during his campaign the President often spoke of encouraging innovative solutions to our domestic problems. Here is one thing he can do to give life to his words. He should throw the weight of his administration behind the legislative effort to end this anachronistic impediment to the free market. Lift the ban.

FORTNIGHT OF PATRIOTISM

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. STEARNS. Mr. Speaker, I would like to commend the city of Keystone Heights for their recent declaration of a Fortnight of Patriotism. This patriotic community is making a special effort this year to observe our American traditions and values through the time

spanning Flag Day, June 14 to Independence Day, July 4. I would like to read to my colleagues this resolution.

Whereas, our nation annually recognizes June 14th as Flag Day commemorating the flag of these United States of America; and

Whereas, our nation annually recognizes July 4th as Independence Day commemorating the birth and independence of these United States of America,

Now Therefore, I, Wilbert E. Thrasher, Mayor of the City of Keystone Heights, Florida do hereby proclaim those days between Flag Day, June 14 and Independence Day, July 4 as a fortnight of patriotism and urge my fellow Americans to rekindle the fire of patriotism during this approximate two week celebration of flag and country.

Furthermore, I encourage citizens of the United States of America to join in these festivities through the exhibition of "Old Glory", and the prominent display of red, white, and blue at their homes and places of business.

Dated this fourth day of April, 1994.

GI BILL UPDATE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MONTGOMERY. Mr. Speaker, last week I was honored to participate in a ceremony at the Department of Veterans Affairs commemorating the 50th anniversary of the GI bill of rights.

On June 6, 1944, the Allied Forces launched the massive invasion which rescued Europe from Hitler's terror and oppression and restored liberty in the Western World. I came into Normandy 5 months after the invasion as a 2d lieutenant in an armored division. I then had the great privilege to lead a congressional delegation which participated in the recent 50th anniversary of that momentous day.

Sixteen days after the D-day invasion, on June 22, 1944, President Franklin Delano Roosevelt signed the Servicemen's Readjustment Act of 1944—generally referred to as the GI bill of rights. There have been few, if any, more important pieces of legislation enacted by Congress, and no investment ever made by our Government has paid richer dividends to us all. Because of the increased earning power that comes with advanced education, veterans pay several times the cost of the GI bill in Federal income tax over the course of their lifetimes.

No program in the 20th century has had more of an impact on the social and economic fabric of the United States—housing, education, employment, corporate America—all areas of our society have benefited from the assistance provided under this landmark legislation. Extended to our present day by the Korean conflict, Vietnam era, and Montgomery GI bills, the original GI bill changed the concept of adult education in the United States and started the greatest home construction boom in history.

This is an appropriate time to update my colleagues on the GI bill that is available to the young men and women now entering our Armed Forces. Since we enacted this program in 1984, more than 1.5 million young men and women have enrolled in the Montgomery GI bill—Active Duty—chapter 30, title 38, United States Code—and over 419,000 veterans have gone to school under this program. Nearly 315,000 members of the Selected Reserve have pursued further education using the benefits available to them under the Montgomery GI bill-Selected Reserve—chapter 106, title 10, United States Code.

During the month of May 1994, 94 percent of new active duty Army recruits elected to participate in the Montgomery GI bill [MGIB]. Ninety-seven percent of Navy recruits made the same decision as did 88 percent of Air Force recruits and 97 percent of Marine Corps recruits. Overall, during the month of May 1994, 94 percent of all new recruits DOD-wide chose to enroll in the MGIB–Active Duty.

Not only has the MGIB been popular with recruits, it has also been a cost-effective program. Since the initiation of the MGIB—Active Duty on July 1, 1985, through May 31, 1994, $1.99 billion have reverted to the U.S. Treasury as a result of the basic pay reductions required to participate in the program. During the same time period, $2.9 billion have been paid in benefits under the MGIB-Active Duty and the MGIB—Selected Reserve.

GI bills are often characterized as rewards for honorable military service. I believe they are even more appropriately described as tributes to those whose lives have been disrupted—and too often threatened—so that the rest of us can enjoy the security and prosperity of these democratic United States.

SWIFT ENACTMENT OF H.R. 3636 URGED

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SWETT. Mr. Speaker, I was gratified by the House's action this week in approving H.R. 3636, the National Communications Competition and Information Infrastructure Act. This important measure, shepherded through the legislative process by our colleagues Mr. MARKEY and Mr. FIELDS, will inject a positive note of competition into our communications industry. I am confident that this competition will benefit consumers and provided needed impetus for even more technological progress in a key sector of our economy.

H.R. 3636 is a forward looking, visionary bill, proving that Government can respond to the rapidly shifting technological landscape in a timely and constructive way. The overwhelming support of the House for this bill—as evidenced by its 423–3 margin of passage—is testament to the months of work and consultation that went into this legislation.

I strongly urge the other body to move swiftly in passing similar legislation so that a conferenced bill can be approved and sent to the President for signature before the end of this session.

INTRODUCTION OF LEGISLATION TO CREATE THE PREMIER LENDERS PROGRAM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. LaFALCE. Mr. Speaker, I rise today as chairmman of the Small Business Committee to introduce legislation that will facilitate the administration of the certified development company loan program administered by the Small Business Administration.

This is one of two bills that I introduce today that will become part of the pending legislation to reauthorize the Small Business Administration. That legislation is currently under consideration in my committee.

My bill addresses concerns that many in the small business community have had regarding the timeliness of SBA approval for certain loans. The premier lender program will allow the best lenders who are providing long-term loans for plant and equipment financing under the certified development company program to process the applications of borrowers with excellent credit reports faster. Under the new premier lender program, these lenders will completely process and approve SBA loans without prior approval from the SBA. Premier lenders must agree to assume 5 percent of the risk of the loan.

The premier lender program is meant for lenders and borrowers who have an excellent established track record with the Small Business Administration. It is meant to reduce the paperwork and time involved in the loan approval process. It is patterned after the highly successful preferred lenders program under which financial institutions can quickly issue SBA guarantees on the best 7(a) loan applications.

A summary of the legislation is attached.

H.R. _____ would authorize the Small Business Administration to establish a premier lenders program under the certified development company program.

SBA would delegate to these lenders the authority to approve debenture guarantees, and the underlying loans to small businesses for plant and equipment, without prior SBA approval. The premier lender be required to assume the responsibility for and reimburse the SBA for 5 percent of any losses resulting from loans and debenture guarantees issued without the SBA's prior approval.

The program would be established on a pilot basis and repealed in five years.

JAY WALKER: A MAN OF THE COMMUNITY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. FARR of California. Mr. Speaker, I rise today to mourn the loss of a constituent and good friend, Jay Walker. But more than just a constituent, and more than just a good friend of mine, Jay Walker was a shining example to his friends, family and community of what it means to dedicate oneself to helping others.

Jay Walker, died a month ago, but it seems like only yesterday that he was actively involved in one activity or another in the community. During his teaching career, Mr. Walker was committed to providing college access for women and minorities, particularly African-Americans. In 1985, he became associate director of admissions for University of California, Santa Cruz. After learning he had contracted the HIV virus, Mr. Walker began his work as a volunteer with the Santa Cruz AIDS Project, including a term as president of the board. He worked through the schools, and as a member of the editorial board of contributors for the Santa Cruz Sentinel, to educate the public about the disease. A friend said of him "He was, in a real true sense, a teacher. And he used the lessons of this disease to educate people."

Mr. Speaker, I commend to you and to all my colleagues, the life and lessons of my friend, Jay Walker.

ADM. STANLEY R. ARTHUR

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. PICKETT. Mr. Speaker, the withdrawal of the nomination of Adm. Stanley R. Arthur to be commander in chief, U.S. Pacific Command is cause for concern. Press reports assign various reasons for this action, but a recurring theme attributes it to a personnel decision concerning a female officer. Both the Navy Inspector General and the Secretary of the Navy concurred in the decision.

We hold our military leaders to a very high standard. That is as it should be. They have awesome authority and responsibility for the management and operation of our military resources. They must be held accountable. But after years of dedicated service and recognized achievement they should not find their careers tarnished by unfounded publicity about one equivocal event.

Our Nation needs the services of officers like Admiral Arthur. He has served with distinction as commander of the Pacific Fleet. He was deeply involved in Operation Desert Storm. And he successfully saw the Navy through troubled times during his tenure as vice chief of naval operations.

Admiral Arthur deserves the respect and admiration of all Americans for his long and illustrious military career. We are in his debt as a nation. It is our loss that he was not confirmed in his appointment as CINCPAC. Let us hope that a similar fate never befalls an officer of such exceptional credentials in the future.

FIRST TIME HOMEBUYERS ASSISTANCE ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. GOODLING. Mr. Speaker, today I am introducing the "First Time Homebuyers Assistance Act" which will make the American dream of owning a home a reality for thousands of renters. Today's renters often pay as much for rent as homeowners pay for a monthly mortgage payment. It is not surprising that the 1994 Fannie Mae National Housing Survey found 86 percent of renters believe they would be better off owning a home, and 76 percent believe now is the time to buy a home because of lower interest rates.

What does homeownership mean to Americans? Homeownership means financial, psychological, and familial security particularly for minorities, younger Americans, and those with lower incomes. Homeownership means a stronger economy, safer neighborhoods, and a better quality of life. Mr. Speaker, given such an optimistic view of homeownership, why do so many renters continue to rent? According to the Fannie Mae survey, an overwhelming 65 percent of renters rank the downpayment as their primary obstacle to owning a home.

Several years ago, I visited a home builder in York, PA, located in my congressional district, who developed a unique and innovative arrangement in which moderately-priced single-family homes are constructed for purchase with no downpayment. A local financial institution finances 80 percent of the loan, while the remaining 20 percent, in the form of a second mortgage, is financed by the local builder. This creative financing plan makes the purchase of a home affordable for financially, hard-working people who want to buy a home, but cannot afford a downpayment.

As it turns out, however, the Tax Code penalizes builders who finance the downpayment on behalf of the purchasers. Currently, the Tax Code limits a builder's ability to finance second mortgages because it assumes that buyers are paying the entire balance of their tax obligations in the year the property is purchased. The law also requires builders to pay taxes on the entire amount of the income received from a mortgage in the year the purchase is made. For a builder, it becomes almost impossible to pay these taxes, not having cash on hand to do so until the balance of the mortgage payment is received at a future date. In other words, the Tax Code prohibits a builder from using the installment method to calculate his tax liability. This situation places a builder in a financial bind and jeopardizes the future of this and similar housing programs.

The First Time Homebuyers Assistance Act will enable a builder to use the installment method to calculate his tax liability under certain specific circumstances. The bill applies to newly built, owner-occupied units only. The purchaser must be a first-time homebuyer who qualifies for 100 percent of the loan. Further, the legislation directs that a second mortgage on the property be no more than 20 percent of the sale price and applies only to single-family homes costing no more than 75 percent of the median home price in a given area.

Mr. Speaker, I urge my colleagues to cosponsor this legislation which is specifically geared to helping those who need the most assistance in buying a home. With your support, the First Time Homebuyers Assistance Act can make the American dream an American reality.

TRIBUTE TO WILLIAM H. CARROLL ON HIS RETIREMENT FROM FEDERAL SERVICE

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. KYL. Mr. Speaker, I rise today in honor William H. Carroll, a distinguished gentleman who has faithfully and energetically served this Nation for the past 35 years in the Federal service. Mr. Carroll's career epitomizes the spirit of public service.

Throughout the past 35 years, Bill Carroll has held many significant assignments in the Federal service. In addition to serving his country as a soldier in the U.S. Army from 1959 to 1961, he worked as a GS–5 accounting technician for the Federal Housing Administration from 1963 to 1964. From 1964 to 1966 he worked as a GS–7 computer programmer for the Treasury Department and later the U.S. Army. Bill Carroll served as a contracting officer, as a GS–13, for the Department of the Navy from 1966 to 1971. Beginning his career as a Federal attorney, he served as a GS–14 assistant counsel for the Department of the Navy and then for the Marine Corps from 1971 to 1974. Following his tour with the Marine Corps, he served as an associate counsel for contracting, as a GM–15, at the Defense Logistics Agency from 1984 to 1986. In 1985, Bill Carroll entered the Senior Executive Service as DLA's special assistant for contracting integrity. He assumed his current position in 1985, while on detail from DLA, as general counsel of the then-Strategic Defense Initiative Organization.

Mr. Carroll was initially detailed to SDIO in 1985 at a time when much of the organization was in its development stages, including the legal office. He has been the organization's only general counsel since the program's inception through its current evolution as the BMDO. He has made outstanding personal contributions to the Department of Defense, his country, and the international arena. He manages legal services provided to one of the most technologically complex and strategically important programs ever undertake by the DOD. He has personally participated and meticulously guided the program through a myriad of legal disciplines to include contract, fiscal, environmental, administrative, and international law. He has also been a stalwart manager of the program's Ethics and Fraud Prevention Program and Procedures. He has never wavered in his commitment to providing this nationally and internationally significant program the best legal advice and direction.

Among his most important contributions have been his ability to ensure that all planned field tests and experiments of the BMD program have been in compliance with the United States' treaty obligations, including the Antibillistic Missile Treaty and Intermediate Range Nuclear Forces Treaty. Mr. Carroll and his staff have obtained the Department of Defense Treaty Compliance Certifications for over 50 field tests and experiments. In each case he and his staff have demonstrated clear technical objectives and treaty compliance to Defense Department policy makers and legal advisers.

BMDO's international activities have been strongly supported by Mr. Carroll's expertise and sage, legal advice. In this regard he has ably assisted Department of Defense negotiations of "umbrella" ballistic missile defense research agreements with the Governments of the United Kingdom, Germany, Israel, Italy, and Japan, as well as specific international agreements or award of project contracts to Government and industry entities within the countries of France, the Netherlands, and Russia.

Mr. Carroll is a leader at the BMDO in fostering an ethical climate by his personal example, his vigilance, and his refusal to countenace unethical behavor. He championed equal opportunity for women and minorities in the Federal workplace throughout his career.

On top of all his contributions to ensure good government, Bill Carroll has served as a positive role model for a new generation of Government attorneys, as well as all those men and women he has worked with over the years. As his service in the Federal Government comes to a close, I can honestly say that I know Bill Carroll has served with absolute distinction and integrity.

DISAPPROVAL OF HOUSE WAIVER OF 3-DAY REVIEW RULE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. FAWELL. Mr. Speaker, I rise to express my disapproval of the manner in which the House of Representatives considered two important pieces of legislation: the Legislative Branch Appropriations Bill Conference Report and the Defense Appropriations Bill for fiscal year 1995. These measures were passed by the House late last evening with barely any debate, and in the case of the legislative branch appropriations bill, we increased spending on ourselves without a recorded vote.

In my opinion, there is no more important decision facing Congress than how it spends the people's money. We owe it to the U.S. taxpayers to carefully review and deliberate each and every spending decision. Unfortunately, last night, the House waived its own rules requiring that all Members of Congress have 3 days to review bills prior to House floor consideration. These rules are intended to ensure that every Member of Congress has time to review legislation and draft amendments to improve or modify the measures. In waiving these rules and debating the defense appropriations bill for only 13 minutes, the House has disenfranchised Members of Congress from the legislative process.

Despite my strong support for the defense of our Nation, I voted against the defense appropriation because of my disgust with the procedure by which it was approved. I frankly do not know many of the specific spending provisions of this bill, and am sure that the vast majority of Members of Congress do not know either.

Mr. Speaker, this is not the way Congress should operate. Our constituents deserve accountability for the way we manage the Federal budget. Last night, we let them down.

TRIBUTE TO CLARA BEAUCHAMP

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. TEJEDA. Mr. Speaker, as Congress focuses its attention on the details of the national health care reform debate, we must not forget the outstanding individuals who today serve our communities in the noble pursuit of nursing and public health care. In San Antonio, we have been fortunate for the past 40 years to have had the dedication and tireless service of Clara Beauchamp. Her recent retirement marks the end of a distinguished career.

Beginning her work as a registered nurse in a San Antonio hospital, Ms. Beauchamp joined the health staff of East Central High School in 1971 as health occupations teacher. Five years later, she was promoted to the position of school district nurse. With time and reflecting the growing needs in the area, Ms. Beauchamp became the school district's health services coordinator. As such, she developed new educational and health programs, and most recently worked with a staff of 5 nurses and 8 health aides to serve the needs of 6,500 school children. We cannot adequately thank her for her years of service to our youth.

Ms. Beauchamp did not treat concern for the health of others as a mere occupation; for her, it is a life pursuit she will continue into retirement. She has won numerous awards from the American Cancer Society and the American Heart Association in recognition of her public health work and accomplishments. As chair of the school nurse committee for the cancer society, she was instrumental in the creation of tobacco-free schools in Bexar County and throughout Texas. The Heart Association recognized her important service to the parent education task force and the school task force. We all know that public health education—learning how better to take care of ourselves—saves lives, and we owe a debt of gratitude to Ms. Beauchamp for her work. We also know that, in trauma situations, emergency first aid can make the life and death difference. And again we must thank Ms. Beauchamp for her work on the committee which brought emergency medical service to Bexar County.

She is no stranger to public service. Her husband, Jerry, served in the Texas State House of Representatives for a number of years, and I commend them both on their devotion to public good. As they enter their retirement years, they hope to spend more time with their 5 children and 10 grandchildren while continuing to devote time to their community and church. Ms. Beauchamp leaves a positive legacy, one that we will appreciate for many years to come.

A TRIBUTE TO THE DECLARATION OF INDEPENDENCE CO-SIGNERS' CONVENTION: KEEPING THE AMERICAN SPIRIT ALIVE

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to a worthy and just cause, the Declaration of Independence Co-Signers' Convention.

The Declaration of Independence Co-Signers' Convention is designed to inspire and increase citizens' understanding, commitment and participation in Government. From the period of July 2 through July 4, the Second Annual Declaration of Independence Co-Signers' Convention will be held to celebrate, commemorate and educate people across the Nation about the history of the Declaration of Independence and the American Revolution.

Mr. Speaker, in 1776 we waged war on behalf of the great principle that government should derive its just powers from the consent of the governed. In other words, we do not need a lot of bureaucrats looking over our shoulders and telling us how to run our lives. We are a people who declared our independence 200 years ago, and we are not about to lose it. Let independence be our boast, ever mindful of what it cost. Those who expect to reap the blessings of freedom must, like men and women, undergo the fatigue of supporting it.

Mr. Speaker, as an African-American, this event has special significance to me. When asked the question, What do African-Americans want? The answer is very simple. African-Americans want only what all other Americans want. We want the opportunity to make real what the Declaration of Independence, the Constitution and the Bill of Rights provide, as established by the Four Freedoms. While we know these ideals are open to no individual completely, we want only our equal right to enjoy them.

Today we are in the midst of a social revolution where future progress will reflect maturity and justice through the principles outlined in the Declaration of Independence. Without recognition and continued support for this sacred Declaration, the "unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" might perish. The preservation of these rights is the foundation upon which the Declaration of Independence Co-Signers' Convention is based.

Mr. Speaker, I proudly ask my colleagues to rise and join me in paying our greatest tributes to the men and women who have organized the Declaration of Independence Co-Signers' Convention in hopes of keeping the American spirit alive.

BIOMEDICAL RESEARCH

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. GRAMS. Mr. Speaker, I rise today to express my support for encouraging greater private investment in biomedical research.

While the Federal Government plays an important role in funding much of the biomedical research under way today, we must not lose sight of the need to encourage the role which the private sector plays in biomedical research. Over the next few years, private investment will become increasingly more important as public dollars become more scarce.

Given the growing trend to target Federal research dollars to meet the political demands of constituencies, Congress and the citizens of this country should all appreciate the Life & Health Insurance Medical Research Fund, which supports basic biomedical research.

I am proud to stand here today to recognize and congratulate four outstanding groups in my home State of Minnesota who have generously donated to this fund.

The Lutheran Brotherhood of Minneapolis has been a major supporter of the Life & Health Insurance Medical Research Fund by committing significant financial assistance through the year 2003. This pledge supports scholarships for candidates studying for the combined M.D.-Ph.D. degree.

Northwestern National Life, also from Minneapolis, has consistently contributed to the fund throughout the last 10 years.

Minnesota Mutual of St. Paul has also provided financial support for competitive grants and scholarships in basic biomedical research.

And finally, Allianz Life Insurance Co. of North America in Minneapolis, a participant in the fund since 1984, has contributed funds which have increased the number of competitive grants and scholarships available for basic biomedical research.

The support that these companies are giving to outstanding biomedical researchers is clear and convincing evidence that the private sector can contribute much to the progress of advances in medical knowledge.

Biomedical research has proven to be one of our Nation's greatest investments—it saves lives.

Let us work, to ensure that more companies and individuals recognize the efforts of funds like the Life & Health Insurance Medical Research Fund and encourage them to join in the cause to support important biomedical research.

INTRODUCTION OF THE APPALACHIAN COAL HERITAGE AREA ACT AND THE SALTVILLE HERITAGE AREA ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. BOUCHER. Mr. Speaker, today I am proud to introduce two pieces of legislation, the Appalachian Coal Heritage Area Act and the Saltville Heritage Area Act, which will help to preserve the important cultural and historic resources of two unique locations in my congressional district.

The Appalachian Coal Heritage Area derives its historical importance from the natural resource upon which it rests—coal. The heritage area is located in the heart of the Pocahontas coal field, an area renowned for the purity of its coal. The Appalachian Coal Heritage Area is home to the first mine in the Pocahontas coal field, and the mine that gave the field its name—the Pocahontas mine.

The Pocahontas mine was opened in the 1880's and expanded quickly when a 13-foot seam of coal was discovered. When active mining ceased, the Pocahontas mine took on a second life as an educational tool. Since the opening of the Pocahontas Exhibition Mine in 1938, it has been visited by more than one million people. The mine serves as the historical centerpiece of the Appalachian Coal Heritage Area.

Vistors to the mine take a guided tour that teaches them about the geological history of coal formation and the history of coal mining and coke production at Pocahontas. Exhibits explain the evolution of the coal extraction process and of mining tools, from basic hand tools to powerful electric coal cutting machines. Discussions cover all aspects of work in the mines, from safety and mine tragedies to coal transportation. As one study suggests, "by the time the tour ends visitors have acquired a fairly comprehensive understanding of Pocahontas coal from its formation to its mining and its importance in the industrial development of this country."

While the Pocahontas mine serves as the area's historical centerpiece, it is by no means the Appalachian Coal Heritage Area's only historical asset. The twin company towns of Pocahontas and Bramwell, separated by just 1 mile and the Virginia-West Virginia State line, both have rich architectural and cultural legacies.

Pocahontas was the first and largest mining town built in the Pocahontas coal field. Many of Pocahontas' residences date from the 1880's, and many more were built in two further construction periods in the 1900's and 1920's. Furthermore, the town still incorporates many of the original commercial establishments. Among these are saloons, the drugstore and the town's opera house. Because Pocahontas was a company town, the importance of these buildings goes far deeper than their age—they are living testimony to the lives of Appalachia's miners.

It is also important to remember Pocahontas' unique cultural history. One historian has suggested that "the ethnic history of the coal mining fields of * * * Virginia is a microcosm of the ethnic history of the United States." When coal companies recruited labor, they brought in workers from three different populations—white Americans from other coal regions, African-Americans from the South and immigrants from Southern and Southeastern Europe. The town's religious structures reflect this diversity. It is still possible to visit many of these buildings, including a synagogue built in 1913 and a mural-covered Catholic church built by the Hungarian population in 1896. Thus, Pocahontas' architectual legacy demonstrates how workers from diverse national, ethnic and religious backgrounds came together within the great American "melting pot."

Bramwell, too, has a rich history. Whereas Pocahontas housed the mine's workers, Bramwell was host to the coal companies' executives. These officials' desire for more luxurious houses combined with the skills of immigrant laborers and with native Appalachian materials to create a unique style that can only be described as primitive Victorian. These European-influenced structures include a Tudor mansion, a yellow brick estate with a copper roof, and even commercial and religious structures such as a bluestone bank built by Italian stonecutters and a chapel built as a replica of one in Wales.

Just as the Appalachian Coal Heritage Area's history centers around coal, the Saltville Heritage Area has a long heritage based on its own abundant natural resource—salt.

Because salt is essential to all life, and because of Saltville's abundance of salt, the area has attracted a broad range of people and animals. The earliest of these were ice age mammals. Fossil remains of these animals have attracted collectors for nearly 200 years, among them Thomas Jefferson. Major paleontological discoveries have included the giant ground sloth, the mastodon and the woolly mammoth.

The next chapter of Saltville's history details human habitation. A number of archeological digs in and around Saltville have uncovered remains of humans and human society. These include tools, beads, and pots which detail roughly 13,000 years of settlement. Perhaps most importantly, some have interpreted recent discoveries in Saltville to suggest that humans lived in North America nearly 2,000 years earlier than archeologists had previously thought.

The final stage in this remarkable history is the growth of salt production. This was initiated on a small scale in the mid-18th century, and beame an important source of industry by the early 1800's. The onset of the Civil War transformed this already-important industry into a critical one. During the war, furnaces at Saltville produced all or part of the State supply of salt for Virginia, North Carolina, Tennessee, Alabama, and Georgia. Both Union and Confederate forces understood the importance of the salt works, and both sides worked to control the area. Confederate fortifications of Saltville remain to this day, though in 1864 they could not sustain the Union assault.

Mr. Speaker, today I introduce the Appalachian Coal Heritage Area Act and the Saltville Heritage Area Act to recognize the important roles that these locations have played in our national history. Together, these areas provide valuable lessons about our prehistory and our history, our ancestors, our industry, our struggles, and even our great diversity. These are lessons that must not be lost. I encourage my colleagues to examine this legislation closely and hope that they can offer their support.

SEVENTY-FIFTH ANNIVERSARY OF THE APPRENTICE SCHOOL OF THE NEWPORT NEWS SHIPYARD

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SCOTT. Mr. Speaker, today, I would like to congratulate the Apprentice School of Newport News Shipbuilding on its 75th year of excellence in vocational training.

Since 1919, 75 years ago this year, the training of apprentices and the developing of critical skills has been a priority of the Newport News Shipyard. This comes from fundamental understanding, true today as it was 75 years ago, that being competitive in the world requires world-class craftsmanship.

We as a nation are embarking on a new era—one that will require our young men and women to process advanced technical skills—skills that will allow our workers to continue to be the best in the world.

The apprentice school, a fully accredited institution, is a shining example of how to provide this craftsmanship and skill to our citizens. The school carefully blends classroom bookwork with the practical experiences necessary to build the best and most complex ships known to man.

As we in Congress look for the answers to the tough educational problems facing our Nation, the apprentice school is a great example of how to accomplish this mission.

Congratulations apprentice school on a job well done.

TRIBUTE TO NEW HAMPSHIRE'S STAND DOWN '94

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SWETT. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to the many New Hampshire volunteers who planned and executed Stand Down '94. Stand down is a military term, meaning to take a break from combat, or stand down from action. Stand Down '94, held during the weekend of June 11 and 12, was an opportunity for homeless veterans to take a much needed break from their daily battle with homelessness. It was a chance for these veterans to access the many day-to-day services which most people take for granted: hot food, hot showers, and shelter. But Stand Down '94 was much more than this.

Stand Down '94 also provided the opportunity for homeless veterans to directly access their entitlements, to obtain medical evaluations, to get career counseling and job placement * * * even to obtain new photo identification. Although other stand downs have been held through the country, Stand Down '94, at the New Hampshire Veterans' Home in Tilton, NH, was the first in the Nation to be done without financial aid from government resources. A host of veteran service organizations, government employees, volunteer groups, private companies, and individual citizens pulled together to make Stand Down '94 the success that it was.

Mr. Speaker, although over 500 people contributed either their personal time, equipment, or material goods to this effort, I want to call special attention to 2 individuals. The first is Tom Norris, of the New Hampshire Department of Employment Security, who acted as the chairman of Stand Down '94. Tom's inspired leadership was the guiding force that made this event happen. The second is Barry Conway, commander of the New Hampshire Veterans' Home, where Stand Down '94 was held. Barry's willingness and enthusiasm to host this event on the grounds of the Veterans' Home is what sparked others to contribute. These two veterans have shown their commitment to their fellow veterans, and stand as an example for others.

Mr. Speaker, I ask my colleagues to join me in praising Tom Norris, Barry Conway, and the rest of the 500 volunteers that made Stand Down '94 in Tilton, NH, a great success. Stand Down '94 should serve as a model for similar initiatives throughout the country, where our homeless veterans are given the opportunities, which they need and deserve, to win their battle against homelessness.

DR. PAUL E. ERRERA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MONTGOMERY. Mr. Speaker, last October, I placed in the RECORD an article about the largest integrated network of homeless treatment programs in the country, which was developed by the Department of Veterans Affairs. The evolution of these impressive programs was guided by Dr. Paul E. Errera, the Director of the Mental Health and Behavioral Sciences Service at the Department of Veterans Affairs.

Paul has left his post at the Department's central office—which he held since 1985—to return to the work he once did with veterans at the West Haven VA Medical Center.

I want to share with you a little about this dynamic man and his impressive career of service to veterans with mental health problems.

Paul received his medical degree at the Harvard University School of Medicine. He interned at the Yale New Haven Hospital and did his residency in the department of psychiatry, Yale University School of Medicine. During his residency, he began his service to veterans at the VA Hospital, West Haven, CT. He held various positions at Yale where he taught others in the field of psychiatry and became a professor of psychiatry in 1970. From 1970 to 1985, he served as chief of the psychiatry service at the VA Medical Center in West Haven.

In a speech Paul made at a going away luncheon held in his honor on June 21, he referred to his time at central office as the capstone of my professional life, and turned the gathering into a tribute to those he serves—the mentally ill, the homeless, alcohol abusers, drug addicts and the vocationally disabled—and the team of committed and immensely skilled professionals he directed. This man is a selfless professional, who always turns the spotlight from himself to, in his own words, "the mission that we have successfully kept at the center of our efforts and that we celebrate today."

Mr. Speaker, I want my colleagues and the entire country to know that we have exemplary individuals in the Department of Veterans Affairs but none better than Paul Errera, a man totally committed to the service of our Nation's veterans.

ON NORMANDY BEACH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. WOLF. Mr. Speaker, earlier this month our Nation took time to honor the memory of those brave Americans who fought for freedom 50 years ago on the beaches of Normandy.

As part of that tribute, the Honorable John O. Marsh, Jr., a former colleague in the House and the longest serving Secretary of the Army in the Nation's history, commemorated the D-day landing at the Omaha Sector, Normandy Beach, in France on June 6, 1944, by Company C, 116th Infantry Regiment, 29th Division, of the Virginia-Maryland National Guard.

I would like to share his eloquent remarks presented at a ceremony at Veterans Memorial Stadium in Harrisonburg, VA, on June 5 with my colleagues:

TO COMMEMORATE THE LANDING AT THE "OMAHA SECTOR," NORMANDY BEACH JUNE 6, 1944, BY COMPANY C, 116TH INFANTRY REGIMENT 29TH DIVISION, VIRGINIA-MARYLAND NATIONAL GUARD

(By John O. Marsh, Jr.)

BACKGROUND

Harrisonburg has been the home of Company C, 116th Infantry Regiment, Virginia National Guard, a Regiment of the famous Virginia-Maryland 29th Division Army National Guard for many years. The Division was organized in WWI and fought in France. It was the only National Guard Division that took part in the Normandy invasion.

It should be noted that by the time of D-Day the ranks of the Division had been significantly augmented by draftees and others, whereby in the 29th there were soldiers from every state in the Union. However, the Division continued to have a significant number of original members so that at its core, it was still a National Guard Division with many of these Guard soldiers holding leadership posts both as commissioned and non-commissioned officers.

The 116th Infantry Regiment traces its military heritage to units organized in the Shenandoah Valley of Virginia before the Colonial Wars. It participated in numerous campaigns of the French and Indian War under the command of then Col. George Washington, the American Revolution, and the War of 1812. It was commanded by Stonewall Jackson in the War Between the States (Civil War) and earned 18 Streamers from Bull Run to Appomattox.

This Regiment, often referred to as the Stonewall Brigade, was in the first wave at

Normandy Beach at the sector that has become famous as "Bloody Omaha." So named because of the fierce resistance encountered, and the enormous casualties suffered by U.S. forces before gaining a lodgement on the coast of France.

By the end of July 1944, the 116th, whose strength on D-Day of just over 3,200 men and officers had sustained 3,400 casualties. When VE-Day came in May, the casualties were over 7,000.

For all of those soldiers of Company C and the 116th Infantry Regiment, as well as all who served there, these remarks are a tribute from one who was later a pilgrim to the place where they so valiantly fought, were wounded—died—but prevailed.

ON NORMANDY BEACH

Normandy Beach is its own memorial.

There is a stillness about a battlefield where great causes were fought and decided. President Lincoln spoke of it at Gettysburg—and called it "Hallowed Ground."

Those who fought at Normandy and lived; they shall age. Yet the agelessness of those who died there is a Spirit you can sense as you walk along the beach. It carries you back to the days when you were young.

Today on this hallowed ground stillness and tranquillity prevail in marked contrast to the sounds and chaos of battle. An attitude of reverence comes naturally. We talk in quieter tones—we move less swiftly—a tribute beneficiaries give—even when only dimly aware of causes decided by others—but knowing some debt for their resolution is still owing.

For mile after mile along this stretch of French coast named Normandy a terrible price was paid by those who waded with a rising tide from the English Channel to gain a foothold on the Continent—and by those who made their assault from French skies and landed in nearby fields in darkness before dawn.

Monuments along the shore stand not just as a tribute to their deeds to be remembered, but a memory to youth that never grew old.

They are placed here on the coast of France, in the Province of Normandy, to vouchsafe our Country's commitment to a great cause.

America sought no empire, nor the lands of others—save but a place of ground near the beaches where they fell—and there to bury her dead. Where like Flanders fields—they are Freedom's silent requiem.

In Victory we unleashed no vengeance upon our foe. Rather we helped rebuild a ravaged land.

The monuments of D-Day stand both as a pledge to the Values of our past, and to our Hope for the future.

Hope for a world that is at peace—a world guided by truth—a world that is free.

This pledge of Values and Hope—our Country, and all its forces of land, air, and sea, shall defend.

When this anniversary day is past, and those who pilgrimed here have gone, and tides ebb and flow——

When the sounds of the Channel are the only sounds in a place of beauty and loneliness——

When the cry of the gulls and the winds across the sands of Normandy break the stillness of a battleground——

Then the waves that wash gently on the beaches of France—will in rhythmic cadence be—forever, a lasting tribute to what my Countrymen did here.

WE MUST SHARE INFORMATION IN THE WAR ON DRUGS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. TORRICELLI. Mr. Speaker, for 3 years, the centerpiece of the United States drug war in the Andes has been the use of military radar and spy planes to track and attack narco-traffickers at their weakest point: the air bridge of small planes linking the coca leaf fields of Peru with the cocaine laboratories of Colombia.

But barely a year after this air interception network began successfully disrupting trafficking routes, the Pentagon abruptly ceased the operation on May 1. The Pentagon says it made this decision because it feared liability suits from families of traffickers shot down with the use of American-supplied information.

Today, I am introducing legislation along with the distinguished chairman of the Subcommittee on International Security, International Organizations and Human Rights, TOM LANTOS, that will ensure that the United States can once again share radar information with foreign governments to reduce illicit drug trafficking.

Our legislation creates an exemption in the section of the United States Code that prohibits foreign countries from taking hostile action against civilian aircraft, and that prohibits the United States from providing information to aid in such action, if the aircraft in question are reasonably suspected of being engaged in the trafficking of controlled substances. The exemption only applies if the President certifies that the foreign country in question faces an extraordinary threat from illegal narcotics trafficking, and if such country has in place procedures to protect against innocent loss of life in the air and on the ground.

I have made special trips to Colombia and Peru to attain support for the United States-Andean air strategy over the past 3 years. I have done so because this strategy is absolutely essential to our efforts to stop the flow of drugs into the United States. Indeed, with radar coverage suspended, Colombian and Peruvian defense officials say that drug trafficking flights have increased by as much as 20 percent.

Virtually all the world's cocaine supply originates in the coca-leaf fields of Peru and Bolivia. About 80 percent of the drug passes through Colombia, for refining on its way north to the United States. Traffickers move most of their drugs in small planes.

In 1993 alone, 32 tons of cocaine were seized in Colombia, as a result of the sharing of American-supplied information. Indeed, within a few days before the radars were shut off, American-supplied information helped the Colombians seize four drug planes.

Both the Colombian and Peruvian governments maintain shoot down policies that are fair and responsible. According to these policies, civilian planes run the risk of being shot down only if pilots fly without flight plans, if they do not respond to radio contact by pursuing military aircraft, and if they ignore the military pilots' visual signals to land. Extensive rules of engagement for forcing down planes are in complete agreement with international law.

The war on drugs cannot be won without complete cooperation between the United States and our Andean allies. The United States military has the capability to make a real difference by providing these allies with the information they need to successfully track and intercept narco-trafficking aircraft. We must resume this information sharing immediately, and send a strong message to the narco-traffickers that they will pay tremendous consequences should they continue to evade international law.

A DOMESTIC VIOLENCE STORY NOT FOUND ON THE FRONT PAGE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. MOLINARI. Mr. Speaker, let's take a break from the O.J. Simpson story. What about other stories? It is time we opened our eyes to the secret shame in homes across this country. Domestic violence is all too common—in your community, in my community.

I recently received a letter from a woman in my district that I would like to share with you.

For the last three years I have been threatened, beaten, harassed, stalked and terrified by my husband. He has been arrested several times in violations regarding an order of protection from family court. But recently the violence escalated.

He has been removed from our home, but one day he broke in and waited for me to return from work. He beat me in the head with a sack of coins he held in his hand, and when I finally fell to the ground he kicked me in the head and body several times. I bled profusely from my head injuries, and was rushed to the hospital. Staples were placed in my scalp. I was badly bruised and needed to stay in bed for weeks.

A warrant was issued for his arrest, but he couldn't be found. A month later, while crossing the street, he tried to run me over with his van. When he realized he had missed me, he jumped out of the van and beat me until people came to my rescue.

Mr. Speaker, I am told that the charges against her husband will be reduced to a misdemeanor and he will probably receive a sentence of 100 hours of community service and 1-year probation, and she will receive a 1-year order of protection.

Let this be a lesson to us all. The O.J. Simpson case is focusing attention on domestic violence like never before, but the laws in our country are inadequate and so is society's attitude—still—toward domestic violence.

INTRODUCTION OF THREE RURAL MEDICAL BILLS

HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. LAMBERT. Mr. Speaker, I am pleased to take the floor today to describe three bills

that I have introduced. Two of these bills will go a long way toward solving the lack of health care providers in rural areas. The other bill will assist countless of sick chronically ill children on Medicaid.

The first bill, the Medicare Rural Physician Payment Equity Act, will provide doctors practicing in rural health professional shortage areas with incentives to locate in rural areas.

Mr. Speaker, doctors in my district constantly describe the gross underpayment received on Medicare claims and as a result they have a difficult time remaining in rural areas such as my district. This bill will help solve that problem.

The Medicare Rural Physician Payment Equity Act, will give doctors providing primary care services a 20-percent Medicare bonus payment and 10 percent bonus for other services. In addition, the bill extends these benefits to nonphysician providers.

Another provision of this legislation will write into law the recommendations of the physician payment review commission to update Medicare payments 10.7 percent for surgical services, 10.1 percent for primary care services, and 7.4 percent for all other services.

The second bill is entitled "The Rural Health Care Practitioners Revitalization Act of 1994." This legislation takes an innovative approach toward getting doctors into rural areas.

First, this legislation provides a variety of tax credits to doctors who agree to practice in rural underserved areas. These tax credits range from tax-exemptions for interest on student loans, to credits given to doctors who agree to practice in rural areas for a specific time-frame.

Second, the bill more than doubles the authorization for the National Health Service Corps. Such an increase will allow the program to bring even more doctors into rural areas. The bill also has a provision to provide more contracts to doctors with rural backgrounds.

Third, the legislation establishes a State Health Service Corps Demonstration Project. Under this project, States will be allowed to establish programs to attract and train more doctors for service in health professional shortage areas. There is a Federal match for the program which is authorized through the year 2001.

A final provision of the bill provides additional money for the Area Health Education Centers [AHECs]. These centers typically provide residency training programs for doctors in rural areas. It is widely recognized that without an expansion of AHEC assistance it will be extremely difficult to attract doctors into rural settings.

Mr. Speaker, my third bill being introduced today is the Children's Health Equity Act of 1994. This bill seeks to provide protection to some of the most vulnerable enrollees, children, in the Medicaid Program.

Today more and more States are moving into Medicaid-managed care programs. While this may not be bad in and of itself, the drive to managed care may leave chronically ill children with little or no access to pediatric specialists. Specifically HMO-type plans can systematically deny care to very sick children by not having enough or any pediatric specialists on contract.

This bill seeks to protect children with special health care needs by requiring States who adopt Medicaid-managed care programs to keep chronically ill children enrolled in traditional fee for service programs. Most often, traditional Medicaid fee for service plans are the only way to provide necessary access to pediatric specialists for children with special health care needs.

Another provision of this legislation requires the Secretary of Health and Human Services to develop and report to Congress on the viability of using pediatric risk adjustors for managed care plans. Risk adjustors, which balance profits between insurers who may be denying services rather than containing costs, provide great opportunities for intelligent management of the entire managed care industry, but we need to know just what concerns need consideration for children.

Mr. Chairman, I believe this bills I have introduced today provide a great opportunity for us to improve the health of rural America and to better the lives of children. We must ensure that our vulnerable populations, specifically rural and children concerns, have access to health care. It is my belief that these pieces of legislation will help us achieve these goals.

CELEBRATING 100 YEARS AT ST. LUKE'S UNITED METHODIST CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. PALLONE. Mr. Speaker, on July 10, 1994, St. Luke's United Methodist Church in Long Branch, NJ, will celebrate the first century of the use of its landmark structure, which was dedicated on July 8, 1894. This will be an exciting and important event for not only the congregants of St. Luke's, but for the entire community of Long Branch.

The congregation first began meeting in 1856, when the church now known as Old First United Methodist Church of West Long Branch assisted in the purchase of a Presbyterian Church across Broadway from the present site of St. Luke's, for a meeting house for several of its classes. For 4 years, worship at the Second Methodist Episcopal Church of Long Branch was led by the minister appointed to First Methodist Episcopal Church of Long Branch. In 1860, the charge was divided, with a pastor appointed to serve each church. At this time, as the Civil War was consuming America, Methodism was celebrating its centennial in the United States with a great effort to build churches and bring in new members. The Long Branch congregation purchased the site near Broadway and constructed Centenary Methodist Episcopal Church, completing the structure in 1869. President Ulysses S. Grant, with his wife and two children, attended the dedication in July of that year. After some initial difficulties, members of the community gave whatever they could to help the church reorganize as St. Luke's Methodist Episcopal Church.

Fourteen years later, in 1893, disaster struck again when Centenary/St. Luke's burned to the ground. But the members had the faith, courage and vision to overcome this adversity and—using stone and brick, this time—constructed a church dedicated as much for religious education as for worship. Built at a cost of $53,000 a century ago, this beautiful structure (which has since been refurbished, repainted and reinforced) would probably cost millions to recreate, if such an effort were even undertaken in this day and age. Membership has gone up and down, pastors and members of the congregations have come and gone, lived and died. But St. Luke's unique position as a special institution, both for its congregants and in the larger community, remains solid. I congratulate the entire St. Luke's family on their first 100 years and wish them well in their next century of faith and service.

INTRODUCTION OF THE 1994 ETHICS AMENDMENTS TO THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Ms. CANTWELL. Mr. Speaker, I rise today to join Congresswoman JOLENE UNSOELD in the introduction of the 1994 ethics amendments to the Magnuson Fishery Conservation and Management Act. This legislation will improve the ability of Regional Fishery Management Councils to manage America's fisheries effectively and restore public confidence in the role of council members as stewards of that resource.

Since the Magnuson Fishery Conservation and Management Act was enacted in 1976, two of its primary goals have been accomplished:

First, foreign fishing interests have been displaced in the U.S. Exclusive Economic Zone, which the Magnuson Act established; and

Second, the United States has developed a commercial fishing industry that contributes more than $1 billion to the economy of the Pacific Northwest and billions more to other regions of the country.

As Americanization of the industry took place, however, the role of the Regional Fishery Management Councils changed, and so did public perception of their effectiveness and integrity.

Growing competition among U.S. fishers has increased the demand on America's fisheries—and intensified the pressure on council members to make impartial harvest decisions. The Magnuson Act requires council members to be knowledgeable and experienced in the industry. Often, however, the people who meet those criteria also have the most to gain or lose financially from the regulatory and allocation decisions of the council.

Potential conflicts of interest for industry representatives who serve on Regional Fishery Management Councils have been a problem for years, because council members are charged with making resource management decisions that directly affect their personal income. At the same time, members of these

councils are the only Federal advisers not subject to official Government standards of disclosure and ethical conduct. The intensity of the controversy over potential conflicts of interest has increased as America's fish stocks have declined.

The goal of this legislation is to remove the potential for abuse and self-serving decisions. We must ensure that the Regional Fishery Management Councils are fully accountable, capable of responsible stewardship and empowered to maker trustworthy decisions about one of this Nation's most valuable, and most vulnerable, natural resources.

I urge my colleagues to pass this amendment to ensure the integrity and accountability of America's Regional Fishery Management Councils. Fisheries is one of our Nation's most valuable economic and environmental resources. The management of that resource is something that must be conducted in an open process and under full public scrutiny.

TRAGEDY IN AMERICA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. REED. Mr. Speaker, I rise today to discuss one of the greatest tragedies seen everyday in America: violence against women and their children by someone whom they love and trust. Even more tragic is the fact that it has taken the murder of a national figure to draw attention to this epidemic.

During 1993, five women were murdered by their respective husbands or companions in my State of Rhode Island. In one case, the couple's daughter was also killed before the husband killed himself. In order that these crimes are not soon forgotten, I would like to submit their names for the record: Marie, age 30; Pamela, age 42; Tiffany, age 14; John, age 48; and Michele, age 28.

Each and every act of violence against a woman is one too many. We, as the national lawmakers of this country, must protect our citizens, including women who are becoming victims at an all too frequent rate.

This is just one reason why I have stood as an original cosponsor of the Violence Against Women Act. I challenge my colleagues who are conferees on the crime bill to take a stand for women by including the Violence Against Women Act at its full funding level in the conference report. Putting an end to these violent crimes is something we must all claim responsibility for.

TRIBUTE TO DAVID L. COON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. DUNCAN. Mr. Speaker, I would like to pay tribute today to an exceptional American, David L. Coon, who will be retiring, after 20 years of distinguished service, from the U.S. Capitol Police Force.

Dave began serving his country more than 40 years ago when he joined the U.S. Marine Corps in 1954. He attained the distinguished rank of Gunnery Sergeant. During his career in the corps, Dave served two combat tours in the Vietnam conflict, 1965–67 and 1970–72.

As a young marine in 1965, Sergeant Coon served as the acting 1st Sgt. for Gulf Company, 2nd Battalion, 3rd Marines, in the Republic of Vietnam. After his first tour in Vietnam, Sergeant Coon served as a marine recruiter in Canton, OH. Many of us remember the turmoil our Nation experienced during the sixties. Sergeant Coon and his family lived a short distance from Kent State University during the tragic and well-documented student protests of the war.

Dave was then selected for duty as the administrative chief for the Marine Corps Officer Basic School at Quantico, VA. Shortly thereafter he was again ordered to return to duty in Vietnam. When Gunnery Sergeant Coon returned from combat duty he was transferred to Marine Corps Headquarters, Washington, DC serving as the administrative chief of the Manpower Plans and Policy Division where he retired in 1974.

During his Marine Corps career Gunnery Sergeant Coon was a recipient of the Naval Achievement Medal, National Defense Medal—1 star, Vietnam Service Medal—3 battle stars, Combat Action Ribbon, and the Presidential Citation Award.

As a 20-year veteran of the U.S. Capitol Police, officer Coon distinguished himself as a professional. As a law enforcement officer he was recognized and awarded by his peers for outstanding competency and proficiency.

Officer Coon is also very involved in his community. He currently serves on the Spotsylvania County Board of Zoning Appeals. And Dave has been very active in the Knights of Columbus where he has held virtually every leadership position in the Knights of Columbus, Fredericksburg Council.

I know that officer Coon's family is very proud of him as well. He and his wife, Maureen, have raised five children and instilled in them the values of family, God, and country. Through Dave and Maureen's love, instruction, discipline, guidance and example their five children, Kathy, Jim, Jon, David, and Kim have learned the values that have shaped their private lives and their public citizenship.

I want to thank Dave for his distinguished service to our Nation, and wish him a happy and healthy retirement.

CELEBRATING GLOBAL ACTION PLAN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. HINCHEY. Mr. Speaker, I would like to bring to your attention an environmental grassroots organization called the Global Action Plan, or GAP. GAP was started in Woodstock, NY, and has grown to become an international environmental organization. It is theories and tactics are unique and effective.

GAP was started when a number of grassroots activists realized that the most effective way to slow the current exploitation of the Earth's resources was to change the way individuals lived their daily lives. These concerned men and women saw that although awareness of environmental destruction has been raised, we have been less effective in changing deeply ingrained behaviors that still threaten the environment. GAP was formed to help individuals lead environmentally aware lives. Their slogan is "Empowering Individuals to Live Environmentally Sustainable Lifestyles." I think these are good words to live by. Ultimately GAP is an organization which is designed to help people help themselves.

GAP's activities are innovative and unique. They organize communities and neighborhoods into EcoTeams in which members support and educate one another about environmentally sound living practices. Over 4,000 households in 10 countries have joined EcoTeams, and the results have been impressive. Households in the United States, for example, have reported a 39-percent reduction in solid waste and an average savings of $430 per household.

The achievements of GAP testify to the strength and effectiveness of grassroots organizations. GAP is a model organization in its agenda and in its leadership—it shows us that where there is a will, there is a way. I would like my colleagues in the House to join me in honoring and thanking GAP for both its important role as a defender of our precious environment and as an example grassroots organization. As we quickly approach the 21st century, we must be careful not to forget the impact that dedicated individuals can have on our world. Global Action Plan serves as a perfect reminder to us all of that fact.

TRIBUTE TO COL. RONALD J. RAKOWSKY

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SCHIFF. Mr. Speaker, I would like to bring to your attention today the exemplary work and splendid public service of one of our country's outstanding military men, Col. Ronald J. Rakowsky, the staff judge advocate for the Air Reserve Personnel Center, Denver, CO. Colonel Rakowsky will be retiring after an especially distinguished military career on October 1, 1994.

Colonel Rakowsky entered active duty August 15, 1970, at MacDill Air Force Base, FL. His assignments include Clark AB, Republic of Philippines; Air Force Military Personnel Center, Randolph AFB, TX; March AFB, CA; Chief Personnel Law Branch, General Law Division, Office of the Judge Advocate General; Chief Legislative Division, Office of the Judge Advocate General; Associate Director of Civil Law, Office of the Judge Advocate General; Chief, Preventive Law and Legal Aid Group, Office of the Judge Advocate General; and his current position as Staff Judge Advocate, Air Reserve Personnel Center, which he assumed May 14, 1988.

He attained a bachelor of arts degree from Denison University, Granville, OH, in 1966 and

a juris doctor in 1969 at Case Western Reserve University School of Law, Cleveland, OH. He is a graduate of the Air War College, the Industrial College of the Armed Forces and the Air Command and Staff College. Colonel Rakowsky is admitted to practice before the Supreme Court of the United States, the United States Court of Military Appeals, and the Supreme Courts of Ohio, Florida, and Colorado.

Since the spring of 1988, Colonel Rakowsky has been intimately involved in designing, perfecting, and implementing plans for peacetime training and wartime mobilization of the mobilization assets of the U.S. Air Force. During Operation Desert Shield/Storm, he was instrumental in supplying backfill Air Force Reserve and Air National Guard Judge Advocates and paralegals to active duty Air Force bases in the continental United States whose personnel assets had been projected forward for use in the area of operations for the Persian Gulf conflict. These Reserve and Guard personnel saw to it that quality essential services were available at all Air Force bases during the operations.

Colonel Rakowsky's military decorations include the Meritorious Service Medal with three oak leaf clusters, the Air Force Commendation Medal, the Air Force Achievement Medal, and the Humanitarian Service Medal with two devices.

Mr. Speaker, I ask that you join me, our colleagues, and Colonel Rakowsky's many friends in saluting the distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Marge, his daughter Catherine, and his son Robert, are extremely proud of his accomplishments. It is fitting that the House of Representatives pays tribute to him today.

IN RECOGNITION OF THE BO-BOEN SNOWMOBILE CLUB

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. ROTH. Mr. Speaker, it is with great pleasure that I rise today to salute the Bo-Boen Snowmobile Club on the occasion of its 25th anniversary.

Having spent numerous winters in northeast Wisconsin, I have had many occasions to enjoy the thrill of snowmobiling. Almost nothing can match the exhilaration of sledding across a frozen lake with the majestic beauty of the Wisconsin winter landscape as a backdrop. I can understand why the Bo-Boen sledders have dedicated so much of their time and energy to this sport.

The Bo-Boen Snowmobile Club is the largest such group in the State of Wisconsin. It is also one of the most active in trail maintenance, safety training, and community involvement. The club maps and grooms over 160 miles of snowmobile trails every year. They also annually offer snowmobile safety and education courses. This past year, the club's safety class of 56 students was the largest group of sledders ever certified. The future promises to be even brighter, as 1995 will mark the club's 25th year.

I'm especially proud that Bo-Boen makes its home in St. Germain, WI. This region of the State, part of my congressional district, boasts the country's finest snowmobile trails, and each winter season brings thousands of snowmobiling enthusiasts to the North Woods.

Mr. Speaker, I would like to commend club president Patrick Rohan and everyone involved in the club for their work on behalf of the North Woods snowmobiling community. Thanks to the club's efforts promoting the sport and its safety, snowmobile enthusiasts from every corner will continue to enjoy the activity we in Wisconsin cherish so much. I ask that my colleagues join me today in saluting the 25th anniversary of the Bo-Boen Snowmobile Club.

ADMIRAL STANLEY R. ARTHUR

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. PICKETT. Mr. Speaker, the withdrawal of the nomination of Adm. Stanley R. Arthur to be Commander in Chief, U.S. Pacific Command is cause for concern. Press reports assign various reasons for this action, but a recurring theme attributes it to a personnel decision concerning a female officer. Both the Navy Inspector General and Secretary of the Navy concurred in the decision.

We hold our military leaders to a very high standard. That is as it should be. They have awesome authority and responsibility for the management and operation of our military resources. They must be held accountable. But after years of dedicated service and recognized achievement they should not find their careers tarnished by unfounded publicity about one equivocal event.

Our Nation needs the services of officers like Admiral Arthur. He has served with distinction as Commander of the 7th Fleet. He was deeply involved in operation Desert Storm. And he successfully saw the Navy through troubled times during his tenure as Vice Chief of Naval Operations.

Admiral Arthur deserves the respect and admiration of all Americans for his long and illustrious military career. We are in his debt as a Nation. It is our loss that he was not confirmed in his appointment as CINCPAC. Let us hope that a similar fate never befalls an officer of such exceptional credentials in the future.

IN TRIBUTE TO YVONNE J. SETENCICH

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay tribute to Yvonne J. Setencich, who has served her county well, laboring behind the scenes and working to ensure a better Government for all of us.

For 6 years Yvonne has served on the Fresno County grand jury, a tenure that is unprecedented in Fresno County history. Yvonne, who happens to live in Sanger, the small farming community that is my birthplace, capped her career as a member of this government watchdog organization by serving as foreman in 1993–94.

I have known Yvonne for many years and although she no longer is my constituent, she is my friend. Although grand jury proceedings are secret, I know her to be a tireless worker, conscientious and organized in the way she goes about the tasks that are before her.

Yvonne has unselfishly given her time and served Fresno County and its citizens with distinction. I am proud to call Yvonne my friend, and I commend her for the years of valuable service she has provided toward a better and more efficient government.

HEALTH CARE REFORM VOTES WAYS AND MEANS COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 24, 1994.

The following recorded votes were taken on June 24, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mrs. Johnson permitting insurers to vary the premium rates they charge by age, using 10-year age bands. The underlying Mark requires all insurance premiums for each family size class to be set at the same community-wide rate, varying only by geographic area. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MASS), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mr. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.

Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Camp to allow association health plans to vary the insurance premiums they charge based upon the cost experience of insuring its enrollees. The underlying mark would require premium charges for each family class to be set at the same rate, varying only by geographic area. Experience rating permitted under this amendment would be limited to plans offered through professional and trade associations who have at least 1000 individuals or 200 employer members; who have existed for at least 5 years; were formed and exist for the purpose of selling insurance; are neither owned nor controlled by an insurance carrier; who do not condition membership on health status or claims experience; and who offer coverage to spouses and dependents. Such association plans would not be required to take all individuals who apply for insurance. Defeated 21–17.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, yea.
Mr. Rangel, yea.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay by proxy.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, yea.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Thomas permitting premium variation based upon the administrative expense associated with a plan's distribution method. The underlying mark requires all premiums, for each family class, to be offered at the same rate, varying only by geographic area. Defeated 23–15.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay by proxy.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea by proxy.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mrs. Johnson permitting establishment of individual and employer groups for the purpose of purchasing health insurance for their members, as long as such groups accept all small employers (up to 100 employees), eligible employees, and eligible individuals residing within the designated service area who seek membership. Such groups must offer all health plans interested in participating and may charge a uniform administrative fee. Plans offered through such groups must offer the same premiums in and outside of such purchasing groups. States may authorize more than one such group within a given geographic area, and provide for a risk adjustment mechanism if necessary.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. McCrery to strike provisions allowing states to enforce a capital allocation plan that would subject to state review and approval, any capital expenditures for health care exceeding $1 million (or less, at state option).

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay by proxy.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea by proxy.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

HONORING ROSE MARIE LOPEZ

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. BECERRA. Mr. Speaker, it is with the utmost pride and privilege that I rise today to recognize Mrs. Rose Marie Lopez for her 34 years of dedicated and unsurpassed service to the people of Los Angeles. Held in the highest esteem as a mother, an activist, and leader, Rose Marie has become an indispensable asset to her community.

Born and raised in the Chavez Ravine area of Los Angeles, Rose Marie attended Albion Elementary School, Nightingale Junior High School, and Lincoln High School. She and her husband, Henry Lopez, raised seven children.

Rose Marie's energy and accomplishments have no end. In addition to her duties as a senior field deputy to Los Angeles County Supervisor Gloria Molina, she was a cofounder of the "Happy Valley Community Group," president of the League of United Latin American Citizens [LULAC], a longtime member of the

Lincoln Heights Chamber of Commerce, and block captain for the Los Angeles Police Department Neighborhood Watch in El Sereno. She has been honored by the Los Angeles County Democratic Central Committee as "Woman of the Year."

Rose Marie Lopez is the fighter that we would all love to have in our corner. When the community of East Los Angeles was threatened with the imposition of yet another prison facility in its neighborhoods, Rose Marie was among the leaders who struggled for 6 grueling years to achieve a resounding and unexpected victory. Through her participation in various educational, political, and community organizations, Rose Marie has sought to promote equity for working men and women and their children. She is past president of the Parents Club of Our Lady Help of Christians School, an advisory council member for Lincoln High School, and a member of parent groups at several local elementary and secondary schools.

But perhaps Rose Marie's greatest achievement has been as a champion for our senior citizens. Decent living conditions, fair and prompt services, protection from fraudulent abuse, advocacy of their rights—these are the compelling causes on behalf of seniors that Rose Marie has taken most to heart with unmatched tenacity.

Mr. Speaker, on June 30, 1994, colleagues and friends will gather at a special dinner to bid farewell and pay special tribute to Rose Marie Lopez for her stellar, rock-solid service to the people of Los Angeles. It is with great pride that I ask my colleagues to join me today in saluting this exceptional individual for her outstanding contributions not just to a community but to the people and future of our grand city of Los Angeles.

A BILL TO REVISE THE TAX TREATMENT OF MUNICIPAL SECURITIES PURCHASED AT MARKET DISCOUNT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. CARDIN. Mr. Speaker, today I am introducing legislation to repeal a provision of last year's tax legislation that has reduced secondary market liquidity for municipal bonds and complicated the Tax Code unnecessarily. The existing law may also have the effect of making it more difficult for States and localities to invest in our Nation's crumbling infrastructure.

The provision in question changed the way certain municipal bonds are treated under the Internal Revenue Code and caused some of these bonds to be less attractive to investors. State and local issuers attempting to address America's chronic public investment needs may be forced to offer higher yields on their securities, which would drive up their borrowing costs.

Of critical importance to the success of the American system of public finance is the liquidity of the secondary market for municipal bonds. Investors are willing to accept lower rates of return on State and local government securities because of the tax exemption, but also because they know they can readily sell their bonds, if necessary, before maturity. It is this indispensable characteristic of the municipal bond market that was handicapped last year by the Budget Act.

In certain situations, holders of municipal bonds seek to sell their securities at what is known as a market discount. In general, market discount occurs when a bond is purchased on the secondary market at a price below par or below the adjusted issue price, and is typically caused by a rise in market interest rates or a decline in the credit-worthiness of the borrower. Market discount is the difference between the purchase price of a bond and its stated redemption price at maturity.

Before the enactment of last year's budget reconciliation bill, accreted market discount on a municpal bond was taxed as capital gain at the time the bond was sold, redeemed or otherwise disposed of. Under the new law, accreted market discount is taxed as ordinary income.

Since they are now subject to higher ordinary income tax rates, market discount bonds have become more difficult to sell on the secondary market than other municipal bonds. Any security issued by a State or locality could become a market discount bond at some point during its life, so secondary market liquidity for all municipal securities has decreased. Also decreasing demand for market discount bonds is the fact that investors can no longer use capital gains on market discount bonds to offset capital losses. Investors in secondary market municipal securities now demand higher rates of return to compensate them for higher tax rates on discount bonds and for increased risk that their securities will be more difficult to sell. These higher rates mean that States and localities could ultimately face higher costs in issuing securities to pay for much-needed public infrastructure investment. Early anecdotal evidence suggests that yields on market discount bonds are 5 to 10 basis points higher than they would have been under the old rules.

Moreover, the new market discount rule has resulted in a reporting nightmare for bond dealers, mutual funds, bank trust funds, and others who are required to sort out and document income to taxpayers. Some tax-exempt mutual funds have simply stopped buying market discount bonds altogether because of this complexity, further reducing the liquidity of and demand for these securities and driving up their yields.

Since the new market discount rules could result in higher capital costs for state and local municipal bond issuers, raise extremely complex financial considerations that repel investors, and provide little or no economic advantage to the Federal Government, I propose that Congress restore the law to its pre-1993 status. Such a revision would be consistent with efforts to simplify the Internal Revenue Code under any comprehensive tax simplification measure. I encourage my colleagues to join me as cosponsors of this legislation.

STOP THE VIOLENCE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. STUDDS. Mr. Speaker, I am honored to join with my colleagues from the Congressional Caucus for Women's Issues to work toward ending the state of emergency that exists for battered women and children in this country.

Last year alone, in the Commonwealth of Massachusetts, 29 women died from incidents of domestic violence. It is imperative that we include the provisions of the Violence Against Women Act in the final crime bill—it contains crucial funding for rape crisis centers, additional police, prosecutors, and victim advocates. In my own district in southeastern Massachusetts, the violence continues month after month—these deaths tragically illustrate the need for decisive action:

A 25-year-old Hyannis woman died of beating and stabbing injuries. Her husband turned himself in only 5 hours later.

A school-teacher from West Barnstable was beaten to death by her husband of 18 years in their home. He then put her body in her car and set it on fire to hide his crime.

A Plymouth nursing home worker, 42 years of age, was stabbed to death, allegedly by her husband, at the nursing home where she worked. They were involved in a custody dispute and her husband was on probation for a previous assault and rape. He also had a history of violent abuse against a previous wife and, incredibly, several restraining orders against him had expired because the police could not locate him.

The city of Quincy has a nationally acclaimed domestic violence program—highlighted by everyone from "60 Minutes" to the National Council of Juvenile and Family Court Judges. The Quincy program, designed by a creative district attorney, has a precourt approach which includes a computerizing police tracking and followup on all family disturbance calls by the DA's domestic violence counselors.

Yet despite this state-of-the-art program, last year a 25-year-old Quincy woman was shot in the head by her sister's estranged boyfriend. He was angry over breaking up with the victim's sister and went to confront her with a gun. In the midst of his confusion, he shot the wrong woman once in the head as her finance and her 12-year-old nephew watched. The man then fled the United States and is considered a fugitive.

We know that we are not doing enough to prevent domestic violence and that we must strengthen our commitment to ending the pain. I urge my colleagues on the conference committee to join me in sending the crime bill, including the Violence Against Women Act, to the House floor and to the President's desk. The women of this Nation—and their families—cannot afford to wait.

TRIBUTE TO GONZALO F. AYALA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. TOWNS. Mr. Speaker, I rise today to honor the extraordinary achievements of Mr. Gonzalo F. Ayala, president of Community Capital Bank. He is one of the few prominent members of the business world who continues to maintain his sense of social consciousness.

His rise to success inspires everyone. At the age of 16, he left his native Bolivia for the United States and settled with his sister in Brooklyn's Cobble Hill neighborhood. While working for Forbes magazine as a control clerk and computer operator, he studied accounting at night at Baruch College.

It took Mr. Ayala 8 years to complete his bachelor's degree. But, that did not deter him from continuing night school to pursue a master's degree in business administration from Pace University. During that time, he assumed his first position with a bank and was hired as an auditor for Capital National Bank.

His next important career move occurred when he was hired by Northfield Savings Bank in Staten Island, a very prestigious investment institution. As an executive vice president, he played an important role in the maintenance of $330 million in assets.

He resigned from that institution and joined a struggling community development bank, Community Capital, where he was hired as vice president and cashier. This bank is only one of four lending institutions which practices socially conscious commercial banking.

Since then, Mr. Ayala has become president of Community Capital. He has kept the focus of the bank on lending to economically distressed areas, as part of an effort to revitalize the community. Despite relatively small resources, the bank has become a profitmaking institution and continues to grow while servicing those who might be overlooked elsewhere.

Mr. Ayala's ability to retain his community consciousness and commercial savvy, should be admired and emulated. His success attests to the worthiness of hard work and dedication. I hope my fellow colleagues will join with me in commending Mr. Gonzalo F. Ayala for being a model of personal and business achievement.

PIONEER PREFERENCE REFORM ACT OF 1994

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MARKEY. Mr. Speaker, today, Chairman DINGELL and I and others introduced the Pioneer Preference Reform Act of 1994. This bill seeks to address a problem which has come to our attention recently concerning the Federal Communications Commission's implementation of personal communications services [PCS] and a system of competitive bidding to award licenses, both of which were mandated by the Omnibus Budget Reconciliation Act of 1993.

The pioneer preference program was developed by the Commission in the late 1980's as a means to reward those who invest in technology but who might lose out in the casino-style lottery system which then determined how licenses were awarded. The lottery system made no distinction between the serious technology applicant and the person off the street who plunked money down to pay the copying fee for an application. The problem which the pioneer preference program sought to remedy was that a person could invest millions in developing new technology only to see someone pay $75 to a lottery mill and win the license. Thus, the pioneer program was designed to reward those who invest in technology.

However, the FCC licensing process changed dramatically in 1993 when Chairman DINGELL and I and others pushed through the Licensing Reform Act of 1993, which largely abolished lotteries and instead put in place a system of competitive bidding. The Commission is now implementing the competitive bidding process, and in that context it appears that the Commission lacks authority to impose a reasonable fee on those who obtain their license under the pioneer preference program.

Though I have generally supported the concept of the pioneer preference program, since I think it served as an important counterbalance to the "roll-the-dice, anyone-can-win" lottery system, I agree that this matter needs to be revisited since the Commission may not have full authority to collect a fair amount from these pioneers. The legislation introduced today would accomplish that goal in two ways.

First, it gives the Commission authority to require a pioneer preference winner to pay a sum equal to not less than 90 percent of the highest bid for a license that is most reasonably comparable in terms of bandwidth, area designation, usage restrictions, and other characteristics. Thus, the Commission will look to reasonably comparable license bids, taking into account a variety of complex factors to help identify what would be a fair reference point, and apply 90 percent to that figure to determine how much the pioneer preference winners should pay. In establishing a payment system, the Commission could require payment using schedules and methods outlined in section 309(j)(4)(A) as a means of collecting revenues for the Treasury.

Second, the legislation requires the FCC to establish a formal process for considering future applications. Correspondence between the chairman of the Oversight Committee and the Commission shows that a more rigorous process needs to be in place as we move forward with this program. An FCC rulemaking would meet that need.

HEALTH CARE REFORM VOTES, WAYS AND MEANS COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 27, 1994.

The following recorded votes were taken on June 27, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Thomas exempting dentistry from the physician self-referral ban that prohibits physicians who have a financial relationship with clinical laboratories from referring Medicare patients to those entities. The Mark extends application of the physician self-referral ban to services including dentistry. Defeated 23-15.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay by proxy.
Mr. Pickle, nay.
Mr. Rangel, nay by proxy.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay by proxy.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal, nay.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay by proxy.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Thomas expanding the exemption to physician self-referral prohibitions for certain managed care arrangements. The bill limits the exemption for managed case arrangements to capitated arrangements only; it does not allow exemption for personnel risk arrangement. Current law exempts services paid to a physician or physician group on a capitulated basis. The amendment would have furthered this exemption to include (i) provider organizations as well as physician groups, (ii) methods of financial risk other than capitulation, including withholds and global fixed fees, and (iii) health plans that furnish designated health services directly or through subsidiary organizations, and who pay for such services through the acceptance of a premium or capitulation. Defeated 23-15.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay by proxy.
Mr. Pickle, nay.
Mr. Rangel, nay by proxy.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay by proxy.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.

Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal, nay.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay by proxy.
Mr. Brewster, nay by proxy.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. McCrery replacing the Mark's requirement that all long-term care policies include nonforfeiture benefits, with a requirement that insurers offer the purchaser the option to obtain nonforfeiture benefits. Nonforfeiture benefits would be excluded only if the insured individual rejected in writing the option to obtain such coverage. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay by proxy.
Mr. Pickle, nay.
Mr. Rangel, nay by proxy.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay by proxy.
Mr. Matsui, nay.
Mrs. Kennelly, yea.
Mr. Coyne, nay by proxy.
Mr. Andrews (TX), yea by proxy.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay by proxy.
Mr. Neal, yea.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay by proxy.
Mr. Brewster, nay by proxy.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

HEALTH CARE REFORM VOTES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 30, 1994.

The following recorded votes were taken on June 30, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment in the nature of a substitute by Mr. Archer including provisions that would ensure portability, eliminate preexisting conditions, reform insurance market rates to ensure coverage security, establish new subsidy programs to help low-income individuals and families obtain coverage, ensure spending for new subsidies do not exceed financing provided for it, expand opportunities for individuals and employees of small businesses to obtain insurance coverage, expand tax benefits for individuals and the self-employed in purchasing health insurance, enabling establishment of medical savings accounts permitting tax free deposits into savings accounts that can be used for certain medical coverage and expenses, permitting State reforms of Medicaid to improve coverage options for low-income individuals, reforming malpractice and product liability laws, increase enforcement of fraud and abuse, reforming antitrust laws to improve efficiency, and other provisions. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment in the nature of a substitute by Mr. McDermott, replacing the text of the Chairman's Mark with a substitute measure providing for comprehensive health insurance reform by establishing a nationwide single-payer health care financing system. Defeated 29–9.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, yea.
Mr. Pickle, nay.
Mr. Rangel, yea.
Mr. Stark, yea.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), yea.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, yea.
Mr. Andrews (TX), nay by proxy.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, yea.
Mr. Kleczka, yea.
Mr. Lewis (GA), yea by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay by proxy.
Mr. Brewster, nay.
Mr. Reynolds, yea by proxy.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay.
Mr. Thomas (CA), nay.
Mr. Shaw, nay.
Mr. Sundquist, nay.
Mrs. Johnson (CT), nay.
Mr. Bunning, nay.
Mr. Grandy, nay by proxy.
Mr. Houghton, nay.
Mr. Herger, nay by proxy.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.
Mr. Camp, nay.

An amendment in the nature of a substitute by Mr. Thomas to replace the chairman's Mark with the text of H.R. 3600, The Health Security Act, as introduced in the House of Representatives. H.R. 3600 is the proposal submitted on behalf of the President. Defeated 17–0 with 19 Members voting present.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, present.
Mr. Pickle, present.
Mr. Rangel, present.
Mr. Stark, present.
Mr. Jacobs, present.
Mr. Ford (TN), present.
Mr. Matsui, present.
Mrs. Kennelly, present.
Mr. Coyne, present.
Mr. Andrews (TX).
Mr. Levin, present.
Mr. Cardin, present.
Mr. McDermott, present.
Mr. Kleczka, present.
Mr. Lewis (GA), present.
Mr. Payne (VA), present.
Mr. Neal (MA), present.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, present.
Mr. Jefferson, present.
Mr. Brewster, present.
Mr. Reynolds.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay by proxy.
Mr. Thomas (CA), nay.
Mr. Shaw, nay.
Mr. Sundquist, nay.
Mrs. Johnson (CT), nay.
Mr. Bunning, nay.
Mr. Grandy, nay by proxy.
Mr. Houghton, nay.
Mr. Herger, nay.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.

Mr. Camp, nay.

A motion by Mr. Stark to report favorably to the full House of Representatives the Chairman's Mark as amended. Approved 20–18.

DEMOCRATS

Mr. Gibbons, yea.
Mr. Rostenkowski, yea.
Mr. Pickle, yea.
Mr. Rangel, yea.
Mr. Stark, yea.
Mr. Jacobs, yea.
Mr. Ford (TN), yea.
Mr. Matsui, yea.
Mrs. Kennelly, yea.
Mr. Coyne, yea.
Mr. Andrews (TX), nay.
Mr. Levin, yea.
Mr. Cardin, yea.
Mr. McDermott, nay.
Mr. Kleczka, yea.
Mr. Lewis (GA), yea.
Mr. Payne (VA), yea.
Mr. Neal (MA), yea.
Mr. Hoagland, nay.
Mr. McNulty, yea.
Mr. Kopetski, yea.
Mr. Jefferson, yea.
Mr. Brewster, nay.
Mr. Reynolds, yea by proxy.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay.
Mr. Thomas (CA), nay.
Mr. Shaw, nay.
Mr. Sundquist, nay.
Mrs. Johnson (CT), nay.
Mr. Bunning, nay.
Mr. Grandy, nay.
Mr. Houghton, nay.
Mr. Herger, nay.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.
Mr. Camp, nay.

HEALTH CARE REFORM VOTES—WAYS AND MEANS COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 25, 1994.

The following recorded votes were taken on June 25, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Thomas permitting reimbursement rates paid to hospitals under Medicare for graduate medical education [GME] to be adjusted as follows; allow non-hospital-based residency programs to qualify for direct GME payments; allow ambulatory teaching facilities to qualify for indirect GME payments; enable residency programs to ultimately receive payments made to sponsoring institutions on their behalf; and allow teaching hospitals to include ambulatory training in time factors for direct and indirect DME payments. Defeated 21–17.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), yea by proxy.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), yea.
Mr. Neal (MA), nay.
Mr. Hoagland, yea by proxy.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea by proxy.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Thomas striking *the Medicare Part C program* established in the Chairman's Mark, adding new provisions allowing States to purchase private health coverage on behalf of their Medicaid beneficiaries, and adding new provisions permitting the phase-in of low income subsidies to be accelerated if additional savings are achieved from the bill, and slowing the phase-in of the subsidies if savings are less than anticipated. Defeated 22–16.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), yea.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay by proxy.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay by proxy.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea by proxy.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Santorum striking provisions establishing classes, allocating Medicare cost estimates by such classes, and allocating overall health spending to States. The allocation of such estimates in the Chairman's mark are used to establish payment rates and overall limits that enforce cost containment of public national health expenditures. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr.Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay by proxy.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnston (CT), yea by proxy.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Thomas to grant states and health care providers the ability to review and appeal all procedures, methodologies and allocations made for the purpose of establishing limits and payment rates that they would control under Medicare. *The Secretary of HHS would be* required to ensure such due process is granted prior to imposition of maximum payment rates provided for in the Mark. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenskowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay by proxy.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay by proxy.

Mr. Hoagland, nay by proxy.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea by proxy.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Archer permitting physicians participating in Medicare to perform simple clinical laboratory services without registering with the Health Care Financing Administration and without receiving a waiver. Defeated 21–6.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay by proxy.
Mr. Coyne, nay.
Mr. Andrews (TX), nay by proxy.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), yea.
Mr. Neal (MA), nay by proxy.
Mr. McNulty, yea.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson (CT), yea by proxy.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

HEALTH CARE REFORM VOTES—WAYS AND MEANS COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 28, 1994.

The following votes were taken on June 28, 1994, in the Committee on Ways and Means during consideration of Acting Chairman GIBBONS' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. GIBBONS establishing a National Health Cost Commission, appointed by the President, that would report to Congress on whether the private sector cost containment provisions provided for in the mark should be implemented in 2001. This amendment would delay imposition of such price controls until at least 2001, and in 2000 Congress could be required to consider whether, under fast track rules, alternative cost containment recommendations may be made by the National Health Cost Commission. Adopted 20–18.

DEMOCRATS

Mr. Gibbons, yea.
Mr. Rostenkowski, yea.
Mr. Pickle, yea.
Mr. Rangel, yea.
Mr. Stark, yea.
Mr. Jacobs, nay.
Mr. Ford (TN), yea.
Mr. Matsui, yea.
Mrs. Kennelly, yea.
Mr. Coyne, yea.
Mr. Andrews (TX), nay.
Mr. Levin, yea.
Mr. Cardin, yea.
Mr. McDermott, yea.
Mr. Kleczka, yea.
Mr. Lewis (GA), yea.
Mr. Payne (VA), yea.
Mr. Neal (MA), yea.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, yea.
Mr. Jefferson, yea.
Mr. Brewster, yea.
Mr. Reynolds, yea.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay by proxy.
Mr. Thomas (CA), nay.
Mr. Shaw, nay.
Mr. Sundquist, nay
Mrs. Johnson (CT), nay by proxy.
Mr. Bunning, nay.
Mr. Grandy, nay.
Mr. Houghton, nay.
Mr. Herger, nay by proxy.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.
Mr. Camp, nay.

An amendment, in the nature of a substitute, by Mr. Andrews to the Gibbons National Health Cost Commission amendment, striking all stand-by cost containment provisions that would apply to private sector health spending. The underlying mark imposes price controls on private sector health care services in states that fail to meet overall health spending limits beginning 1998. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, yea.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), yea.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, yea.
Mr. McNulty, yea.
Mr. Kopetski, nay.
Mr. Jefferson, nay by proxy.
Mr. Brewster, nay by proxy.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Thomas requiring the Secretary of HHS to establish procedures by which States and health care providers effected by the private cost containment provisions are able to review and appeal the cost containment methodologies, allocations, rates and rate setting procedures. The underlying mark imposes price controls on all private sector health care services by class using a Medicare payment methodology in States that fail to meet overall health spending limits beginning in 1998. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis, nay.
Mr. Payne, nay.
Mr. Neal, nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea by proxy.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An Amendment by Mr. Santorum preventing application of maximum payment rates on private sector health care services in a State unless a majority of voters in the State, by public referendum, approve application of such rates. The underlying mark imposes price controls on private sector health care services in States that fail to

meet overall health spending limits beginning 1998. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenskowski, nay.
Mr. Pickle, nay.
Mr. Rangle, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson, yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

U.S. COMPETITIVENESS CANNOT RELY ON A WEAK DOLLAR

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. LAFALCE. Mr. Speaker, over the years, the United States has identified important problems and tackled them with focused intensity: LBJ's War on Poverty, the War on Drugs, the War on Crime. It is now time to bring that same focus and energy to the issue of international competitiveness. Both U.S. policymakers and business leaders have yet to fully recognize the critical importance of the competitiveness of the U.S. manufacturing sector to this country's underlying economic strength.

Our economy is now back on a growth track, and the prospects for our manufacturing sector look much brighter than they once did. Over the last several years, U.S. manufacturers have taken measures to increase productivity, aggressively market their products, and forge creative competitive strategies. Most notably, we have succeeded in significantly expanding manufacturing exports.

But we must not be lulled into a sense of false security. Not all of our success is our own doing. In the export arena in particular, much of the export expansion can be attributed to a vastly weakened dollar which has made U.S. exports far less expensive.

In fact, we have not fully prepared ourselves for a sustained competitive struggle over the long haul. We have not solved the underlying economic problems of this country. Nor have we taken the necessary steps to ensure that our industries will be capable of effectively competing when the dollar is once again stronger.

Last month the Competitiveness Policy Council, which was created pursuant to legislation I authored in 1988, issued its third annual report. That report warned that the economic factors integral to achieving a rising standard of living—the ultimate measure of a nation's competitiveness—have not improved appreciably, if at all. The level of savings and investment, the commitment to research and development, the quality of education and training—these are the keys to competitiveness. But the Council's report emphasizes that improvement in these key areas have been pitiful.

For example, net private investment in 1993 reached 4 percent of GDP—only half of the percentage level in 1973 and the lowest of all the industrialized nations. Private savings actually fell in 1993 to 1.5 percent of net national product, and were nearly wiped out by the budget deficit. Moreover, any improvement in macroeconomic indicators masks what is really happening to individuals. The percentage of people living below the poverty line is increasing, and the gap between income groups is widening.

The United States must come to terms with the fact that we are in a competitiveness struggle for the long haul. Other countries know this. Japan has worked to retain its competitive edge even as the yen has appreciated 150 percent against the dollar since 1985. If U.S. industry is to be competitive, it must be as prepared to compete effectively if and when the dollar rises to the peaks of 1985 as it is now with the dollar at historically low levels.

U.S. policymakers and the leaders of our business community must show new resolve, commitment, and aggressiveness if we are to achieve sustained competitiveness. In short, we must adopt a "take no prisoners" approach. Other countries do and will continue to do so. We must not rely on a low dollar to maintain our competitive position, or our economy's strength relative to that of our competitors will only diminish over time.

Mr. Speaker, I am submitting for the RECORD an article written by John F. Welch, chairman and CEO of General Electric, that appeared in the Wall Street Journal last week. He eloquently articulates the danger of relying on exchange rates to achieve competitiveness, and the need to take the economic challenges of this new global marketplace seriously if we expect to compete successfully in the years ahead.

A MATTER OF EXCHANGE RATES

(By John F. Welch)

The American manufacturing sector has been getting some pretty good press lately, even from those busy writing its obituary just a few years ago. We've been described as "back with a vengeance," "tough, farsighted, clever," even "the envy of the industrialized world."

Almost every American industry, by almost every measure, has seen improvement in its productivity and it relative competitive position. And this improvement is reflected in another statistic: Exports as a percentage of gross domestic product are up more than 50% from a decade ago.

Yes, the numbers are pretty good. But there's a case to be made for at least a second look at this newly acclaimed supremacy of American manufacturing.

I like to think of what we have come through over the past decade as the leading edge of a hurricane, buffeting and turbulent. We got through this front edge with innovation, higher productivity, pain and sacrifice. Now we find ourselves not in the clear air of fair weather, but in the deceptively tranquil center of the storm—the eye of the hurricane. Exhibit A is the currency situation.

CURRENCY IS CRITICAL

In 1985 the yen was 270 to the dollar. Today, it's roughly 150% stronger, at 105. In 1985, the mark was 3.30 to the dollar. It's now about 50% stronger, 1.65. How much would we be selling; how bold and innovative would we American managers be; how envious would the world be of our manufacturing prowess if that yen and that mark were at the same strength they were not nine years ago, but only three—about 140 yen to the dollar?

Currency is a critical element in a country's competitiveness, and it is increasingly volatile and explosive in its effects. When Italy and Britain left the European monetary system in the summer of '92 and devalued their currencies against the franc and the mark, Italy's export growth surged to more than 18% annually from 4.6%. Britain shot to a 14% growth in exports from 3.5%—in a year.

American euphoria is enhanced in this pleasant interlude by the way the U.S. situation contrasts with the difficulties our competitors are having with their national economies. The well-deserve affluence and success of the Japanese dulled their competitive edge a bit, and the deflating of their bubble economy has taken its toll. In Western Europe, the bloated bureaucracies of their companies and the social policies of their governments finally caught up with them and severely reduced the competitiveness of their industry. And the West German acquisition of East Germany, while strategically sound, created, in M&A language, a heavy good-well amortization burden on short-term performance.

Finally, while Americans often complain about shareowner activism, impatience and demands for performance, I believe that the indulgence and the patience of the European and Japanese shareowners lessened the bite the urgency and the overall competitive edge of their companies.

So, yes, we have plenty of reason to enjoy the relative improvement we see in our manufacturing industries, but we must avoid believing our own press clip—toasting the end of a storm that has not ended. For while we pat ourselves on the back, our global competitors are working feverishly to overcome the disadvantages of their economies and currencies.

The annual report of Toyota Motor one of the world's greatest manufacturers, lays out very clearly solution number one to the problem of the yen: "We will cut costs like we have never cut costs before." The Japanese are grimly determined to achieve not incremental performance improvements, but what they call "bullet-train," or order-of magnitude, improvements. They put no stock in predictions of a weaker yen, and are preparing themselves to compete at 90 yen to the dollar.

Think about it. An enormously resourceful Japan, handicapped by a strong yen, still exports a record $350 billion of merchandise i

1993, grows to what some consider the world's largest manufacturing economy, and is talking about cost reduction of 30% to 50%.

I could make the case that the powerful yen is the best thing that ever happened to Japanese competitiveness.

And look at Europe. There's a new, aggressive, smart breed of CEO; privatization is spreading across the continent; companies are increasing their sourcing from low-cost areas within Europe and Eastern Europe; and shareowners are increasingly becoming interested in performance and profits. Companies are delayering, restructuring, attacking bureaucracy and getting faster.

Global competitors are taking actions today that could push U.S. manufacturers from the deceptive tranquility of the eye back into the turbulence of the hurricane, a hurricane that this time will come with a ferocity that could be intensified should the currency go the wrong way.

What are we going to do when a restructured and hungry Europe, and a lean, low-cost Japan, with improved economies, come roaring back—show them our press clippings? What happens if the yen swings back over 130, as it was just two years ago, or the mark moves toward 2?

We should not wait that long. There are things that can be done now.

First, stop believing the press and the politicians. They were wrong when many of them wrote American manufacturers off as dinosaurs, and now those that have taken the opposite view are equally wrong. This "happy days are here again" talk is just talk. We know it. Now we need to make sure each of our constituencies knows it as well, and we need to buttress the urgency of our situation with actions today that prepare us for tomorrow: relentless cost-cutting, rational labor management conversations, resisting the expansionist schemes of a tax-hungry government, and waging an unending war on bureaucracy and bureaucrats.

If the Japanese are preparing to compete at 90 yen, the U.S. must be ready to compete at 130. Until we are, we delude ourselves if we think we are in control of our own fate.

Second, we must focus enormous energy on growth, conceding no markets—and no customers—because our competitors concede none. Asia is the greatest growth market we will see in our careers. It is our future. The president's continuation of most-favored nation status for China was as far-sighted as it was courageous.

Next, this country must get even more productive. The country or the company with the highest absolute productivity may be buffeted by the winds of competition or the fluctuations of currency, but in the long run it controls its own fate.

PRODUCTIVITY'S SOURCE

The best companies now know, without a doubt, where productivity—real and limitless productivity—comes from. It comes from challenged, empowered, excited, rewarded teams of people. It comes from engaging every single mind in the organization, making everyone part of the action, and allowing everyone to have a voice—a role—in the success of the enterprise. Doing so raises productivity not incrementally, but by multiples.

Only by taking these steps will we be prepared to face what's ahead. Things are going to get tougher; the shakeouts will be more brutal, the pace of change more rapid. When we, someday in the future, look back on this sunny time in 1994, I hope it will be with the satisfaction of knowing we understood it for what it was—and used it to get ready for what was to come.

SUPPORT FOR THE VIOLENCE AGAINST WOMEN ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MEEHAN. Mr. Speaker, we shouldn't need the sad story of O.J. Simpson's marriage to show us why we need the Violence Against Women Act. Every day and every night, thousands of men abuse their wives and girlfriends. Most of the men aren't former football stars, and most of the women they hurt don't look like models. But the pattern of obsession and violence is often the same.

Wife and girlfriend beating isn't the only kind of domestic violence against women. According to the Justice Department, girls under the age of 12 account for 16 percent of reported rapes. In 90 percent of these rapes against girls under 12, relatives and family acquaintances were the perpetrators.

In 1993, 43 people died as a result of domestic violence in Massachusetts alone. That's one murder every 8 days. As a former prosecutor with extensive experience in domestic violence cases, I know that this is more than an alarming statistic—it's an accounting of real people dying senselessly, and many of them could have been saved if the system had acted in time.

Here are some of the women who died last August in my State:

August 1: Patricia Aquino, 33, of Dorchester.

August 4: Mary Ellen Rhodes-Rice, 49 of West Barnstable.

August 9: Tina Mcleod, 26, of Lawrence.

August 14: Kelly Richards, 27, of West Springfield.

August 23: Ann-Marie Yukovitch, 39, of Watertown.

August 31: Cindy Squailia, 27, of Wareham.

In memory of these women, I hope the House will support funding for the Violence Against Women Act.

INTRODUCTION OF THE FAIR INTERNATIONAL STANDARDS IN TRADE ACT OF 1994

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SANDERS. Mr. Speaker, I am today joined by a very distinguished group of my colleagues to introduce a very important bill—the Fair International Standards in Trade [FIST] Act of 1994—to change how our Nation goes about negotiating any future trade agreements and what must be contained in those agreements.

Last month, I was one of 36 Members of Congress who wrote to President Clinton to underscore our view that we have entered a new era in which any future trade agreements that seek to expand international trade and to eliminate unfair trade practices must also include strong, enforceable provisions to promote international respect for fundamental worker rights, environmental standards, and sustainable development. Specifically, our letter urged the President to take three actions:

One. Not to seek reauthorization of the Generalized System of Preferences [GSP] Program as an add-on provision to the impending Uruguay Round-GATT implementation bill;

Two. Not to seek an extension of new trade negotiating authority and fast-track procedures as an add-on provision to the aforementioned GATT implementation bill; and

Three. If No. 2 is disregarded, to couple any request for new trade negotiating authority with a binding requirement that any future trade agreements must include enforceable worker rights and environmental standards within the terms of those agreements. The text of that letter and its cosigners is included with this statement.

I regret to say that the Clinton administration has turned a deaf ear to all three of our appeals. They are, indeed, pushing behind the scenes for a 10-year reauthorization of the GSP Program and a 7-year blank check extension of new trade negotiating authority and fast-track procedures to be tacked on to the GATT implementation bill—a bill of several thousand pages—that is moving through the House Ways and Means and Senate Finance Committees at breakneck speed.

The only crumb the Clinton administration has thrown to us is a provision in their request for a 7-year extension of trade negotiating authority and fast-track procedures that would make worker rights and environmental standards a negotiating objective for possible future agreements.

But we will not be deterr by this largely empty gesture. The linkage of internationally recognized worker rights and labor standards has been a principal U.S. negotiating objective in multilateral trade negotiations in one form or another that has been included in U.S. trade law since 1974. Sadly, U.S. trade negotiators, across Democratic and Republican administrations alike, have failed miserably on this score, yet asked the Congress to approve several major international trade agreements anyway. This latest open-ended, vague pledge by the U.S. Trade Representative [USTR] does not ensure that our legitimate trade-related worker rights and environmental concerns will be seriously redressed within the terms of any new trade agreement.

Hence, the time has come for the Congress to require by law that enforceable worker rights and environmental standards be included within the terms of any new trade agreement before the President of the United States enters into and commits our country to approval of that agreement. That is precisely what the bill I am introducing today does.

This bill prohibits the President from entering into any new trade agreement that does not contain provisions that require each signatory country to the agreement to:

One. Adopt and enforce laws to afford internationally recognized worker rights in that country;

Two. Adopt and enforce laws to promote respect for internationally recognized environmental standards in that country; and

Three. Treat as an actionable unfair trade practice, backed by potential sanctions, the systematic denial or practical nullification of internationally recognized worker rights and environmental standards as a means for any signatory country to seek to gain a competitive advantage in international trade.

To his credit, President Clinton has stated on several occasions he has committed his administration to promoting respect for the environment and worker rights as essential building blocks for expanding international trade and rekindling growth in the global economy for the rest of the 1990's and beyond.

This bill should help him follow through on those very important commitments. It reflects a growing outcry inside and outside the Congress, at home and abroad, that global economic integration must be structured in law and practice to benefit working people as well as consumers, business, and entrepreneurs and to protect our shared natural environment.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 9, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: We heartily applaud your official statement in January in Brussels in which you reaffirmed your prior policy commitments to promoting respect for the environment and worker rights as essential building blocks for expanding international trade and rekindling growth in the global economy.

In keeping with your policy pronouncements, we are writing to underscore our view that we have entered a new era in which any future trade agreements that seek to expand international trade and to eliminate unreasonable and unfair trade practices must also include strong, enforceable provisions to promote international respect for fundamental environmental standards, worker rights, and sustainable development.

Some of us voted for implementation of the North American Free-Trade Agreement (NAFTA), while others of us voted against it. We may also differ among ourselves when the time comes for us to vote on the legislation to implement the results of Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

But we all share a common belief that it is in keeping with both the U.S. national economic interest and a better world to work for a more sustainable integration of the global economy which benefits the most people, not just a comparative few, and helps protect the environment. To accomplish this, we believe that any future trade or investment agreements to which the U.S. becomes a party (whether multilateral, regional, or bilateral) must include binding provisions within the terms of the agreements themselves, which assure the adoption, implementation, and enforcement of fundamental environmental safeguards and worker rights within each of the countries party to such agreements.

In the 1990s and beyond, increased levels of trade, investment and international economic interdependence result in the economic conditions in one national economy being felt more quickly and sharply in other national economies. Through the negotiation of agreements such as the Montreal Protocol, the U.S. and the rest of the international community have also recognized that the activities of individual nations can have profound environmental consequences that extend beyond national borders. The expansion of international trade, in theory, still presumes to promote the security and living standards of all the world's people and to safeguard our common environment. Yet there is a growing realization that, in practice, trade can have the opposite effect in many instances, despoiling the environment and undermining working and living standards for many people in both developing and developed countries.

For example, the GATT and the NAFTA spell out rules with regard to capital subsidies, dumping, and intellectual property rights to promote fair competition in world trade, but ignore the relevance of the conditions under which exports are produced and services rendered to the promotion of fair competition in world trade. No country's comparative advantage should be based upon the degradation of that country's natural resources and the environment, failure to protect the global commons, or the systematic exploitation of its workers. While the NAFTA tangentially breaks some new ground in dealing with the environment, and to a lesser extent worker rights, there still are no trade rules or disincentives to deter any trading nation from seeking competitive advantage by despoiling its environment or brutalizing its workforce. These shortcomings display outdated reasoning and skewed priorities rather than common logic and understanding of how the global marketplace operates in the real world.

In the post-NAFTA climate on Capitol Hill, it will probably be necessary to enhance and institutionalize consideration of environmental and worker rights concerns in U.S. negotiating objectives and trade laws in order to forge broad congressional support for future trade agreements.

In fact, comprehensive, generic legislation to link environmental safeguards and worker rights to the conduct of U.S. trade policy is certain to be introduced this year. Such legislation should send a clear message to our trading partners that we are serious about protecting the environmental and worker rights at the same time we pursue further trade liberalization and greater competitiveness.

Such legislation should send a clear message to our trading partners that we are serious about protecting the environment and workers rights at the same time we pursue further trade liberalization and greater competitiveness.

In the meantime, we have identified three options we urge you to embrace at this time.

First, the Generalized System of Preferences (GSP) will expire in September unless re-authorized. We urge that respect for fundamental environmental standards be added to the mandatory eligibility criteria to be met in order for a developing country to be eligible for GSP trade preferences and duty-free access to the U.S. market. Also the worker rights provisions that were added to that law in 1984, and that have already proven very useful in persuading GSP beneficiary countries to improve their national worker rights laws and practices, need to be strengthened.

We want to work closely with you and take whatever time is needed to agree upon strong environmental and worker rights provisions to be included in any GSP re-authorization bill. Accordingly, we urge that you not seek a simple re-authorization of the GSP program as an "add-on" provision to a Uruguay Round GATT implementation bill that may be submitted to the Congress as soon as this spring.

Second, we anticipate that you will soon request the extension of trade negotiating authority to pursue new trade agreements and to request that "fast-track procedures" apply to congressional consideration of the implementing bills of any resulting agreements. We learned during the NAFTA negotiations and the debate leading up to the vote on its implementation that many members of Congress have many questions and unresolved concerns about future use of "fast-track procedures." Accordingly, we again urge that you not request any extension of your trade negotiating authority and "fast-track procedures" within the provisions of the forthcoming GATT implementation bill. Such a request is so important that we should debate it on its own terms as a separate bill.

Third, when you seek such an extension, we urge that you couple your request with a proposed requirement that any future trade agreement and its implementing legislation must include binding provisions within the terms of that agreement and implementing legislation, which assure the adoption, implementation, and enforcement of fundamental environmental safeguards and worker rights within each of the signatory countries if it is to be considered under "fast-track procedures" in the Congress.

We hope you will agree that what is urgently needed is a broader vision, new policies, and new trade agreements which reflect the fact that trade is not an end in itself. Fair competition in world trade should renounce and discourage the wanton destruction of the environment and systematic labor repression. U.S. leadership should hasten the day when world trade is structured under explicit rules and in practice to enhance environmental protection and to improve worker and living standards everywhere.

Mr. President, you have often spoken quite eloquently of our country's need to embrace economic change and to seize the historic opportunity at hand to exercise American leadership within the community of nations to open a new era of expanding international trade and secure investment. At the same time, together we can help awaken the world to the reality that trade is not an end in itself, but rather a very important means to a brighter, more equitable, and environmentally sustainable future for all of the world's people.

We look forward to working with you and officials of your administration on these and other approaches that are responsive to these broader, trade-related concerns that affect all of us.

Sincerely yours,

Jolene Unsoeld, Barney Frank, George Miller, John J. LaFalce, Helen Delich Bentley, Doug Applegate, George E. Brown, Jr., Dick Durbin, Bernard Sanders, Esteban E. Torres, Sidney R. Yates, Eric Fingerhut, David E. Bonior, Ron Dellums, Peter DeFazio, Bobby L. Rush, Austin J. Murphy, John Spratt, Jr., Lane Evans, Marcy Kaptur, Patsy T. Mink, Melvin L. Watt, Bob Filner, Elizabeth Furse.

Tom Barlow, Don Edwards, Leslie Byrne, Lynn Schenk, Dick Swett, Jerrold Nadler, Sherrod Brown, Louis Stokes, Nydia Velázquez, James Traficant, Neil Abercrombie, Tim Holden.

REGIONAL FISHERY MANAGEMENT COUNCILS ETHICS ACT OF 1994 INTRODUCED

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mrs. UNSOELD. Mr. Speaker, today I am introducing comprehensive legislation to respond to widespread concerns over how our Federal fisheries are being managed under the Magnuson Fishery Conservation and Management Act [MFCMA or Magnuson Act]. Joining me in introducing this bill is my Washington State and Merchant Marine and Fisheries Committee colleague Representative MARIA CANTWELL.

The Magnuson Act was enacted in 1976 to provide for the conservation and management of important fishery resources off the coast of the United States. It established a 197-mile Fishery Conservation Zone, now referred to as the U.S. Exclusive Economic Zone [EEZ], adjacent to the then 3-mile territorial sea. The Magnuson Act established sovereign rights and exclusive management authority over all marine resources, except for tuna, within the EEZ.

A principal purpose for enacting the Magnuson Act was to control the heavy foreign fishing off our coast that occurred in the years preceding the statute's enactment. In addition to restricting foreign access to U.S. fishery resources, principal goals of the act were to establish sound conservation and management practices and to encourage the development of the domestic fishing industry.

To allow broad-based participation in the management process, the Magnuson Act created eight regional fishery management councils. Each Council is comprised of State and Federal officials and interested fishing industry, sport fishing, academic and environmental representatives. The primary responsibility of the councils is the development of fishery management plans for important fishery resources. National conservation and management standards are established in the Magnuson Act, and these standards must be met in developing the fishery management plans. For each fishery the plans set the optimum yields to be harvested annually, the total allowable level of foreign fishing, and the rules governing the harvesting and landing of fishery resources by both U.S. and foreign fishermen.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration [NOAA], administers the Magnuson Act and has responsibility for reviewing and approving each fishery management plan and plan amendment prepared by the Councils. The Secretary of State, in consultation with the Secretary of Commerce, is responsible for allocating any surplus fish not harvested by U.S. fishermen among foreign nations and for negotiating governing international fishery agreements.

In the years since enactment of the Magnuson Act, two of its principal goals have been accomplished. The development of the domestic industry has been largely achieved with the full utilization of virtually every commercial fishery in the EEZ. This in turn has accomplished an additional objective of restricting foreign access to U.S. fishery resources, because foreign fish harvesting and processing activities have now been displaced by the U.S. industry, which is given priority access to the resource under the act.

However, the development of the domestic fishing industry has been, in some measure, a victim of its own success. It has placed increased pressure on the conservation and management objectives of the Magnuson Act and has created a new set of problems unknown to the authors of the act in 1976. Specifically, the displacement of foreign fleets has increased competition among domestic users for access to the resource.

These developments have in turn put increasing pressures on the Council system. The objective of creating broad-based participation in the fishery management process by those who know the most about the fishery has created a significant tension in the Council system where the most knowledgeable and experienced in the industry are often those with the greatest potential to benefit monetarily by the regulatory decisions of the Council. The act has historically permitted commercial fishermen and others whose livelihood depends on the resource management decisions of the Council to be put in charge of those very decisions.

Nowhere are these conflicts more clear than with economic allocation decisions. Management decisions made for reasons other than the conservation and management of the resource are necessarily economic in consequence if not motivation. They require a higher standard of scrutiny and care by Council members who are charged with the stewardship of the natural fisheries resources.

Contributing to a loss of confidence are Council procedures which do not adequately disclose, on the record, information about the interests of witnesses and which limit public participation through cumbersome agenda procedures which make it difficult to know when and what issues will be raised during weeklong Council meetings.

The clear success in the Americanization of our fisheries resources has been shared by American fishermen and American processors who have managed the process through their unique role on the Councils. Absent from the table when management decisions have been made, however, is the American public for whom our national fisheries are a shared resource.

Mr. Speaker, over the past 18 months our Fisheries Management Subcommittee has held numerous oversight hearings on our Federal fisheries management system in anticipation of reauthorization of the MFCMA. Numerous witnesses—representing every aspect of the Council management spectrum—testified before our committee. Nearly all suggested some type of reform was needed to restore the credibility of the decisions made by the Councils. Some suggested that allowing industry representatives to manage themselves creates a system rooted in conflicts of interests. An editorial in the Anchorage Daily News summed up this concern this way:

> The Council system is ethically bankrupt. We don't let Exxon, ARCO, and BP run the Alaskan State Department of Environmental Conservation. We don't put people from phone and electric companies in charge of the state public utilities commission. We shouldn't turn federal fisheries over to fishermen whose decisions directly affect their personal fortunes.

Other witnesses provided our subcommittee with specific examples of the conflict of interest problems inherent in the current system. For example, excerpts from transcripts of North Pacific Council meetings where a controversial plan to allocate pollock was being discussed reveal one Council member stating:

> The big thing here is that we all know how we're going to vote. We can hire legal staff to put it in legal order. The whole thing—we could have voted first and . . . taken the afternoon off and go [sic] on a tour of the city while they testified.

Later in the same meeting regarding the quality of analyses necessary for plan approval, a Council member states:

> Now what we're looking for, I take it, is the minimum that the judge will let us by on not knowing which judge will be looking at it.

Later, when the Council was considering whether an alternative management proposal known as ITQ's should be considered, a member of the Council asks in response to the decision not to include this alternative:

> Should we just include a paragraph (in the plan) that told the truth? Such as we had people that were running for public office that didn't want to face the heat of making an ITQ decision?

Perhaps just as powerful, Mr. Speaker, is the testimony provided by Mr. Frank DeGeorge, inspector general of the U.S. Department of Commerce, based on his criminal investigations of the Council system. His March 23, 1994, testimony stated his findings that Council members vote on matters in which they have direct financial interests. However, because the Magnuson Act specifically exempts council members from legal prohibitions on such conflicts, they technically did not violate the law. Further, the inspector general stated:

> I believe that the laws that apply to other federal operations should also apply to fishery management councils. Public confidence in the process that manages a public resource depends on the absence of even an appearance of conflict.

Mr. Speaker, all in all the record of our subcommittee's hearings indicates numerous commercial fishing interests, recreational fishing interests, conservation groups, government officials, and three of the regional councils want some kind of reform of the Councils. Clearly, this diversity of interests with a common concern sends a clear message that something must be done.

The bill we are introducing today responds to these concerns. It is called the Regional Fishery Management Councils Ethics Act and it is intended to improve the Council process and restore public confidence in the Federal management of our Nation's fisheries. Specifically, this bill:

Establishes more stringent financial disclosure mechanisms for Council members;

Establishes a recusal mechanism to prevent Council members from voting when a direct financial conflict exists;

Authorizes Secretary to remove Council members for violating conflict of interest provisions;

Modifies application of 18 U.S.C. §208—criminal conflict of interest provisions—to cover violations of new conflict of interest provisions;

Reinstates portions of the Federal Advisory Committee Act to require expanded public availability of documentation at Council meetings and improve public participation at Council meetings;

Requires Council members to take oath stating their commitment to conserving and managing the living marine resources of the United States for the best interest of the nation;

Requires Council staff to be impartial and provides them with whistleblower protections;

Requires two-thirds vote for economic allocation decisions.

My bill also introduces additional procedural mechanisms designed to promote and support an improved Council system that is more accountable to the public. I have focused on these issues initially because we must get the Councils back on track before our Nation's fisheries pass the point of no return.

Finally, Mr. Speaker, I want to state my strong views that in addition to council procedure reforms other changes to the act are both necessary and essential. Specific to the North Pacific Council is the industry's proposal to expand Washington State representation on the Council and to provide for an individual transferable quota management regime for the ground fisheries. On a national level—and as stewards of these resources—we must confront and respond to the increasing concerns of waste and by-catch in our fisheries. Our goal must be to minimize by-catch, eliminate high-grading and dumping.

Mr. Speaker, we have a lot of work to do during reauthorization of the MFCMA to assure the American public that the decisions made in the Councils are for the long-term good of the industry, the resource and the country, not just for the short-term profit of Council members. The act we are introducing today represents the first important step.

REGIONAL FISHERY MANAGEMENT COUNCILS ETHICS ACT OF 1994

SECTION-BY-SECTION ANALYSIS

Purpose of the Legislation

The purpose of this bill is to improve the functioning of the Regional Fishery Management Councils under the Magnuson Fishery Conservation and Management Act and to restore public confidence in the stewardship of national fishery resources.

Section 1—Title

This section cites the short title of the bill as the Regional Fishery Management Councils Ethics Act of 1994.

Section 2—Findings, Purposes, and Policy

This section clarifies the statement of purposes and policies of the Magnuson Act to emphasize that the Councils are to exercise their stewardship of the fishery resources in a manner free from conflicts of interest affecting Council members. The findings are amended to include a reference to Agenda 21 of the United States Conference on Environment and Development and the importance of promoting the sustainable use of the Nation's fishery resources.

Section 3—Conflicts of Interest

Publicized reports of conflicts of interest among Council members brought about by the increased competition among user groups has focused attention on the potential for abuse and self-serving decisions present in the current system.

The Magnuson Act currently requires Council members and other "affected individuals" to disclose their financial interests as they relate to any harvesting, processing or marketing activity in connection with a fishery over which the Council has jurisdiction. It does not, however, require a member to recuse himself or herself once having made the disclosure, even if a Council member would benefit directly from a Council vote.

Section 3(a): amends and broadens the disclosure requirements to cover an expanded range of "conflicts of interest." These changes require a Council member holding a financial interest that would be affected by an action of the Council to recuse him or herself from voting on such action. If the ability of a Council member to vote is challenged by another Council member on this basis or the member in question requests clarification, the issue is to be resolved first by the NMFS Regional Director with the advice of counsel. This decision may be appealed to the Secretary who is to make the final determination within a thirty-day period. In the event that the Secretary reverses the Regional Director and determines that the Council action would had a different outcome but for the Regional Director's decision, then the Secretary must remand to the Council for reconsideration consistent with the Secretary's decision. This section also modifies the application of 18 U.S.C. §208 to Council members by expanding coverage to include violations of these new conflict of interest provisions.

Section 3(b): authorizes the Secretary to remove for cause a Council member who violates the Act's conflict of interest prohibitions.

Section 3(c): establishes an oath emphasizing the important role of Council members as stewards and trustees of our Nation's fisheries resources.

Section 3(d): sets conduct criteria for Council staff. The importance of maintaining impartiality and the appearance of impartiality in the Council process is not limited to Council members themselves, but extends to the Council staff as well. To be sure that they are not left out by implication or otherwise, new provisions, patterned after existing Department of Commerce regulatory guidelines, are included for Council staff.

Section 3(e): establishes "whistleblower" protection provisions to ensure Council staff are able to act impartially and report violations without fear of retribution.

Section 3(f): adds to the itemization of prohibited acts in the Magnuson Act the failure of a Council member to seek recusal where required under this section as well as the submission of false information or the failure to submit information required under this section.

Section 4—Regional Fishery Management Councils

Meaningful participation in the Council process can be limited to the extent interested parties are unable to get items on the agenda and where items that are on the agenda are changed or postponed to other times. This can result in extraordinary costs to participation in the process requiring all interested participants to schedule the full week or more during which Council meetings take place in order to be sure that surprise action is not taken or that other matters are not considered for which one would have no notice.

Section 4(a): addresses procedural deficiencies with the Council system. Council decisions increasingly rely on information presented in public hearings and at Council meetings. Although minutes are required to be kept, they are insufficiently precise and can be unreliable given their summary nature.

The Magnuson Act originally placed the Councils under the Federal Advisory Committee Act (FACA). They were subsequently exempted from FACA coverage because some of the Councils had complained that the procedural requirements of FACA were hindering the interaction of the Councils with their own scientific and statistical committees and advisory panels.

This section restores portions of "FACA" and adds new procedural provisions to ensure that the Councils function with renewed public credibility and accountability, including; 1) providing a mechanism to place items on the Council's agenda and to impose some discipline on the agenda process, requiring that witnesses presenting the testimony make a statement of qualifications and a statement of interest so that the probative value of the subsequent testimony can be appropriately weighed and balanced by Council members, and requiring such testimony to be made under oath to enhance its reliability.

Section 4(b): establishes the requirement that Fishery Management Plans (FMPs) be based on a "clear preponderance of the evidence in the record." This provision is intended to ensure that FMPs are supported by the evidence and reports submitted to the Councils.

Section 4(c): establishes time limits for regulatory amendments to FMPs. There is currently no statutory time limit for regulatory amendments. Some regulatory amendments developed by the Councils take longer to be approved and implemented than plans or plan amendments.

Section 4(d): expands prohibited actions to include knowingly submitting or presenting false information to a Council or the Secretary.

Section 4(e): subjects Council actions to judicial review.

Section 5—National Standards

Section 5(a): modifies National Standard No. 1 to further emphasize conservation goals, including the protection of spawning and nursery areas and prevention of overfishing, and minimization of by-catch.

Section 5(b): amends National Standard No. 5 by requiring conservation management measures to promote "reduction of excess fishing capacity and bycatch."

Section 5(c): adds new National Standard No. 8 which seeks to promote "the safety of life and property at sea."

Section 6—Economic Allocations

This section addresses issues related to those difficult decisions Councils must now face involving the economic allocation of fishery resources among U.S. user groups and the need to establish limited entry systems when the Secretary determines that overcapitalization is contributing to overfishing.

Section 6(a): amends existing standards to require an affirmative vote of not less than two-thirds of the voting members for any Council decision involving an economic allocation. This is designed to ensure that decisions as significant as these reflect a broad consensus of the Council.

Section 6(b): requires Councils to develop a limited entry system for fisheries when the Secretary determines overcapitalization is contributing to overfishing in that fishery. This section also removes the restriction prohibiting the use of limited entry systems.

Section 7—Implementation of National Standards

The advisory guidelines established by the Secretary and based on the National Standards to assist in the development of fishery management plans currently do not have the force and effect of law.

Section 7: removes this limitation and gives the National Standards the force and effect of law.

Section 8—Non-Industry Representation

Although properly entitled to be involved in the decision-making process governing a national resource taken by fishermen every year, consumers, conservationists and other non-industry stakeholders of our fishery resources have long been absent from any meaningful role in the Council process.

Section 8: insures non-industry representatives a place at the table by adding two new seats to each council dedicated to a non-industry representative.

Section 9—Effective Date

This section puts the changes of this Act into effect 90 days after enactment, and directs the Secretary to use that 90 days to prepare rules and take other implementing actions.

TRADE DEFICIT WITH JAPAN

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. DELAY. Mr. Speaker, as you know, this week the U.S. dollar reached a record post-World War II low relative to the Japanese yen. For every percentage depreciation of the value of the dollar, Japanese manufacturers pay that much less for raw materials priced in dollars in the world market, resulting in an increase in the U.S. trade deficit with Japan. Over a decade our trade deficit with Japan has continued to climb. The Federal Government has used trade restrictions and manipulated exchange rates to try to balance trade with Japan for years. However, the deficit has doubled since 1985 alone. Obviously, our current trade policies are not the answer to the problem.

I would like to bring to the table another point of view by submitting for the CONGRESSIONAL RECORD this monograph entitled "The United States Trade Deficit With Japan: Made in America" by Dr. Lawrence M. Parks. Dr. Parks recognizes that trade negotiators have overlooked the concept of the quality of money. Monetary policy influences, if not determines, capital investment and international trade. He states that the debasement of the dollar has an adverse affect on long-term nominal interest rates that becomes even greater when applied to long-term investments, thus increasing the trade deficit. By strengthening the value of the dollar, U.S. capital investments are more likely to increase, improving the quality of goods for foreign trade and therefore our competitiveness.

In order to address the trade deficit, I agree with Dr. Parks that it is imperative to develop a sound economy and currency. By doing so, we will focus on a solution that has long been overdue. Dr. Parks offers an informative and rational proposal to settle the trade deficit debate and restore America's competitiveness. I encourage my colleagues to read and consider his piece.

THE UNITED STATES TRADE DEFICIT WITH JAPAN: MADE IN AMERICA

(By Lawrence Parks)

Summary: The United States trade deficit with Japan is primarily driven by the higher rate, actual and expected, at which the Dollar is being debased relative to the Yen. It is not due to any industrial policy of the Japanese Government. The debasement difference may appear small, but, because of the effect it has on long-term nominal interest rates, and as a result of interest rate compounding, the effect of debasement becomes large when applied to long-time-horizon investments. The advantage that Japan has had in long-time-horizon investments has given rise to the trade deficit.

As a matter of principle, the stronger a nation's currency, that is, the less susceptible it is to debasement, the greater the trade advantage that country has over those with weaker currencies. This is totally contrary to the untrue and widely accepted notion that countries that weaken their currencies enjoy a sustainable trade advantage because their exports become cheaper. Also, while Japan has not been completely open to foreign goods and services, competitive advantage is never sustained by tariffs and other trade barriers. Consider:

First, there is no historical precedent where fiat currencies did not become severely debased. All over the planet, fiat currencies are being debased, as evidenced by inflation everywhere. The market translates varying currency debasement rates—which are the essence of currency risks—into long-term nominal interest rate differentials. The higher the actual or anticipated currency debasement, the higher the relative long-term nominal interest rates in the affected country. Figure 1 [all illustrations referred to have been omitted] shows the long-term nominal interest rate differentials between the United States and Japan (1977–1992).

Second, increasing long-term nominal interest rates cause long-term investment activity to decrease because it is highly sensitive to slight changes in interest rates when such changes are compounded over many years. Over time, as long-term nominal interest rates increase, decreasing present values cause a dynamic reallocation of capital from investments in long-term economic activities to investments in short-term economic activities.

Table 1 depicts the present value of $1 for varying interest rates and time periods. As can be seen, for investments with expected lives of 15 to 20 years, a nominal interest rate differential of 5 percent results in present value changes of more than 2:1. Thus, a 5 percent lower long-term nominal interest rate (and a differential that is the consequence of a stronger currency), results in an overpowering competitive investment advantage of more than 100 percent over a country with the higher long-term nominal interest rate (which is a consequence of an actual and expected higher debasement rate).

For the years 1977–92, Figure 2 shows the relative present value investment advantage of Japan over the United States for investments with expected lives of 20 years or more due to Japan's lower currency debasement rate. The average 84 percent present value advantage is so great that entire industries, especially those that are capital intensive or require long investment horizons, have migrated from the United States to foreign shores.

Thus, the United States' emphasis upon the short-term as compared to the Japanese long-term perspective is not due to some American cultural deficiency. It is a rational market response to relatively higher actual and expected currency debasement (as reflected in measured inflation) and concomitant higher long-term nominal interest rates.

This result is confirmed by historical experience. The inherent constraints of the Gold Standard reduced the risk of currency debasement so that long-term nominal interest rates were substantially lower, and the investment horizon was much longer. In 1882, for example, a railroad company sold 1,000 year bonds, and earlier in this century there are many examples of 100 year bonds. For the same reason, the savings rate in the United States was much higher. A shorter investment horizon and a lower savings rate are a logical identity. Actual and expected currency debasement is the cause of both.

Third, as long-term nominal interest rates increase, there is not only a dynamic reallocation of financial capital, there is also a dynamic reallocation of intellectual capital from the long term to the short term. That is part of the reason why in America there has been a 25 percent dropoff in engineering and science education—which skills are mostly used in long-term economic activities—from 8 percent of the student body in the 1970's to about 6 percent today. Not surprisingly, there has been a corresponding increase in skill sets that are focused more on short-term economic activities, such as lawyering or other services.

As a result of a lower currency debasement rate—as manifested by lower nominal inflation and lower long-term nominal interest rates—Japan's present value of long-term investments is higher. Consequently, more long-term economic activities, such as research and development, are undertaken. In a similar way, because manufacturing is more capital intensive than services, in the United States there has been a reallocation from a manufacturing economy, which generally requires a longer planning and investment horizon, to a service economy, which generally requires a shorter planning and investment horizon.

The resulting greater allocation of capital to research and development and to other capital intensive economic activities during the past fifteen-years has given Japan a definitive competitive advantage in product development and innovation. At the same time, a lower cost of capital has enabled Japan to offer customer financing of its goods and services at better rates. Thus, Japan has been able to produce better products at a lower cost than the United States for almost fifteen years. This is the root cause of the trade imbalance.

Over time, currency debasement rates may vary, and relative competitive advantage may shift from one country to another. However, without exception, there is less accumulation of capital (both material and intellectual), shorter investment horizons, less savings, less long-term investment and fewer well-paying jobs than there would otherwise be if there were sound currencies.

In many countries, and especially in the United States, long-term nominal interest rates, together with taxes and regulatory

burdens, are so high that there has been a continuing contraction in the productive asset base, especially intellectual capital. As currency debasement persists, the continuing reallocation of capital causes a corresponding decrease in high-value-added employment and production, higher unemployment, and a decrease in the standard of living.

The speed at which various currencies are debased is determined by fiscal and monetary policies of the various countries. Because Japan has more conservative fiscal and monetary policies, there is less current and anticipated debasement of the Yen relative to the Dollar. Thus, Japan continues to enjoy a competitive advantage over the United States and the trade imbalances persist. A return to sound money is a precondition for restoring America's economic and industrial competitiveness that once was, and could be again.

H.R. 4684, DEPARTMENT OF ENERGY HIGH ENERGY AND NUCLEAR PHYSICS AUTHORIZATION ACT OF 1994

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. BOUCHER. Mr. Speaker, today I am introducing the Department of Energy High Energy and Nuclear Physics Authorizing Act of 1994, along with the chairman of the Science, Space, and Technology Committee, GEORGE E. BROWN, JR., the ranking Republican member of the Science Subcommittee, SHERWOOD BOEHLERT, and other members of the committee. The bill would provide for authorization of appropriations and program direction for the Department of Energy's [DOE's] high energy and nuclear physics programs.

Mr. Speaker, high energy and nuclear physics have proven their worth to society, time and time again. For example, modern technological developments, such as electronics, take advantage of early discoveries in these fields. In addition, the DOE laboratories which provide the facilities for high energy and nuclear physics research and the research and development conducted at these facilities supply other scientific fields with valuable equipment and engineering insights. For example, accelerator and detector development has spurred advances in proton cancer therapy, radioactive isotope production, advanced materials research, high-speed data acquisition and analysis, and computer architecture.

Most importantly, the pursuit of knowledge for its own sake undergirds our definition of Western civilization. High energy and nuclear physics seek a fundamental understanding of matter, energy, and the universe; and the public follows each high energy and nuclear physics discovery—such as the recent evidence for the top quark—because these discoveries help us to understand the origin of the things we see around us. We must maintain our commitment, therefore, to such fundamental research.

RECENT DEVELOPMENTS IN THE FEDERAL SUPPORT OF HIGH ENERGY AND NUCLEAR PHYSICS

Last year, the House of Representatives orchestrated the termination of the superconducting super collider [SSC]. The demise of the SSC reduced the Federal budget for high energy physics by 50 percent and thwarted the aspirations of high energy physicists for a new frontier in high energy physics research. Thus, at the beginning of this year, the high energy physics community went back to the drawing board to develop a new long-range plan.

We now have the product of their work—a masterful and responsible plan for the future of high energy physics through the beginning of the next century. The report—the DOE High Energy Physics Advisory Panel's [HEPAP's] Vision for the Future of High Energy Physics—allows for exciting, promising physics within a very modest budget. HEPAP's policy proposals deserve our support. They include recommendations for specific funding levels for high energy physics in each of the next 4 years, for U.S. participation in the large hadron collider [LHC] project at the European Organization for Nuclear Research [CERN], for HEPAP to review the field in its entirety every 2 years, and for DOE to assess, immediately, its governance of the field.

The Nuclear Physics Program at DOE has also suffered in recent years, although bold, high profile projects like the SSC were never pursued. For instance, in the fiscal year 1995 budget request, DOE reduced the nuclear physics budget from $349 to $301 million. The Department then admitted that this request was in error and directed the joint DOE and National Science Foundation Nuclear Science Advisory Committee [NSAC] to detail reasonable funding requests in time for consideration by the Appropriations Committees in the fiscal year 1995 budget cycle. As a result, the House Appropriations Committee restored $34 million in nuclear science funding.

In the meantime, unsure of the final nuclear physics budget for fiscal year 1995, physicists developed contingency plans. In particular, Brookhaven National Laboratory delayed construction of the relativistic heavy ion collider, and scientists at the Los Alamos Meson Physics Facility agreed to terminate experiments before the end of fiscal year 1995, which is the last year of the facility's operations.

AUTHORIZATION OF APPROPRIATIONS

The bill follows the recommendations of DOE's HEPAP report for the authorization of the DOE high energy physics program to provide an extra $50 million for 3 years from fiscal year 1996–98 to the President's fiscal year 1995 request, plus inflation. The additional $150 million over 3 years will help the field to recover from the loss of the SSC and allow better utilization of DOE high energy physics facilities. In fiscal year 1999, the request drops the $50 million add-on. In fiscal year 1995, the President's budget request was $621.9 million. The authorized level would be $695.4 million in fiscal year 1996, $744.9 million by fiscal year 1998, and $713.6 million in fiscal year 1999.

For nuclear physics, the bill follows the recommendation of the Nuclear Science Advisory Committee to provide for appropriate utilization of existing facilities and the construction of the relativistic heavy ion collider at Brookhaven National Laboratory, and is consistent with the fiscal year 1995 budget level reported by the House for the DOE Nuclear Physics Program. Over the 4-year authorization, the bill adjusts for closure of the Los Alamos Meson Physics Facility plus inflation. The authorized level would be $377.1 million in fiscal year 1996 and rise to $373.7 million by fiscal year 1999.

INTERNATIONAL SCIENCE PROJECTS

The SSC and other international science collaborations have proved that the United States is not a reliable international partner. The international science community views the United States with skepticism and suspicion whenever the U.S. Government joins in international science collaborations. In particular, the international community views the United States as unwilling to assume any role except the lead in major collaborations and unable to commit to long-term fiscal and scientific plans.

The United States must prove itself a reliable scientific partner, especially in fields like high energy and nuclear physics where next generation scientific experiments are too expensive for one country to afford. As recommended by the HEPAP report, the bill would direct the Secretary of Energy to negotiate with CERN on U.S. participation in the planning and construction of the LHC. The LHC will enable physicists to conduct some of the experiments that were planned for the SSC. In addition, the high energy physics community is anticipating the successor to the LHC, a linear collider which could be located in the United States. A successful experience in international collaboration at CERN would enhance the prospects for a post-2000 linear collider project in the United States.

PROGRAM GOVERNANCE

The physics community lacks confidence in DOE's management of its high energy and nuclear physics programs. Scientists charge that DOE does not adequately consider scientific needs in its high energy and nuclear physics funding and staff allocations; that waste results from the inappropriate application of administrative, environment, health, and safety regulations; and that the DOE Advisory Panels, especially for high energy physics, are not truly representative of the community. In response, the bill would instruct DOE to contract with an independent entity to review and address these problems. DOE must present a report to Congress within 9 months of the passage of the act.

In addition, while the nuclear physics community regularly sets and updates long-range plans for the field, long-range planning in the high energy physics community does not follow a predictable timetable. One of the recommendations of the HEPAP report is to initiate a 2-year planning cycle for high-energy physics. The bill would institute such a long-range planning process with the goal of including the first long-range plan with the President's fiscal year 1997 budget request to Congress.

SUMMARY

The Department of Energy High Energy and Nuclear Physics Act of 1994 seeks reasonable funding levels for high energy and nuclear physics research. Authorized budget levels derive from reports by scientific advisory panels as well as current funding trends. In addition, the bill would direct the Secretary of Energy to pursue negotiations on international collaboration in the LHC project at CERN and specifies

provisions that must be included in any final agreement.

While forming part of the backbone for technological development in this Nation, high energy and nuclear physics pursue the purest of scientific quests—the study of the origin and interaction of matter, energy, space, and time. After much consensus-building in the physics community concerning the responsible direction of these two fields in this budget-driven time, the Congress can support this bill with the knowledge that the hard choices have been made. High energy physics paid its deficit-cutting dues with the termination of the SSC. This bill sets high energy and nuclear physics on a proper course toward the future.

I urge my colleagues to join us in cosponsoring this legislation.

DEPARTMENT OF ENERGY STUDY ON ALASKA NORTH SLOPE OIL RECOMMENDS THE RIGHT POLICY CHOICE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. ROHRABACHER. Mr. Speaker, the U.S. Department of Energy today released its long awaited study on whether the decades-long ban on the export of Alaska North Slope oil should be repealed.

Their study recommends repeal of the ban.

The study found that there would be a significant number of benefits from allowing the export of North Slope crude oil.

This is good news for our balance of payments and for our Nation's energy security.

I urge my colleagues to read today the following Executive Summary of the Energy Department's study. Every Member's office has received the complete study. I urge every Member to closely examine this study during the July 4th district work period. The repeal of the ban on the export of North Slope crude oil will be a priority issue when we return to Washington.

EXPORTING ALASKAN NORTH SLOPE CRUDE OIL—BENEFITS AND COSTS

EXECUTIVE SUMMARY—OVERVIEW OF FINDINGS

Our examination of the Alaskan North Slope (ANS) crude oil export issue found that there would be a significant number of benefits to the United States from allowing the export of ANS crude. The principal conclusions of this study are:

1. Exporting ANS crude oil would partially relieve the downward pressure on West Coast prices of both ANS and California crude oils. Little, if any, increase in consumer petroleum prices would be likely.

2. Higher crude oil prices would lead to better oil producer profitability, which in tern, would raise investment in domestic oil production.

(a) Incremental production in Alaska and California could be as high as 100 to 110 thousand barrels per day (mb/d) by the end of the decade.

(b) Reserve additions in Alaska alone could be as large as 200 to 400 million barrels—a size that roughly equates to the known reserves in major North Slope fields such as Point McIntyre or Endicott.

3. Improving conditions for West Coast oil producers would raise royalty revenue for the Federal Government and tax and royalty revenues for the States of Alaska and California. During the years 1994 to 2000:

(a) Federal receipts related to royalties and sales of Elk Hills oil production would total between $99 and $180 million (1992 $).

(b) Alaska would gain $700 million to $1.6 billion in State severance taxes, income taxes, and royalties.

(c) California returns from the State share of Federal royalties and State and local taxes would be *$180 to $230 million.*

(d) Under the low oil price scenario three-fourths of these benefits accrue between 1994 and 1996.

4. Exporting ANS crude oil would result in a substantial net increase in U.S. employment. In all cases examined, gains related to increases in oil industry investment and State and Federal revenues would be much larger than job losses in the U.S. maritime sector.

(a) By 1995, the net increase in U.S. employment would be from 11,000 to 16,000 jobs. By the end of the decade, exporting ANS crude could generate from 10,000 to 25,000 jobs. The range of estimates grows over time due to uncertainty in future oil prices.

(b) The estimate of the level of net job generation is relatively insensitive to whether ANS oil is exported on foreign-flag, U.S.-flag, or Jones Act tankers (U.S.-constructed and -crewed). Exporting oil in foreign-flag vessels would be the least expensive option, thereby generating higher returns for producers and the State of Alaska. This would lead to the highest level of overall job creation, but also would produce the highest level of job losses in the maritime sector. Exporting ANS crude on Jones Act vessels would lower corporate returns, oil production, and revenues for Alaska, but job losses in the maritime sector would be small. These differences offset each other, thereby eliminating the sensitivity to the method of exportation.

(c) Direct, indirect, and induced employment losses related to the maritime sector could be as high as 3,300 jobs if foreign-flag tankers are employed for exports of ANS crude oil.

5. No significantly negative environmental implications were found.

(a) Lifting the ANS export ban would decrease the incentive for opening the Arctic National Wildlife Refuge (ANWR), and would not affect California production from Outer Continental Shelf (OCS) areas.

(b) No modifications to the Trans-Alaskan Pipeline System (TAPS) would be required, although incremental production arising from ANS crude exports would extend the economically viable lifetime of the system a few years.

(c) Exporting ANS crude probably would decrease crude oil tanker movement in U.S. waters.

(d) Greenhouse gas emissions from generating steam to produce additional heavy oil would increase slightly, but this increase would be insignificant.

This report does not fully address the implications of changing U.S. maritime law. For example, the report does not examine whether limiting exports of ANS crude to Jones Act vessels would be consistent with existing U.S. international trade policies and commitments. Because this report does not address these trade-related issues, it makes no attempt to weigh the benefits of lifting the ban against any costs that might result from changes in U.S. maritime law.

The aspects of the study that lead to these findings and the study methodology are summarized in the sections that follow. The body of the report and its appendices provide details.

A TRAGEDY OF ERRORS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. SMITH of New Jersey. Mr. Speaker, over the past several months, the Knox child pornography case has taken on the characteristics of a landmark court battle. What began as a routine prosecution of a man for the possession of child pornography took on new life when the Clinton Justice Department reversed the DOJ's previous position in the case and sought to weaken child pornography laws.

The Senate unanimously condemned the Department's attempt to substantially weaken Federal efforts to protect children from abuse and exploitation. The House overwhelmingly rejected this ludicrous position as well by a vote of 425–3. Furthermore, the courts—which consistently upheld the stronger standard in previous cases—strongly rebuffed the Clinton position as well on June 9 in its decision to uphold the prior conviction of Knox. Nearly half the full Congress participated as *amici* in the case in defense of children and in opposition to the DOJ position.

The following article is an excellent and incisive analysis of the decision makers at the Clinton Department of Justice and their decisions throughout this policy fiasco. Tom Jipping, who is the vice president for policy and director for the Center for Law and Democracy at the Free Congress Research & Education Foundation, has closely watched this case unfold from its genesis. He holds a law degree from the State University of New York at Buffalo and is in the unique position of having clerked for one of the Third Circuit Court of Appeals Judges who sat on the panel hearing the Knox case.

Mr. Speaker, I find Mr. Jipping's analysis both clear and thorough and trust that my colleagues will as well.

A TRAGEDY OF ERRORS: THE RENO JUSTICE DEPARTMENT AND CHILD PORNOGRAPHY

(By Thomas L. Jipping, M.A.,J.D.[1])

On February 11, 1993, President Bill Clinton announced his nomination of Janet Reno to be Attorney General of the United States. At the White House ceremony marking the event, Reno said: "I would like to use the law of this land to do everything I possibly can to protect America's children from abuse and violence."

On the one hand, Reno's statement rang hollow because her own record on obscenity and pornography during 15 years as chief prosecutor in Florida's Dade County was so poor. She was often criticized for failing to prosecute obscenity. The American Family Association of Florida opposed her nomination to be Attorney General, stating: "Dade County has more outlets for hardcore pornography than does the rest of the State of Florida * * * Janet Reno has not seriously

Footnotes at end of article.

prosecuted an obscenity case since she has taken office." The Miami Herald reported that Reno refused to accept petitions signed by hundreds of concerned Dade County residents and child advocacy groups charging that "too many sex crimes go unprosecuted in Dade [County]."[2]

On the other hand, Reno's statement sounded like it might help fulfill a campaign promise. In 1992, the Clinton/Gore campaign sent letters to concerned citizens stating that "aggressive enforcement of federal obscenity laws by the Justice Department—particularly by the Child Exploitation and Obscenity Section—will be a priority in a Clinton-Gore administration."

Reno soon had an opportunity to demonstrate whether her own record or Clinton's campaign promise would determine her approach to this important issue. A child pornography case titled United States versus Stephen Knox offered the Justice Department the opportunity to either make arguments that would aggressively enforce the federal child pornography laws or create loopholes to let pedolhiles and pornographers off the hook. The Reno Justice Department's approach to this case demonstrates that she is doing for America what she did for south Florida. Reality is sometimes starkly different from rhetoric.

I. FACTS

In March 1991, U.S. Customs officials intercepted a mailing to France requesting pornographic videotapes depicting minor girls and an envelope from the Netherlands with a catalog advertising similar material. Police arrested Stephen Knox, a man previously convicted of receiving child pornography through the mail, and seized three videotapes produced by the Nather Company in Las Vegas, Nevada. The tapes depicted minor girls dressed in bikini bathing suits, leotards, or underwear and striking provocative poses for the camera. The camera frequently zoomed in on the children's genital area. As the U.S. Court of Appeals would later put it, "[t]he films themselves * * * clearly were designed to pander to pedophiles."[3]

II. THE FEDERAL CHILD PORNOGRAPHY STATUTE

The Protection of Children Against Sexual Exploitation Act of 1977, as amended by the Child Protection Act of 1984, makes it a federal crime to knowingly receive through the mail[4] or to knowingly possess[5] child pornography. Under the statute, child pornography is: "any visual depiction [that] involves the use of a minor engaging in sexually explicit conduct."

The statute defines "sexually explicit conduct" to include: "actual or simulated * * * lascivious exhibition of the genitals or pubic area."[6]

Deciding whether the material at issue in a particular case is covered by this statute, then, requires answering two questions:

1. Does the material constitute an "exhibition of the genitals or pubic area"?

2. If so, is that exhibition "lascivious"?

The answers to these questions may to some appear to be playing with words; they nonetheless literally determine whether this federal law will be effective by producing prosecutions and convictions of pedophiles and child pornographers. Words such as "exhibition" and "lascivious" can be given broad or narrow meaning. The broader their meaning, the more prosecutions and convictions can be obtained in child pornography cases. The narrower their meaning, the fewer cases can be prosecuted and the fewer pedophiles can be convicted.

III. THE TRIAL

Stephen Knox was indicted for both receiving and possessing child pornography. He argued that the three Nather tapes did not contain an exhibition—lascivious or otherwise—of the genitals or pubic area because the minors depicted in them were not nude. As such, he did not answer the question of lasciviousness. U.S. District Judge James F. McClure, Jr., conducted a pretrial hearing on September 6, 1991. He decided that "the pubic area would appear to be the region of the human anatomy in close proximity to the genitals." Even though the genitals themselves were covered with clothing, he reasoned, "the area in close proximity to the genitals * * * was clearly exposed.

This analysis appears to define the word "exhibition" narrowly in terms of actual exposure rather than general display. Even so, since he defined the term "pubic area" broadly, Judge McClure was able to say that at least something was being exhibited. As such, he concluded, Knox's argument should be ignored and he should be tried.[7] After a non-jury trial, Judge McClure found Knox guilty on both counts and, on February 13, 1992, sentenced him to the mandatory minimum of five years in prison. Knox appealed.

IV. THE U.S. COURT OF APPEALS

The U.S. Court of Appeals for the Third Circuit[8] first decided that "[t]he district court's novel definition of the pubic area is anatomically and legally incorrect" and relied instead on the "medically accepted meaning" of the term. Looking at "the language of the statute itself," the court concluded that "Knox attempts to read a nudity requirement into a statute which has none * * * [N]udity is not a prerequisite for the occurrence of an exhibition." The court defined the word "exhibition" more broadly than the district court to mean "put on display" rather than actual exposure. The court found that the statute's legislative history and underlying rationale both supported its plain language on this issue and affirmed Knox's conviction on October 15, 1992.[9]

V. THE U.S. SUPREME COURT

A. Whether the Court Should Consider the Case

1. Stephen Knox's Position

Knox filed his appeal to the U.S. Supreme Court on January 12, 1993. The central question he raised was "[w]hether there can be an 'exhibition of the genitals or pubic area' where the genitals and pubic area are fully covered by an article of clothing." Again, he did not address the issue of lasciviousness since he insisted there was no exhibition of any kind in the material at issue.

2. The Department of Justice's Position

The U.S. Department of Justice (DOJ), now under the direction of Attorney General Reno, filed a brief in March 1993 signed by Acting Solicitor General William Bryson urging the Supreme Court not to accept the case for review for several reasons:

"There is no conflict among the circuits on this issue."[10]

The court of appeals was correct that the plain language of the statute does not include a nudity requirement but defines the term "exhibition" generally to mean "put on display."[11]

"The court of appeals correctly found no indication of any contrary intention in the legislative history."[12]

"Subsequent legislative history also supports the court of appeals' interpretation."[13]

B. The Merits of the Case

1. Stephen Knox's Position

On June 7, 1993, the Supreme Court accepted the case for review and Knox filed his brief on the merits on August 4, 1993, arguing again that there can be no "exhibition of the genitals or pubic area" if those body parts" are fully covered by an article of clothing." He again made no argument about lasciviousness since he contended there was no exhibition.

2. The Department of Justice's Position

The Department of Justice filed its brief on September 17, 1993. This time it was signed by Solicitor General Drew Days and took a completely different position. While the DOJ brief opposing the appeal six months earlier argued that the court of appeals' interpretation of the statute was correct, the brief on the merits argued that "the court of appeals . . . utilized an impermissibly broad standard."[14] In March 1993, DOJ argued that the statutory language and legislative history supported the court of appeals' interpretation. In September 1993, DOJ argued that "neither the statutory language nor the legislative history will bear such an interpretation."[15] DOJ urged the Supreme Court to "vacate the judgment of conviction and remand for consideration under the proper statutory standard."[16]

a. Definition of "exhibition".—In March 1993, DOJ argued that "exhibition" means "to put on display" as the court of appeals concluded. In September 1993, DOJ argued that "the plain language of the statute" requires showing that, in order for material to constitute an exhibition, it "must include a visible depiction of the genitals or pubic area."[17]

b. Definition of "lascivious".—No one, including Stephen Knox, had ever in this case offered a single argument about the meaning of "lascivious" in the statute. Before the Supreme Court, for the very first time, DOJ argued that, in order for an exhibition to be lascivious, it "must depict a child lasciviously engaging in sexual conduct (as distinguished from lasciviousness on the part of the photographer or consumer)."[18] That is whether a pornographic product depicting a child is lascivious must be determined, according to the Reno Justice Department, by looking at the child victim rather than the pornography itself.

Without explicitly addressing the issue, the district court clearly had assumed that the statute addressed the visual depiction of the child—that is, the pornographic product itself—rather than the conduct of the child. The court, for example, discussed "factors to be considered when determining whether a visual depiction of a minor constitutes a lascivious exhibition."[19]

Similarly, the court of appeals assumed that the statute's use of the words "lascivious exhibition" relate to the pornographic depiction of the child and not the conduct of the child. The court discussed "circumstances that made the visual depiction lascivious or sexually provocative"[20] by referring to its own precedent on the subject. That case, United States versus Villard,[21] adopted the analysis applied in United States versus Dost,[22] which also had the same focus. These factors include "the focal point of the visual depiction," the "setting of the visual depiction," or "whether the visual depiction is intended or designed to elicit a sexual response in the viewer."[23] Lasciviousness is measured by examining the depiction of the child, not the conduct of the child. The federal child pornography law criminalizes the conduct of the pornographer and the pedophile, not the child victim of their abuse.

DOJ's standard would create enormous loopholes for child pornographers to avoid prosecution. For example, under DOJ's interpretation, the statute would not cover material containing close-up shots of a sleeping

child's exposed genitals. While such material would constitute an exhibition, the child would not be acting lasciviously. Yet who would argue that such material is child pornography and those who receive or possess it should be prosecuted?

3. The Supreme Court's decision

On November 1, 1993, the Supreme Court remanded the case with the following instructions: "The judgment is vacated and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of the position asserted by the Solicitor General in his brief for the United States filed September 17, 1993."[24] The Supreme Court made no comment on whether the new DOJ position was correct.

VI. THE U.S. COURT OF APPEALS—AGAIN

A. Stephen Knox's Position

Knox filed his brief with the court of appeals on January 25, 1994. He again insisted that "there can be no 'exhibition of genitals or pubic area' * * * where the genitals and pubic area are fully covered by an article of clothing." He again made no argument about the meaning of "lascivious" but, in a footnote, said he "agrees with the government's position."[25]

B. The Department of Justice's Position

1. Definition of "Exhibition"

The Department of Justice filed its brief in February 1994 and changed its position once again. While DOJ argued to the Supreme Court that an exhibition requires a "visible depiction of the genitals or pubic area," DOJ now argued to the court of appeals that the statute "requires that the depiction in question render those body parts visible or discernible in some fashion."[26] DOJ's brief repeatedly phrased its new standard in terms of "some form of visibility or discernibility"[27] or "some discernibility."[28]

2. Definition of "Lascivious"

Admitting that Knox "never specifically raised the issue in either the district court or the court of appeals,"[29] DOJ also changed its position on the standard for determining whether a particular exhibition is "lascivious." While DOJ argued to the Supreme Court that an exhibition is lascivious if the child depicted in it is acting lasciviously, DOJ argued something different to the court of appeals. DOJ's new position was that "the conduct the minor was engaged in can be judged to constitute a 'lascivious exhibition' [if] the conduct appeals to the lascivious interest of some potential audience."[30] This standard is somewhere between the definition assumed by the district court and court of appeals and what DOJ had argued to the Supreme Court.

3. Remand to the Trial Court

The Department of Justice argued to the Supreme Court that "[t]he judgment of the court of appeals should be vacated and the case remanded to the court of appeals for further proceedings."[31] The Supreme Court complied. DOJ then argued to the court of appeals that "the appropriate course now is to send the case back to the district court for a new trial."[32] DOJ argued to the Supreme Court that even though the district court had applied "an erroneous legal theory * * * it cannot be assumed that the district court's legal error * * * infected the general verdict of conviction."[33] Therefore, the court of appeals' job is "simply to determine whether the evidence was sufficient, under the correct legal standard, to support a general verdict of guilty."[34] DOJ then argued to the court of appeals that "because appellant was never tried under the interpretation of the statute now urged by the government,"[35] the entire prosecution should begin again.

C. The Court's Decision

1. Definition of "Exhibition"

The same panel of three U.S. Court of Appeals judges heard new arguments on April 27, 1994, and issued their decision on June 9, 1994. Judge Cowen's opinion states the central holding as follows: "We hold that the federal child pornography statute, on its face, contains no nudity or discernibility requirement, that non-nude visual depictions, such as the ones contained in this record, can qualify as lascivious exhibitions, and that this construction does not render the statute unconstitutionally overbroad. Finally, we again conclude that the government presented sufficient evidence at the bench trial * * *. We thus will affirm Knox's conviction."[36]

The court denied DOJ's motion to remand the case to the district court for a new trial and reaffirmed all of the analysis and conclusions from its previous opinion with one exception. "In our prior opinion, we reviewed the legislative history and concluded that it supported our interpretation of the statutory language * * * After further examining the relevant legislative history, however, we conclude that it is wholly silent as to whether Congress intended the statutory term 'lascivious exhibition of the genitals or pubic area' to encompass non-nude depictions of these body parts."[37] This did not, however, affect the court's conclusion. If, as the court already found, the plain language of the statute is sufficient to answer the necessary questions, the burden was on Knox to demonstrate "a clearly contrary congressional intent"[38] and silent legislative history does not meet this burden.

2. Definition of "Lascivious"

The court also addressed the issue of lasciviousness—which DOJ had not argued to the court of appeals before but raised for the first time before the Supreme Court. Noting that DOJ "recedes somewhat" from its position on this issue before the Supreme Court, the court said: "We did not specifically address this aspect of the statute * * * because neither Knox nor the government presented for review or argued this aspect of the statute as something the court needed to address in order to decide the case. Upon consideration of the meaning of this statutory language, we reject any contention, whether implied by the government or not, that the child subject must be shown to have engaged in sexually explicit conduct with a lascivious intent."[39]

The court agreed with the U.S. Court of Appeals for the Ninth Circuit that "'[i]n the context of the statute applied to the conduct of children, lasciviousness is not a characteristic of the child photographed but of the exhibition which the photographer sets up for an audience that consists of himself or like-minded pedophiles."[40] As such, whether material depicts "sexually explicit conduct" is to be measured by the pornographer and the pedophile (or, in DOJ's terms, the photographer and the consumer), not their child victims.

VII. POLITICAL DEVELOPMENTS

A. The U.S. Senate

On November 4, 1993, the U.S. Senate voted 100–0 for an amendment to the crime bill it was considering which stated in part: "It is the sense of Congress that in filing its brief in United States versus Knox * * * the Justice Department did not accurately reflect the intent of Congress." That is, the existing statute is sufficient and the problem is the Reno Justice Department, not Congress.

B. The Clinton Administration

On November 10, 1993, President Clinton sent a letter to Attorney General Reno stating that he agreed with the Senate about what the proper scope of the child pornography law should be" and noting that "the Justice Department recently filed a brief in which the Department concluded that the current child pornography law is not as broad as it could be. Accordingly, the Justice Department should promptly prepare and submit any necessary legislation to ensure that federal law reaches all forms of child pornography, including the kinds of child pornography at issue in the Senate resolution." That is, the existing statute is insufficient and the problem is Congress, not the Reno Justice Department.

On November 16, 1993, the Justice Department sent to Congress a proposed amendment to the Child Protection Act. The Act already prohibits receipt or possession of depictions of minors engaged in sexually explicit conduct which, under current law, includes "lascivious exhibition of the genitals or pubic area." The Reno Justice Department's proposal would state that sexually explicit conduct includes: "(E) lascivious exhibition of the genitals or pubic area of any person, whether clothed or unclothed; an exhibition may be deemed lascivious if the depiction of the minor is designed for the purpose of eliciting or attempting to elicit a sexual response in the intended viewer; there shall be no requirement that the minor whose image is displayed in the material intend or understand that the depiction is designed for such a purpose."

Each of the three provisions of this proposed measure has a fundamental flaw. One is unnecessary, one is dangerous, and one is irrelevant. They add up to a hastily and very poorly drafted legislative proposal that is, in the words of ACLU legislative counsel Bob Peck, a "political pander rather than the result of any careful legal analysis."[41]

The first provision—that the statute applies whether the person is "clothed or unclothed"—is completely unnecessary. The statute's application is already this broad. This, of course, is one of the main issues in Knox and, as explained above, the U.S. Court of Appeals unanimously concluded that Congress considered, but rejected, a nudity requirement. The Grassley resolution adopted unanimously by the Senate and the Smith resolution already co-sponsored by a majority of House members (discussed below) reject this argument as inconsistent with Congress' intent as well.

The second provision—that an exhibition is "lascivious" if designed to elicit a sexual response—is dangerous. It appears to be drawn from a common test used by courts to determine whether an exhibition is lascivious within the meaning of the statute. The actual test, which the U.S. Court of Appeals cited in Knox, actually includes six different factors. This provision could easily be construed as reducing this multi-factor measure to a single factor. As such, this proposal arguably narrows rather than broadens the application of the child pornography statute, contradicting President Clinton's instructions in his November 10 letter. In a letter dated November 17, 1993, Pat Trueman, chief pornography prosecutor during the Bush Administration, stated that it could also lead to "First Amendment violations in enforcement, and ultimately render the law, at least this portion of it, unconstitutional."

The third provision—that the minor depicted in the pornography need not intend or understand that the depiction is lascivious—is irrelevant. The intentions or understanding of a minor are completely irrelevant in determining whether a sexual depiction of that minor constitutes pornography. a minor cannot give consent to be sexually exploited. The argument that an exhibition can be "lascivious" only if the child is actually behaving in a lascivious way (rather than the pornographic product appearing in a lascivious way) is the second major issue in Knox. This issue, however, was not raised by the pedophile but was created out of thin air and offered gratuitously to the Supreme Court by the Reno Justice Department. The Department offered no legal authority, and no legal authority exists, for its position.

C. The U.S. House of Representatives

On April 20, 1994, the House voted 426-3 for an amendment to the crime bill it was considering that mirrored the position taken unanimously by the Senate five months earlier.

VIII. CONCLUSION

Attorney General Reno promised when she was nominated to "use the law of this land to do everything [she] possibly can to protect America's children from abuse and violence." It is impossible to do so without aggressively attacking obscenity and pornography, as the Clinton/Gore campaign had promised to do. Instead, the Reno Justice Department has attempted to change the law of this land to create loopholes that will limit child pornography prosecutions and thus expose America's children to abuse and violence. DOJ first said the broad definition of child pornography applied by the court of appeals was correct. DOJ then said that definition should be narrowed. DOJ then said the proper definition was somewhere in between.

Both the legislative and judicial branches have told the executive branch that its attempt to weaken enforcement of the federal child pornography laws is politically and legally indefensible. It remains to be seen whether the Reno Justice Department will continue trying to defend it.

FOOTNOTES

[1] Vice President for Policy and Director, Center for Law & Democracy, Free Congress Research & Education Foundation. B.A. with honors, Calvin College (1983); J.D. cum laude, State University of New York (SUNY) at Buffalo (1987); M.A., SUNY-Buffalo (1989). Law Clerk, U.S. Court of Appeals (1988-89).

[2] "Activists Demand Reno Investigation," Miami Herald, September 7, 1990.

[3] United States versus Knox, 977 F.2d 815,817 (3rd Cir. 1992).

[4] 18 U.S.C. §2252(a)(2).

[5] 18 U.S.C. §2252(a)(4).

[6] 18 U.S.C. §2256(2)(E).

[7] See United States versus Knox, 776 F.Supp. 174 (M.D.Pa. 1991).

[8] The Third Circuit includes the states of Pennsylvania, New Jersey, and Delaware. Judges sit in randomly chosen panels of three to consider cases. Judges William Hutchinson and Robert Cowen and Senior Judge Joseph Weis, Jr., considered Knox's appeal.

[9] See United States versus Knox, 977 F.2d 815 (3rd Cir. 1992).

[10] Brief for the United States in Opposition, Knox versus United States, No. 92-1183, Supreme Court of the United States, at 6.

[11] Id.

[12] Id. at 7.

[13] Id.

[14] Brief for the United States, Knox versus United States, No. 92-1183, Supreme Court of the United States, at 8.

[15] Id. at 9.

[16] Id. at 9-10.

[17] *Id.* (emphasis in original).

[18] *Id.*

[19] United States versus Knox, 776 F.Supp. at 180 (emphasis added).

[20] United States versus Knox, 977 F.2d at 822 (emphasis added).

[21] 885 F.2d 117 (3rd Cir. 1989).

[22] 636 F.Supp. 828 (S.D.Cal. 1986).

[23] United States versus Knox, 977 F.2d at 822, quoting United States versus Villard, 885 F.2d at 122 (emphasis added).

[24] United States versus Knox, 114 S.Ct. 375 (1993).

[25] Brief of Appellant Stephen A. Knox, United States versus Knox, No.92-7089, United States Court of Appeals for the Third Circuit, at 6 n.2.

[26] Brief for the United States, United States versus Knox, No.92-7089, United States Court of Appeals for the Third Circuit, at 12.

[27] *Id.* at 12-13.

[28] *Id.* at 13.

[29] *Id.* at 15.

[30] *Id.* at 15.

[31] Brief for the United States, Knox versus United States, No.92-1183, Supreme Court of the United States, at 23.

[32] Brief for the United States, Knox versus United States, No.92-7089, United States Court of Appeals for the Third Circuit, at 19.

[33] Brief for the United States, Knox versus United States, No.92-1183, Supreme Court of the United States, at 22-23.

[34] *Id.* at 23.

[35] *Id.* at 18.

[36] United States versus Knox, No.92-7089 (June 9, 1994), slip opinion at 5.

[37] *Id.* at 26.

[38] *Id.*

[39] United States versus Knox, slip opinion at 24.

[40] *Id.* at 25, quoting United States versus Wiegand, 812 F.2d 1239,1244 (9th Cir.), *cert. denied*, 484 U.S. 856 (1987).

[41] Quoted in Cohen, "Clinton Approach to Child *Porn Pleases No One*," *Legal Times*, *November 22*, 1993, at 2.

HONORING DR. MARVIN LUDWIG ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a special friend and outstanding citizen of Ohio. Defiance College President Dr. Marvin Ludwig is retiring today after 19 years at the helm of this Northwest Ohio institution.

I have had the privilege of knowing Dr. Ludwig for quite some time. At Defiance College since 1975, Marvin has been instrumental in increasing the college's endowment, annual gift giving and student enrollment. He has led fund-raising for Schauffler Hall, Carma J. Rowe Science Hall, McMaster Physical Education Center and the Pilgrim Library.

Most recently, he was awarded the college's most prestigious honor, the Pilgrim Medal. This tribute was in recognition of Dr. Ludwig's nearly two decades of unselfish and highly productive dedication to the university. I must note that prior to assuming the presidency of Defiance College, Dr. Ludwig had already achieved a lifetime of service to the YMCA, church, community and higher education, both at home and abroad.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Dr. Ludwig during these past 19 years. While Marvin may be leaving his official capacities and president of the university, I know he will remain active in its well-being.

I ask my colleagues to join me in paying a special tribute to my friend, Dr. Marvin Ludwig's record of personal accomplishments and wishing him, his wife Ruth, and his family all the best in the years ahead.

GAY RIGHTS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. OWENS. Mr. Speaker, 25 years ago this week, police in New York raided a gay establishment, The Stonewall Inn. This was not an uncommon occurrence, as police frequently moved to close down places where gay people congregated. But what made the Stonewall experience unique, was that for the first time the patrons fought back. For 3 days thousands of gay men, lesbians, and their supporters took to the streets of Greenwich Village and gave birth to the present-day gay rights movement. This weekend over a hundred thousand people, joined in spirit by millions more who will not be able to attend, will gather to commemorate this important event in gay history.

We should use this time to appreciate the quest of gay people for equal, not special, protection under the law. Who would have imagined 25 years ago that openly gay men and women could work as doctors, lawyers, college professors, professional athletes, and performers, as well as serve on corporate boards, at the White House, and even as Members of Congress. The importance of this new visibility can not be underestimated.

We must never forget though, how much farther there still is to go. Two recent major victories for gay people only emphasize this distance. A lesbian mother was recently reawarded custody of her young son, after he had been removed from her home simply because she was carrying on a committed relationship with a woman. There were no other reasons—no parental neglect, no abuse of any kind.

A higher court overturned the previous court's ruling, and gave her back her child. Another court recently ruled that Margarethe Cammermayer had been unjustly kicked out of the U.S. Armed Forces. Cammermeyer, an Army nurse, was awarded the Bronze Star for her service in Vietnam and was voted Army Nurse of the Year in 1985. During an interview she did not deny being a lesbian, and her exemplary career abruptly came to an end. I laud the court's opinion and the country should be grateful to have back the service of Colonel Cammermeyer. While I stress these are victories, it is a shame they are matters the high courts must decide. Isn't it a basic right for a loving mother to have possession of her son or for a patriotic American to serve his or her country? We still have a long way to go.

As chairman of the House Subcommittee on Select Education and Civil Rights which oversees the Equal Employment Opportunity Commission, I am all too aware of the rampant discrimination gay men and lesbians face in the

work place. Last week I presided over hearings on gay discrimination and heard firsthand testimony from those suffering its effects. These men and women lost employment not because of job performance or company cutbacks, but simply because of their sexual orientation. We cannot tolerate discrimination of anyone be they women, black, Christian, Moslem, disabled, or gay. I also must commend such New York City companies as Montefiore Hospital, Showtime, Time-Warner, Planned Parenthood, and others, who have undertaken strong antidiscrimination policies and extended the same benefits to all of their employees.

We should all applaud and respect the gay and lesbian activists for many reasons. They have showed political acumen, extreme creativity, and racial inclusiveness in their fight. On the anniversary of Stonewall, I especially commend them on their spirit. Like Rosa Parks, they have refused to sit in the back of America's bus anymore, and have stood up for what it is right. It is also important that we not underestimate the extreme courage it takes to come out of the closet in a hostile world. Even though the gay community has suffered tremendous losses, especially in this time of plague, they have never given up the fight. Their unfailing commitment to fight for what is just is exactly what this country was founded on, and I extend my best wishes to these very patriotic Americans.

THE ACCESS TO MEDICAL TREATMENT ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. DEFAZIO. Mr. Speaker, today I am introducing, with Representatives NORTON, HINCHEY, FURSE, OWENS, PALLONE, and LIPINSKI, the Access to Medical Treatment Act. This legislation will allow greater freedom of choice in the realm of medical treatments by making alternative treatments more accessible to the public.

The Access to Medical Treatment Act represents a significant departure from the current paternalistic practice of medicine. It is based on two beliefs about our current health care system: First, the system limits patients' choices of medical treatments to conventional modalities; and second, the system effectively discourages the development of alternative therapies that could help treat illnesses that often are unresponsive to conventional medicine. This act opens up the health care system and market, under controlled conditions, to informed consumers.

There is a compelling need for this legislation. I have met many doctors who could better treat their patients with this legislation and many patients who desperately want more treatments available to them. Former Congressman Berkley Bedell knows first-hand the importance of this legislation and served as a catalyst for its development. While in Congress, Berkley Bedell acquired a well-deserved reputation for intellectual honesty and commitment to principle. Sometimes he appeared out of step with conventional opinion and subsequently proved to be ahead of his time. He questioned the status quo and asked if there was a better way to accomplish a task.

Congressman Bedell's Lyme disease forced him to leave the House at the end of the 100th Congress. After trying several unsuccessful rounds of conventional treatment consisting of heavy doses of antibiotics costing him thousands of dollars, he turned to an alternative treatment. He credits this treatment with curing his disease. This treatment, which is actually a veterinary treatment, consisted of nothing more than drinking processed whey from a cow's milk. After 2 months of taking regular doses of this processed whey, his symptoms disappeared. He estimates that the total cost for this alternative treatment was no more than a few hundred dollars.

In spite of Congressman Bedell's amazing recovery, and stories from others who found this same method successful, the treatment can no longer be administered because it has not gone through the FDA approval process. This is just one example, highlighted by an eminent individual, of the numerous treatments that may prove beneficial but cannot be tried without enactment of this legislation.

Shortly after Congressman Bedell recovered from Lyme disease, he discovered he had prostate cancer. Again, he found conventional treatments unsuccessful and turned to alternative medicine. This time he had to leave the country to obtain treatment because the FDA precluded his access to the treatment at home. Once again, alternative therapy proved successful for Mr. Bedell, and he has been free of cancer for 4 years.

Mr. Speaker, there are Berkley Bedells all across our country who are desperate for cures that conventional medicine simply does not seem to effectively provide. The tragedy is that individual practitioners, scientists, smaller companies, and others who lack the financial resources and expertise to confront the arduous and costly FDA approval process to get these nonharmful and possibly helpful or even lifesaving treatments on the market. The expense of the Food and Drug Administration [FDA] approval process precludes all but large pharmaceutical companies from undertaking this endeavor.

The Access to Medical Treatment Act gives patients the right to obtain nonharmful alternative treatments that have not been approved by the FDA from licensed medical doctors, chiropractors, osteopaths, and naturopaths. The intent of this bill is merely to extend freedom of choice to medical consumers under controlled situations and grant individuals access to alternative treatments that are currently off-limits. Practitioners who now use alternative, nonharmful treatments risk losing their licenses for trying to heal their patients with unconventional treatments. The bill's purpose is twofold: First, to allow increased opportunities for the trial of alternative, non-FDA approved treatments that may generate effective new approaches to treating illness; and second, to increase access to alternative, nonharmful treatments.

As with any effort to challenge the status quo there is skepticism about the implications of opening up the market to alternative treatments. We have worked hard to develop a bill that gives patients and their health care practitioners the freedom necessary to treat their illnesses while including the protections necessary to safeguard consumers from dangerous treatments and unqualified practitioners.

It is not my intention to dismantle the FDA or to weaken its authority to regulate the safety and efficacy of most drugs in this country. This legislation does not attack the FDA for the valuable role is plays in helping America maintain a top notch, high-quality health care system. Unfortunately, the expensive and extensive FDA approval process does prevent low-cost, alternative treatment from gaining access to the market.

The FDA would remain solely responsible for protecting the health of the Nation from unsafe and impure drugs. Before a treatment receives the Government's stamp of approval and has a claim of efficacy attached, it must make is through the FDA approval process.

This bill requires full disclosure to patients of the contents and possible side effects of treatments. In addition, the strict claims section in this bill mandates that patients are notified that the drug has not been proven safe of efficacious by the Federal Government.

The medical treatments prescribed must have no evidence of causing an adverse impact on individuals' health. However, if any treatment is found to cause harm, the treatment must be immediately reported to the Secretary of Health and Human Service and it cannot be utilized again.

Finally, the greatest concern expressed about this proposal is the issue of consumer protection. This is an essential part of this legislation and I, as much as anyone, want to protect sick and vulnerable individuals from negligent charlatans who would prey on their misfortunes and fears for personal gain. The Access to medical Treatment Act is armed with these protections.

In order to protect consumers, this bill limits those qualified to administer treatments to properly licensed chiropractors, medical doctors, naturopaths, and osteopaths. Most importantly, the bill strictly regulates the circumstances under which claims regarding the efficacy of a treatment can be made. It prohibits all advertising and labeling claims and any other claims by individuals for whom the underlying intent of promoting the treatment might be linked to personal financial gain.

There can be no marketing of any treatment administered under this bill. This eliminates the incentive for anyone to try and use this bill as a bypass to the process of obtaining FDA approval.

I want to protect consumer safety, but I also want to promote consumer freedom of choice. Individuals, especially those facing life-threatening and debilitating illness, should have the option of trying alternative treatments so long as they are informed of possible side effects and there is no evidence that the treatment is harmful. Opening the health care system to alternative treatments can help patients, complement conventional treatments, contain costs, and generate new ways to treating illness. This choice is one for the consumer, not the Federal Government.

Mr. Speaker, it is my hope that after debate and possible revisions from other Members that this legislation will increase the number of possible solutions available to patients.

INTRODUCTION OF CHILD LABOR DETERRENCE ACT OF 1994

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. BROWN of California. Mr. Speaker, last year, Senator TOM HARKIN and I introduced companion versions of legislation to ban the importation of products which are made, whole or in part, by children who are under the age of 15 and who are employed in either industry or mining. That legislation is H.R. 1397 and S. 616 and it is referred to as the Child Labor Deterrence Act of 1993. It has met with growing bipartisan support in both Houses of the Congress. It already has 25 House cosponsors and 16 Senate cosponsors.

Equally important, the potential for this legislation to achieve positive results can already be seen in several foreign countries. It has prompted some national governments and selected industries in developing countries to take the first tentative steps toward enforcement of national child labor laws and to address the most egregious forms of exploitation of children in the workplace such as bonded child labor in south Asia.

Specifically, the Philippine Government has introduced legislation to raise the minimum age for work.

In Bangladesh, the prospect of the enactment of this legislation—fostered by a dramatic TV exposé of young children working in garment factories making apparel that the Wal-Mart stores sold in America—has prompted pledges from the garment industry to provide schooling for those children.

In India, some carpet producers and exporters are coming forward to link up with nongovernmental organizations to establish credible means for ensuring that the hand-knotted carpets they market are not made by children. Furthermore, mass marches of antichild labor forces are building pressure on that government for national policies that meet the needs of impoverished families, thereby reducing an important inducement for the commercial exploitation of children in the workplace.

Last year the labor supplemental agreement to NAFTA put in place the provisions for possible sanctions to be invoked in cases involving child labor in the production of goods for export.

At the same time, other developed countries are witnessing a similar outcry against child labor imports. Last summer the European parliament passed a resolution calling upon the European commission to carry out an investigation into community imports of products manufactured in rehabilitation camps in China and products resulting from children's work. They also called upon the European commission to propose that the European council put a stop to such imports.

Very soon Frau Brigitte Adler, a Social Democratic Party [SPD] member of the German Bundestag, will introduce counterpart legislation to our bill. It is expected to receiving the backing of more than 120 German Parliamentarians from all across the political spectrum.

Furthermore, a coalition of German, French, Belgian, and Dutch Parliamentarians are planning to push similar legislation for adoption in the European union yet this year.

While awaiting coordinated governmental action, concerned consumers are taking matters into their own hands to ferret out imports made by child labor and to mount consumer education campaigns and boycotts against the purchase of such items. Again, in Germany, a strong consumer boycott against the purchase of imported hand-knotted carpets made by children is in full swing. Partially in response, the German Association of Carpet Importers has voluntarily committed themselves to paying at least a 2-percent surcharge on the value of every carpet they import and those funds are being set aside for the construction of schools and stipends and to meet other basic human needs of children who are freed from the looms in south Asia.

In stark contrast, the oriental rug importers in the United States so far have declined to support this legislation or to dip into their own great wealth to replace the children of the looms with skilled adult artisans who could be paid livable wages. Unlike their German counterparts, American rug importers appear unwilling to contribute one penny from their own profits to help finance positive alternatives for these children who work in virtual slavery.

I also want to call the attention of my colleagues to a growing international consensus to curb trade in child labor products.

Last fall, the Dutch economist and Nobel Laureate Jan Tinbergen convened an unprecedented seminar in Amsterdam on child labor and the exploitation of children worldwide. The testimony presented by child welfare advocates from Asia, Latin America, and Africa galvanized the Nobel laureates into action.

On January 1, 1994, 76 distinguished Nobel laureates, including Lech Walesa, Bishop Desmond Tutu, Mikhail Gorbachev, and many notable economists, issued a New Year's Day appeal for action to curb child labor and other forms of child exploitation. I ask that the full text of their message be reprinted following this statement. But I especially want my colleagues to note that among the actions cited is a call for the west to consider making economic support for countries dependent upon their commitment to the elimination of child exploitation.

I have been in close communication with the Nobel laureates and we are cooperating closely on both legislative and nonlegislative measures to curb exploitation of children in the workplace around the world.

At an unprecedented public hearing in the United States on international child labor that was convened at the U.S. Labor Department just over 2 months ago, 112 Nobel laureates, now including Mother Theresa, Nelson Mandela, and Rigoberta Menchu, the Dalai Lama, and others, announced their plans to link the work of their newly established organization, Childright Worldwide, with legislative and nonlegislative initiatives to stop child exploitation. More specifically, they expressed a strong desire to work with us on this legislation to facilitate its refinement, enactment, and enforcement.

I am very pleased to join with Senator HARKIN today in introducing the Child Labor Deterrence Act of 1994. This bill retains the key provisions of the earlier version we sponsored last year. It would require the U.S. Secretary of Labor to compile and maintain a list of industries in foreign countries that use child labor in the production of exports to the United States and elsewhere. Once the Secretary of Labor identifies a foreign industry, the U.S. Treasury Secretary is instructed to prohibit the importation of such products from an identified industry. However, the import ban would not apply if a foreign exporter and his/her corresponding U.S. importer submit to regular child labor inspections, sign certificates of origin, and take other reasonable steps to ensure that the products imported from identified foreign industries are not products of child labor. In addition, the President is urged to seek an agreement with other Governments to secure an international ban on trade in products made by child labor.

But this bill improves upon the earlier version in at least a couple of ways.

First, it builds upon some very promising developments that should make it easier to enforce this law, thus rewarding socially responsible businessmen in the marketplace at the expense of unscrupulous or uncaring exporters and importers.

We should link up and encourage those leaders inside and outside of government in developing countries who want to work with us to expand socially responsible trade that benefits workers and consumers in developing and developed countries alike.

For example, in India face-to-face negotiations between nongovernmental organizations dedicated to the eradication of child labor and carpet exporters have yielded an unprecedented system called the rugmark initiative which offers a credible means for inspecting looms and labeling those hand-knotted carpets which are made for export free of child labor. This means that for the first time U.S. importers with confidence could reasonably be expected to require that their foreign suppliers provided them only with carpets produced and reliably labeled to be free of child labor. Accordingly, our legislation encourages exporters and importers to take the reasonable step of making full use of such inspection and labeling systems as they become available on the ground in foreign countries which host industries identified with egregious child labor problems.

Second, it is entirely fitting and proper that the U.S. contribute financially to positive alternatives for the development of the children freed from the looms and other exploitative working conditions. Fortunately, the International Labor Organization [ILO] and UNICEF, in south Asia especially, are taking the lead in this regard. Our bill authorizes U.S. contributions to support these long overdue efforts.

We stand ready to listen to and respond to disparate points of view about ways in which to further improve this legislation in timely fashion. But let there be no doubt that we are firmly resolved to see it through to enactment. It is clear to us that the specter of the possible loss of access to the lucrative U.S. market via enactment of this legislation is what has prompted traffickers in child labor exports inside and outside of government circles to sit up and take notice. We will not rest until real economic incentives are put in place for foreign governments to seriously enforce their

own child labor laws and for exporters and importers to stop enriching themselves from the toil and suffering of defenseless children.

AMSTERDAM,
January 1, 1994.

DEAR FRIENDS: At this time of the year, we want to draw your attention to the many children on this earth who will not, and probably never will, enjoy celebrating holidays. For they are, in a very real sense, little slaves.

Last year we conducted a hearing on child labour and the exploitation of children world-wide. We invited the foremost experts from Asia, Latin America and Africa to testify on this global issue before a panel of Nobel Laureates. The facts they presented were shocking to us all.

Over two hundred million children—equivalent to the total population of Britain, France, Germany and the Netherlands—are forced to work daily like adults. They are robbed of their childhood, of education, of health, of play and the chance of a human future.

Children are a cheap workforce. They always have been. They work in the family, in fields and in factories—even in many parts of Europe to this day, despite a century of legislation banning the practice. International conventions outlaw child labour, and most countries have laws setting a minimum working age, usually about 15 years. But it is one thing to pass a law, another to enforce it.

It is not for the industrialized world to sit in judgement on the developing world or other cultures. In many cases, the child's contribution to the family income is essential to his or her survival. In many more, the occupational skills acquired will ensure future work. But, increasingly, the exploitation of child work is at too high a cost—rendering their future worthless.

That's one reason why 154 countries have signed the UN Convention on the Rights of the Child. It seeks to determine a child's essential rights, which transcend culture and economic need. Along with health, education and a decent standard of living, it cites protection and respect, freedom of expression and movement above all the opportunity to develop to the full each child's personality and talents. Well regulated work training does not preclude those objectives, exploitative employment over long hours in unhealthy conditions does.

For millions of children throughout Asia, Latin America and Africa, many as young as five, life offers nothing but the endless round of toil on the streets and in sweatshops. As poor countries try to pay their debts by chasing export orders, the use and abuse of cheap labour to keep down costs becomes systematic. This in turn stores up trouble for those countries, leaving adult labour unemployed or under-employed, and under-developing the labour potential for the future: the children, burnt out before they are grown. Far from disappearing, the problem seems to be worsening, and is now apparently spreading in Eastern Europe and the countries of the former Soviet Union.

Data here is hard to come by, as with the other intolerable evil of child exploitation: prostitution. We live in a world where millions of children, as young as six or seven, are forced to sell their bodies, often to Western tourists.

Faced with such colossal misery, what can we do? What can the world do? In the first place, the world should come to know, as we had to learn, that it allows so many of its children to live in such miserable and hopeless conditions. To this end, an international organization that focuses and reports on child labour and child exploitation, modelled on Amnesty International, would be of great value. Certainly we, undersigned Nobel Laureates, will support such an organization and any initiative to stop child exploitation.

Secondly, global organizations such as the United Nations, UNICEF, UNESCO, ILO, WHO, the IMF and the World Bank should be encouraged persistently to condemn child exploitation wherever it occurs in the world. So should associations of interest like the European Union and the Commonwealth, and individual nation states. We need to appeal to the humanity of political leaders and opinion formers.

Thirdly, if all else fails, the West could make economic support for countries dependent upon their commitment to the elimination of child exploitation. This could work at every level. Businesses can refuse to deal with companies which exploit children, and should be pressurized to do so by shareholders. Consumers can refuse to buy cheap shoes, garments, carpets and other products prone to child exploitation, unless it is reliably attested that no children were involved in their production.

Respect for the laws of the countries involved and for their people will usually ensure the best for their children. Traders exploiting dependent suppliers, just like tourists exploiting child prostitutes, should be held answerable in their own countries' courts. No-one believes that the world-wide problem of child exploitation can be solved overnight. But with a cooperative, coordinated approach like this there is a glimmer of hope of these children—with your support.

We wish you happy holidays and a joyful, healthy New Year. We hope you will support our aim that all the children enslaved and exploited in the world at this moment will one day be able to go to school, to celebrate holidays and to enjoy many future Happy New Years.

Sidney Altman, Nobel Prize for Chemistry.
Oscar Arias Sanchez, Nobel Prize for Peace.
Kenneth J. Arrow, Nobel Prize for Economics.
Julius Axelrod, Nobel Prize for Physiology or Medicine.
Georg Bednorz, Nobel Prize for Physics.
Baruj Benacerraf, Nobel Prize for Physiology or Medicine.
J. Michael Bishop, Nobel Prize for Physiology or Medicine.
Nicolaas Bloembergen, Nobel Prize for Physics.
Baruch S. Blumberg, Nobel Prize for Physiology or Medicine.
Herbert C. Brown, Nobel Prize for Chemistry.
Adolf Butenandt, Nobel Prize for Chemistry.
Camilo Jose Cela, Nobel Prize for Literature.
Subramanyan Chandrasekhnr, Nobel Prize for Physics.
Stanley Cohen, Nobel Prize for Physiology or Medicine.
Elias J. Corey, Nobel Prize for Chemistry.
Gerard Debreu, Nobel Prize of Economics.
Johann Deisenhofer, Nobel Prize for Chemistry.
Christian Je Duve, Nobel Prize for Physiology or Medicine,
Richard R. Ernst, Nobel Prize for Chemistry.
William A. Fowler, Nobel Prize for Physics.
Kenlchi Fukui, Nobel Prize for Chemistry.
Mikhail S. Gorbachev, Nobel Prize for Peace.
Dudley Herschbach, Nobel Prize for Chemistry.
Gerhard Herzberg, Nobel Prize for Chemistry.
Dorothy Hodgkin, Nobel Prize for Chemistry.
Roald Hoffmann, Nobel Prize for Chemistry.
David H. Hubel, Nobel Prize for Physiology or Medicine.
François Jacob, Nobel Prize for Physiology or Medicine.
Jerome Karle, Nobel Prize for Chemistry.
Henry W. Kendall, Nobel Prize for Physics.
Lawrence R. Klein, Nobel Prize for Economics.
Klaus von Klitzing, Nobel Prize for Physics.
Leon M. Lederman, Nobel Prize for Physics.
Yuan T. Lee, Nobel Prize for Chemistry.
Jean-Marie Lehn, Nobel Prize for Chemistry.
Wassily Leontief, Nobel Prize for Economics.
Rita Levi-Montalcini, Nobel Prize for Physiology or Medicine.
Mairead Maguire, Nobel Prize for Peace.
James Meade, Nobel Prize for Economics.
Simon van der Meer, Nobel Prize for Physics.
Cesar Milstein, Nobel Prize for Physiology or Medicine.
Franco Modigliani, Nobel Prize for Economics.
Nevill Matt, Nobel Prize for Physics.
Joseph E. Murray, Nobel Prize for Physiology or Medicine.
Erwin Neher, Nobel Prize for Physiology or Medicine.
George H. Palade, Nobel Prize for Physiology or Medicine.
Linus Pauling, Nobel Prize for Chemistry (1954), Nobel Prize for Peace (1962).
Adolfo Perez Esguivel, Nobel Prize for Peace.
Max Ferdinand Perutz, Nobel Prize for Chemistry.
Vladimir Prelog, Nobel Prize for Chemistry.
Ilya Prigogine, Nobel Prize for Chemistry.
Burton Richter, Nobel Prize for Physics.
Richard Roberts, Nobel Prize for Physiology or Medicine.
Heinrich Rehrer, Nobel Prize for Physics.
Adbus Salam, Nobel Prize for Physics.
Paul A. Samuelson, Nobel Prize for Economics.
Frederick Sanger, Nobel Prize for Chemistry (1958 and 1980).
Arthur L. Schawlow, Nobel Prize for Physics.
Glenn T. Scaborg, Nobel Prize for Chemistry.
Phillip A. Sharp, Nobel Prize for Physiology or Medicine.
William F. Sharpe, Nobel Prize for Economics.
Kai Sieghahn, Nobel Prize for Physics.
Herbert A. Simon, Nobel Prize for Economics.
Robert M. Solow, Nobel Prize for Economics.
Roger W. Sperry, Nobel Prize for Physiology or Medicine.
Jack Steinberger, Nobel Prize for Physics.
Howard M. Tenin, Nobel Prize for Physiology or Medicine.
Jan Tinbergen, Nobel Prize for Economics.
James Tobin, Nobel Prize for Economics.
Susumu Tonegawn, Nobel Prize for Physiology or Medicine.

Desmond Tutu, Nobel Prize for Peace.
Unicef (James P. Grant), Nobel Prize for Peace.
John Vane, Nobel Prize for Physiology or Medicine.
George Wald, Nobel Prize for Physiology or Medicine.
Lech Walesa, Nobel Prize for Peace.
Maurice Willons, Nobel Prize for Physiology or Medicine.
Since January 12 more Laureates, including Nelson Mandela and Mother Theresa, have joined this initiative that has been launched by the 90-year-old Laureate Jan Tinbergen.

HEALTH CARE REFORM VOTES—EDUCATION AND LABOR COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. Michel. Mr. Speaker, I submit for the RECORD rollcall votes on health care reform which took place in the Education and Labor Committee on June 22, 1994.

COMMITTEE ON EDUCATION AND LABOR

Full Committee

HEALTH CARE MARKUP, JUNE 22, 1994

The following recorded votes were taken on June 22, 1994 in the Committee on Education and Labor during full Committee consideration of Chairman Ford's mark, H.R. 3600, Health Security Act of 1994:

1. An amendment by Rep. Unsoeld to establish and authorize funding for another new national training program for Community Health Advisors, in order to improve and assist access to health care in low-income and rural areas. The amendment was agreed to 27–15–1.

DEMOCRATS

Mr. Ford, yea.
Mr. Clay, yea by proxy.
Mr. Miller (CA), yea by proxy.
Mr. Murphy, yea by proxy.
Mr. Kildee, yea.
Mr. Williams, yea.
Mr. Martinez, yea by proxy.
Mr. Owens, yea by proxy.
Mr. Sawyer, yea by proxy.
Mr. Payne, yea by proxy.
Mrs. Unsoeld, yea.
Mrs. Mink, yea by proxy.
Mr. Andrews, not voting.
Mr. Reed, yea.
Mr. Roemer, yea.
Mr. Engel, yea by proxy.
Mr. Becerra, yea.
Mr. Scott, yea by proxy.
Mr. Green, yea by proxy.
Ms. Woolsey, yea by proxy.
Mr. Romero-Barcelo, yea.
Mr. Klink, yea.
Ms. English, yea by proxy.
Mr. Strickland, yea by proxy.
Mr. De Lugo, yea.
Mr. Faleomavaega, yea by proxy.
Mr. Baesler, yea.
Mr. Underwood, yea by proxy.

REPUBLICANS

Mr. Goodling, nay.
Mr. Petri, nay by proxy.
Mrs. Roukema, nay.
Mr. Gunderson, nay.
Mr. Armey, nay by proxy.
Mr. Fawell, nay by proxy.
Mr. Ballenger, nay.
Ms. Molinari, nay by proxy.
Mr. Barrett, nay.
Mr. Boehner, nay.
Mr. Cunningham, nay by proxy.
Mr. Hoestra, nay by proxy.
Mr. McKeon, nay.
Mr. Miller (FL), nay.
Mr. Castle, nay.

2. An amendment by Rep. McKeon to strike Subtitle G of the Chairman's mark which authorizes a comprhensive school health education program, school-based health services through school clinics, and a federal loan program to pay for capital costs of school based health clinics. The amendment was defeated 13–29–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, nay.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay by proxy.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay by proxy.
Mr. Andrews, nay by proxy.
Mr. Reed, nay.
Mr. Roemer, nay.
Mr. Engel, nay by proxy.
Mr. Becerra, nay.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay by proxy.
Mr. Romero-Barcelo, nay.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. De Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, nay.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea by proxy.
Mr. Ballenger, yea.
Ms. Molinari, nay by proxy.
Mr. Barrett, nay.
Mr. Boehner, nay.
Mr. Cunningham, nay by proxy.
Mr. Hoestra, nay by proxy.
Mr. McKeon, nay.
Mr. Miller (FL), nay.
Mr. Castle, nay.

3. An amendment by Rep. Boehner relating to supplemental health plans that would allow individuals to obtain coverage for services that may already be included in the comprehensive benefits package. The amendment was defeated 16–24–3.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, present, not voting.
Mr. Williams, present, not voting.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay by proxy.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay by proxy.
Mr. Andrews, nay.
Mr. Reed, nay.
Mr. Roemer, present, not voting.
Mr. Engel, nay by proxy.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barcelo, nay.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. De Lugo, nay by proxy.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, yea.
Mr. Gunderson, yea by proxy.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea.
Mr. Boehner, yea.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

4. An amendment by Rep. Roukema to provide that no WIC funds may be made available to provide benefits to individuals not lawfully in the United States. The amendment was defeated 17–26.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay.
Mr. Murphy, nay.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay by proxy.
Mr. Owens, nay.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay by proxy.
Mrs. Mink, nay.
Mr. Andrews, yea.
Mr. Reed, nay.
Mr. Roemer, yea by proxy.
Mr. Engel, nay by proxy.
Mr. Becerra, nay.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barcelo, nay by proxy.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, nay.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea.
Mrs. Roukema, yea.
Mr. Gunderson, yea by proxy.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea.
Mr. Castle, yea.

5. An amendment by Rep. Ballenger to strike provisions that require a health care employer who replaces another health care employer through merger, consolidation, acquisition or contract, to provide employees

who would otherwise be displaced a right to continued employment. The amendment was defeated 15–27–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, nay.
Mr. Williams, nay
Mr. Martinez, nay by proxy.
Mr. Owens, nay by proxy..
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay.
Mr. Roemer, nay by proxy.
Mr. Engel, nay by proxy.
Mr. Becerra, nay.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barcelo, nay by proxy.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea by proxy.
Mr. Petri, yea by proxy.
Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea by proxy.
Mr. Castle, yea by proxy.

6. An amendment by Rep. Ballenger to strike the provision that would require a health care employer to recognize the exclusive bargaining agent and to assume the collective bargaining agreement of a predecessor employer if a majority of its employees were previously covered by the agreement and if there has been no substantial change in operations. The amendment would also strike the provision which assumes joint employer status whenever employees of a contractor to a health care employer work on the premises and are functionally integrated with the operations of that employer. The amendment was defeated 14–27–2.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay by proxy.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay.
Mr. Roemer, nay by proxy.
Mr. Engel, nay by proxy.
Mr. Becerra, nay.
Mr. Scott, nay by proxy.
Mr. Green, nay by proxy.
Ms. Woolsey, nay.
Mr. Romero-Barcelo, nay by proxy.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, not voting.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, not voting.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea by proxy.
Mr. Castle, yea by proxy.

7. An amendment by Rep. Fawell to strike a provision which requires the payment of Davis-Bacon wages on construction or renovation projects financed under H.R. 3600 through loans or loan guarantees from the federal government. The amendment was defeated 14–17–2.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay by proxy.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay by proxy.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay.
Mr. Roemer, nay by proxy.
Mr. Engel, nay by proxy.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay by proxy.
Ms. Woolsey, nay by proxy.
Mr. Romero-Barcelo, nay by proxy.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. de Lugo, nay by proxy.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, not voting.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, not voting.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea by proxy.
Mr. Castle, yea by proxy.

8. An amendment by Rep. Gunderson to strike that section of the Act establishing two new and duplicative skills upgrading and job retraining programs for individuals in the health care field impacted by health care reform. The amendment was defeated 14–27–2.

DEMOCRATS

Mr. Ford, nay by proxy.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay by proxy.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay by proxy.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay by proxy.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay by proxy.
Mr. Roemer, nay by proxy.
Mr. Engel, nay by proxy.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay by proxy.
Ms. Woolsey, nay by proxy.
Mr. Romero-Barcelo, nay by proxy.
Mr. Klink, nay by proxy.
Ms. English, nay by proxy.
Mr. Strickland, nay.
Mr. de Lugo, nay by proxy.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, not voting.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea by proxy.
Mr. Petri, yea by proxy.
Mrs. Roukema, not voting.
Mr. Gunderson, Yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea by proxy.
Ms. Molinari, yea.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea by proxy.
Mr. Castle, yea.

9. An amendment by Rep. Fawell to strike the provisions of Title X that would impose new federal rules on where and by whom medical care that is paid by workers' compensation policies will be provided. The amendment was defeated 16–27.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, nay.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay.
Mr. Roemer, nay.
Mr. Engel, nay by proxy.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barceló, nay by proxy.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, nay by proxy.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.

Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea by proxy.
Mr. Barrett, yea.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

10. An amendment by Rep. Fawell to preserve uniformity of benefits and ERISA plan administration. This amendment would restore in several respects the type of uniformity that is currently served by ERISA preemption which is eliminated by certain provisions under H.R. 3600 as contained in the Chairman's mark. In particular, this amendment would (1) eliminate the provision which would allow states to require benefits in excess of the comprehensive benefit package for corporate and regional alliances, (2) eliminate the requirement that fee-for-service plans under corporate alliances use the negotiated fee schedules applicable to regional alliances, (3) preserve current ERISA preemption rules during the transitional insurance reform period, and (4) eliminate the application to corporate alliances of the single-payer State-wide and regional alliance options. Under the Chairman's mark, corporate alliances are redefined as "experience rated plans" and regional alliances are redefined as "consumer purchasing cooperatives" and "community rating areas." The amendment was defeated 15–27–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay.
Mr. Murphy, nay.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay by proxy.
Mr. Reed, nay.
Mr. Roemer, nay.
Mr. Engel, nay.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay by proxy.
Mr. Romero-Barceló, nay.
Mr. Klink, nay.
Ms. English, nay.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, present, not voting.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea by proxy.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

11. An amendment by Rep. Fawell to keep health care costs from exploding by striking malpractice/tort-like damages and to delete preferential treatment of multiemployer plans. The amendment was defeated 15–27–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay.
Mr. Muprhy, nay.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, Not Voting.
Mr. Reed, nay.
Mr. Roemer, nay.
Mr. Engel, nay.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay by proxy.
Mr. Romero-Barceló, nay.
Mr. Klink, nay.
Ms. English, nay.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, nay.
Mr. Underwood, nay by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea by proxy.
Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea by proxy.
Mr. Barrett, yea by proxy.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

12. An amendment by Rep. Gunderson to provide employers with 50 or more employees with the opportunity to choose between community-rated health plans (i.e. "Regional Alliances") and experience-rated health plans (i.e. "Corporate Alliances"), including self-insured health plans. In addition, the amendment would require the Secretary of Labor to develop an appropriate risk adjustment program for all self-insured employers in the event there is significant adverse risk selection against community-rated health plans. The amendment was defeated 19–23–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, present, not voting.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, yea.
Mr. Reed, nay.
Mr. Roemer, nay.
Mr. Engel, nay.
Mr. Becerra, nay by proxy.
Mr. Scott, nay.
Mr. Green, yea.
Ms. Woolsey, nay.
Mr. Romer-Barceló, nay.
Mr. Klink, nay.
Ms. English, nay by proxy.
Mr. Strickland, yea.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, nay, by proxy.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea.
Mrs. Roukema, yea.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea by proxy.
Ms. Molinari, yea by proxy.
Mr. Barrett, yea.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea.
Mr. Hoekstra, yea.
Mr. McKeon, yea by proxy.
Mr. Miller (FL), yea.
Mr. Castle, yea.

HEALTH CARE REFORM VOTES, WAYS AND MEANS COMMITTEE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Ways and Means Committee on June 29, 1994.

The following recorded votes were taken on June 29, 1994, in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An "en bloc" amendment offered by Mr. Rostenkowski, Mr. Pickle, Mr. Rangel, Mr. Cardin, Mr. Payne, Mr. Jefferson, and Mr. Brewster consisting of several members proposals. The amendment reduced the 100% health insurance deduction for self-employed individuals (to be phased in by 1998) in the Chairman's Mark to an 80% deduction. It used that revenue to (a) preserve the tax-exempt status of certain nursing facilities accepting a high proportion of Medicaid patients, (b) a special tax deduction for one insurance company, Group Health Insurance, (c) a tax-exemption for some unidentified "high-risk health insurance pools," (d) tax incentives for providers in medically underserved areas (similar to those in the Clinton health plan), (e) special "capital financial assistance" for "certain academic health centers," and (f) a new "Undergraduate Medical Education Trust Fund." The spending proposals passed by voice vote. A separate vote was requested on the funding item, the reduction in the health insurance deduction for the self-employed. Passed 22–15.

DEMOCRATS

Mr. Gibbons, yea.
Mr. Rostenkowski, yea.
Mr. Pickle, yea.
Mr. Rangel, yea.
Mr. Stark, yea.
Mr. Jacobs
Mr. Ford of Tennessee, yea.
Mr. Matsui, yea.
Mrs. Kennelly, yea by proxy.

Mr. Coyne, yea.
Mr. Andrews of Texas, yea.
Mr. Levin, yea.
Mr. Cardin, yea.
Mr. McDermott, yea.
Mr. Kleczka, yea.
Mr. Lewis of Georgia, yea.
Mr. Payne of Virginia, yea.
Mr. Neal of Massachusetts, yea.
Mr. Hoagland, yea.
Mr. McNulty, yea.
Mr. Kopetski, nay.
Mr. Jefferson, yea.
Mr. Brewster, yea.
Mr. Reynolds, yea by proxy.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay.
Mr. Thomas of California, nay.
Mr. Shaw, nay.
Mr. Sundquist, nay.
Mrs. Johnson of Connecticut, nay.
Mr. Bunning, nay.
Mr. Grandy, nay.
Mr. Hougton, nay.
Mr. Herger, nay.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.
Mr. Camp, nay.

The amendment offered by Mr. Andrews (along with Mr. Ford, Mr. Jacobs, Mr. Lewis & Mr. McDermott) to raise the cigarette tax by $1.25 per pack with similar increases for other tobacco products. The additional revenue funds (a) a tobacco farmer relief fund, (b) various public health initiatives, (c) additional long-term care, and (d) additional medicare payments for certain tobacco related illnesses. Defeated 31–7.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, yea.
Mr. Ford of Tennessee, yea.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews of Texas, yea.
Mr. Levin, nay.
Mr. Cardin, yea.
Mr. McDermott, yea.
Mr. Kleczka, nay.
Mr. Lewis of Georgia, yea.
Mr. Payne of Virginia, nay.
Mr. Neal of Massachusetts, nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, nay.
Mr. Crane, nay.
Mr. Thomas of California, nay.
Mr. Shaw, nay.
Mr. Sundquist, nay.
Mrs. Johnson of Connecticut, yea.
Mr. Bunning, nay.
Mr. Grandy, nay.
Mr. Houghton, nay by proxy.
Mr. Herger, nay.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, nay.
Mr. Camp, nay.

The amendment offered by Mr. Bunning to delete the 45 cents per pack cigarette tax and other related tobacco taxes in the Chairman's Mark. Defeated 26–12.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford of Tennessee, nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews of Texas, nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis of Georgia, nay.
Mr. Payne of Virginia, yea.
Mr. Neal of Massachusetts, nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas of California, yea.
Mr. Shaw, nay.
Mr. Sundquist, yea.
Mrs. Johnson of Connecticut, nay.
Mr. Bunning, yea by proxy.
Mr. Grandy, yea.
Mr. Houghton, nay.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

The amendment offered by Mr. Grandy to provide a permanent 100% deduction for health insurance premiums paid by self-employed individuals, retroactive to January 1, 1994. The amendment was funded by taxing the income portion of workers' compensation payments similar to the current law treatment of unemployment compensation and disability payments. Defeated 25–13.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay by proxy.
Mr. Ford of Tennessee, nay by proxy.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews of Texas, nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay by proxy.
Mr. Lewis of Georgia, nay by proxy.
Mr. Payne of Virginia, nay.
Mr. Neal of (Mass), nay.
Mr. Hoagland, nay.
Mr. McNulty, yea.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, yea.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea.
Mr. Thomas of California, yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mr. Johnson of Connecticut, yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, nay.
Mr. McCrery, nay.
Mr. Hancock, nay.
Mr. Santorum, yea.
Mr. Camp, "yea."

An amendment offered by Mr. Archer to provide for medical malpractice reform. A 100 percent tax on medical malpractice recoveries that violate medical malpractice reform guidelines (i.e., medical malpractice suits not complying with the dispute resolution requirements in the amendment would be imposed on non-economic damages in excess of $350,000 and certain other types of punitive damages) and a refundable tax credit to persons paying such recoveries. Defeated 23–15.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay by proxy.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford of Tennessee, nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay by proxy.
Mr. Coyne, nay.
Mr. Andrews of Texas, nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis of Georgia, nay.
Mr. Payne of Virginia, nay.
Mr. Neal of Massachusetts, nay.
Mr. Hoagland, nay.
Mr. McNulty, yea.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay by proxy.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas of California, yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson of Connecticut, yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea by proxy.

HEALTH CARE REFORM VOTES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the rollcall votes on health care reform which took place in the Education and Labor Committee on June 23, 1994.

COMMITTEE ON EDUCATION AND LABOR

Full Committee

HEALTH CARE MARKUP, JUNE 23, 1994

The following recorded votes were taken on June 23, 1994, in the Committee on Education and Labor during full Committee consideration of Chairman Ford's mark, H.R. 3600, Health Security Act of 1994, and H.R. 3960, American Health Security Act:

1. An amendment by Representative Klink to exclude abortion services from the comprehensive benefits package, unless such

services are necessary are to save the life of the mother or are provided in connection with cases of forcible rape or incest. The amendment was defeated 17–25–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, yea.
Mr. Kildee, yea.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay by proxy.
Mr. Roemer, yea.
Mr. Engel, nay.
Mr. Becerra, nay.
Mr. Scott, nay.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barceló, nay.
Mr. Klink, yea.
Ms. English, nay.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, yea.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea.
Mrs. Roukema, nay.
Mr. Gunderson, present, not voting.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, nay.
Mr. Barrett, yea.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, nay.

2. An amendment by Representative Klink to preserve States' constitutional authority to restrict abortions. The amendment was defeated 20–23.

DEMOCRATS

Mr. Ford, nay by proxy.
Mr. Clay, nay.
Mr. Miller (CA), nay by proxy.
Mr. Murphy, yea.
Mr. Kildee, yea.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay by proxy.
Mr. Sawyer, nay.
Mr. Payne, nay by proxy.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, nay.
Mr. Reed, nay by proxy.
Mr. Roemer, yea.
Mr. Engel, nay.
Mr. Becerra, nay by proxy.
Mr. Scott, nay by proxy.
Mr. Green, nay.
Ms. Woolsey, nay.
Mr. Romero-Barceló, nay.
Mr. Klink, yea.
Ms. English, nay.
Mr. Strickland, yea.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, yea.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea.
Mrs. Roukema, nay.
Mr. Gunderson, yea.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, nay.
Mr. Barrett, yea.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

3. An amendment by Representative Roemer to allow employers with at least 500, but no more than 1,000 employees to elect to choose between community-rated health plans (i.e. "Regional Alliances") and experienced-rated health plans (i.e. "Corporate Alliances"), including self-insured health plans. The amendment was defeated 18–24–1.

DEMOCRATS

Mr. Ford, nay.
Mr. Clay, nay by proxy.
Mr. Miller (CA), nay.
Mr. Murphy, yea.
Mr. Kildee, nay.
Mr. Williams, nay.
Mr. Martinez, nay.
Mr. Owens, nay.
Mr. Sawyer, nay.
Mr. Payne, nay.
Mrs. Unsoeld, nay.
Mrs. Mink, nay.
Mr. Andrews, yea.
Mr. Reed, nay.
Mr. Roemer, yea.
Mr. Engel, nay.
Mr. Becerra, nay.
Mr. Scott, nay.
Mr. Green, yea.
Ms. Woolsey, nay.
Mr. Romero-Barceló, nay.
Mr. Klink, nay by proxy.
Ms. English, nay.
Mr. Strickland, nay.
Mr. de Lugo, nay.
Mr. Faleomavaega, nay by proxy.
Mr. Baesler, yea.
Mr. Underwood, nay.

REPUBLICANS

Mr. Goodling, yea.
Mr. Petri, yea.
Mrs. Roukema, nay.
Mr. Gunderson, yea by proxy.
Mr. Armey, yea by proxy.
Mr. Fawell, yea.
Mr. Ballenger, yea.
Ms. Molinari, yea.
Mr. Barrett, yea.
Mr. Boehner, yea by proxy.
Mr. Cunningham, yea by proxy.
Mr. Hoekstra, yea by proxy.
Mr. McKeon, yea.
Mr. Miller (FL), yea.
Mr. Castle, yea.

4. A motion by Representative Williams to favorably report H.R. 3600, as amended. The motion was agreed to 26–17.

DEMOCRATS

Mr. Ford, yea.
Mr. Clay, yea by proxy.
Mr. Miller (CA), yea.
Mr. Murphy, yea.
Mr. Kildee, yea.
Mr. Williams, yea.
Mr. Martinez, yea.
Mr. Owens, yea.
Mr. Sawyer, yea.
Mr. Payne, yea.
Mrs. Unsoeld, yea.
Mrs. Mink, yea.
Mr. Andrews, nay.
Mr. Reed, yea.
Mr. Roemer, yea.
Mr. Engel, yea.
Mr. Becerra, yea.
Mr. Scott, yea.
Mr. Green, yea.
Ms. Woolsey, yea.
Mr. Romero-Barceló, yea.
Mr. Klink, yea.
Ms. English, yea.
Mr. Strickland, yea.
Mr. de Lugo, yea.
Mr. Faleomavaega, yea by proxy.
Mr. Baesler, nay.
Mr. Underwood, yea.

REPUBLICANS

Mr. Goodling, nay.
Mr. Petri, nay.
Mrs. Roukema, nay.
Mr. Gunderson, nay by proxy.
Mr. Armey, nay by proxy.
Mr. Fawell, nay.
Mr. Ballenger, nay.
Ms. Molinari, nay.
Mr. Barrett, nay.
Mr. Boehner, nay.
Mr. Cunningham, nay.
Mr. Hoekstra, nay by proxy.
Mr. McKeon, nay.
Mr. Miller (FL), nay.
Mr. Castle, nay.

5. A motion by Representative Miller (CA) to report without recommendation H.R. 3960, as amended. The Motion was agreed to 22–21.

DEMOCRATS

Mr. Ford, yea.
Mr. Clay, yea by proxy.
Mr. Miller (CA), yea.
Mr. Murphy, yea.
Mr. Kildee, yea.
Mr. Williams, yea.
Mr. Martinez, yea.
Mr. Owens, yea.
Mr. Sawyer, yea.
Mr. Payne, yea.
Ms. Unsoeld, yea.
Ms. Mink, yea.
Mr. Andrews, nay.
Mr. Reed, yea.
Mr. Roemer, nay.
Mr. Engel, yea.
Mr. Becerra, yea.
Mr. Scott, yea.
Mr. Green, yea.
Ms. Woolsey, yea.
Mr. Romero-Barceló, yea.
Mr. Klink, yea.
Ms. English, nay.
Mr. Strickland, nay.
Mr. De Lugo, yea.
Mr. Faleomavaega, yea by proxy.
Mr. Baesler, nay.
Mr. Underwood, yea by proxy.

REPUBLICANS

Mr. Goodling, nay.
Mr. Petri, nay by proxy.
Ms. Roukema, nay.
Mr. Gunderson, nay by proxy.
Mr. Armey, nay by proxy.
Mr. Fawell, nay by proxy.
Mr. Ballenger, nay by proxy.
Ms. Molinari, nay.
Mr. Barrett, nay.
Mr. Boehner, nay by proxy.
Mr. Cunningham, nay.
Mr. Hoekstra, nay by proxy.
Mr. McKeon, nay by proxy.
Mr. Miller (FL), nay by proxy.
Mr. Castle, nay by proxy.

HEALTH CARE REFORM VOTES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1994

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the roll call votes on health care reform which took place in the Ways and Means Committee on June 23, 1994.

The following recorded votes were taken on June 23, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbon's substitute proposal for H.R. 3600, the Health Security Act of 1994:

An amendment by Mr. Thomas striking the provision allowing States to develop a program that manages all health care benefits under a guaranteed National benefit package through a single-payer system. Defeated 22–16.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay by proxy.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), yea.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal (MASS), nay.
Mr. Hoagland, yea.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Archer striking provisions that supercede current law which allows self insured employer health plans to operate without regard to a state mandate, single payer system, state payer system or variations pre-emption of states regulating multi-state employer health plans. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay.
Mr. Payne (VA), nay.
Mr. Neal (MASS), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea.
Mrs. Johnson (CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Jefferson requiring health plans to accept the participation of *any provider who is qualified under* the terms of the plan and willing to accept a health plan's operating terms including, but not limited to, the plan's fee schedule, covered expenses, and quality standards. The amendment would not prevent plans from instituting credentialing criteria, requiring fee discounts, matching provider availability to the needs of the plan's patients, or other measures designed to maintain quality and control costs. Dedicated group and staff model HMO's would be exempted. Adopted 20–17.

DEMOCRATS

Mr. Gibbons, yea.
Mr. Rostenkowski, nay.
Mr. Pickle, nay.
Mr. Rangel, yea.
Mr. Stark, yea.
Mr. Jacobs, yea.
Mr. Ford (TN), yea.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, yea.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay by proxy.
Mr. McDermott, yea.
Mr. Kleczka, yea.
Mr. Lewis (GA), yea by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, yea.
Mr. Kopetski, yea by proxy.
Mr. Jefferson, yea.
Mr. Brewster, yea.
Mr. Reynolds, yea.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), nay.
Mr. Shaw, yea.
Mr. Sundquist.
Mrs. Johnson (CT), nay.
Mr. Bunning, nay.
Mr. Grandy, nay.
Mr. Houghton, nay.
Mr. Herger, nay.
Mr. McCrery, yea.
Mr. Hancock, nay.
Mr. Santorum, yea.
Mr. Camp, yea.

An amendment by Mr. Grandy to permit associations, such as voluntary employer purchasing groups, to be formed for the purpose of purchasing health insurance. Defeated 23–14.

DEMOCRATS

Mr. Gibbons, nay.
Mr. Rostenkowski, nay by proxy.
Mr. Pickle, nay.
Mr. Rangel, nay.
Mr. Stark, nay.
Mr. Jacobs, nay.
Mr. Ford (TN), nay.
Mr. Matsui, nay.
Mrs. Kennelly, nay.
Mr. Coyne, nay.
Mr. Andrews (TX), nay.
Mr. Levin, nay.
Mr. Cardin, nay by proxy.
Mr. McDermott, nay.
Mr. Kleczka, nay.
Mr. Lewis (GA), nay by proxy.
Mr. Payne (VA), nay.
Mr. Neal (MA), nay.
Mr. Hoagland, nay.
Mr. McNulty, nay.
Mr. Kopetski, nay by proxy.
Mr. Jefferson, nay.
Mr. Brewster, nay.
Mr. Reynolds, nay.

REPUBLICANS

Mr. Archer, yea.
Mr. Crane, yea by proxy.
Mr. Thomas (CA), yea.
Mr. Shaw, yea.
Mr. Sundquist, yea by proxy.
Mrs. Johnson(CT), yea.
Mr. Bunning, yea.
Mr. Grandy, yea.
Mr. Houghton, yea by proxy.
Mr. Herger, yea.
Mr. McCrery, yea.
Mr. Hancock, yea.
Mr. Santorum, yea.
Mr. Camp, yea.