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Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God, we begin this week with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence from knowing that You are for us and not against us. You have created us to know and love You and have called us to serve this Nation. You have programmed us for greatness by Your power, so help us place our trust in You, and live fully for You. We thank You that You are with us seeking to help us to know and do Your will. Guide us in the complicated issues we consider today. We invite You to take up residence in our minds to give us strength to see things from Your perspective. Grant us courage to give dynamic moral leadership to our Nation. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our leadership. We commit all that we have and are to glorify You with our work today. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. For the information of all Senators, this morning the Senate will begin 5 hours of debate on the Department of Defense authorization conference report. In accordance with the unanimous-consent agreement reached on Friday, the vote on the Department of Defense conference report will occur at 2:15 on Tuesday, and therefore there will be no rollcall votes during today's session.

Also today, following the debate on the conference report, there will be a period for morning business with Senator DASCHLE or his designee in control of the time from 3:30 to 4:30 and Senator COVERDELL or his designee in control of the time from 4:30 to 5:30.

On Tuesday, the Senate will debate the Defense of Marriage Act beginning at 9:30 to 12:30, with a vote occurring on that measure immediately following the 2:15 vote on the Department of Defense conference report. After those two consecutive votes, there will be 30 minutes of debate to be followed by a vote on S. 2056, the employment discrimination bill.

Finally, as a reminder, following those votes on Tuesday, the Senate will begin consideration of the Treasury, Postal appropriations bill, with additional votes expected on that bill. All Senators can expect busy sessions this week with rollcall votes possible throughout each day and evening as the Senate completes action on the remaining appropriations bills.

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

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

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3230, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 1996.)

The PRESIDING OFFICER. The time for debate on this conference report will be limited to 4 hours equally divided in the usual form, with 1 hour under the control of the Senator from Louisiana.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the conference agreement on the National Defense Authorization Act for fiscal year 1997. This agreement continues the work we began last year to keep the Department of Defense on a steady course as it heads into the 21st century. The legislation sends a signal that we remain strongly committed to support our men and women in uniform through funding for modernization and training as well as for quality-of-life programs for our military and their families.

This year, the Senate chaired the conference with the House. I am proud

to say that we developed a responsible agreement after less than 20 working days. This agreement resulted from the bipartisan cooperation of House Members and Senators, Republicans and Democrats, working together on issues affecting our national security.

During my tenure in the Senate and my nearly 40 years as a member of the Senate Armed Services Committee, I have fought hard to ensure that the security of our Nation is an issue that unifies rather than divides us. The best national security policy is developed and implemented when we act in a bipartisan spirit. It is my sincere hope that we can make this an even stronger feature of the process we use to craft future national security legislation.

The conference report recommends an increase of $11.2 billion above the President's budget request of $254 billion for fiscal year 1997. The funding level authorized for the new budget authority is $265.6 billion, which is the same level approved by the full Senate on July 10. This amount is still $7.4 billion below the inflation-adjusted fiscal year 1996 level of spending.

To improve the quality of life of our military personnel and their families, the conference agreement includes a 3-percent pay raise for military members and a 4.6-percent increase in the basic allowance for quarters. The conference report also includes an increase of $850.0 million above the administration's request for military construction funding. Approximately 60 percent of this increase is dedicated to quality of life programs, especially military housing.

The conference agreement addresses some of the most serious modernization concerns we have identified, while maintaining a balance between current and future readiness.

The agreement provides for an increase of approximately $900 million for ballistic missile defense programs. This increase will support aggressive developments for national missile defense, Navy Upper Tier, and the theater high-altitude area defense system.

The conference report does not include any legislative provision concerning theater missile defense demarcation. During conference, the President's National Security Adviser informed the conferees that the administration had already concluded that the tentatively agreed-upon TMD demarcation agreement constitutes a substantive change to the ABM Treaty. Given that the Constitution and existing law require any substantive change to the ABM Treaty to be submitted to the Senate for advice and consent, the conferees agreed that additional legislation on this matter is not required.

With regard to the ABM Treaty succession issue, the conference report also does not include any legislative provision. The statement of managers clearly expresses the view that any agreement to multilateralize the ABM Treaty would constitute a substantive change requiring Senate advice and consent. In order to avoid a confrontation over this issue that would lead to a veto of the Defense Authorization Act, the conferees agreed that this matter should be considered separately from the Defense Authorization Act.

We addressed modernization shortfalls in this bill by including increases for sealift and airlift programs, and robust funding for the construction of new warships, such as the *Seawolf* submarine and the *Arleigh Burke* class destroyers. The conference contains a number of funding increases to bring advanced technologies to the battlefield and to support the increasing variety of missions our military men and women are being ordered to carry out around the world. We have authorized increases for additional JSTARS aircraft, greater numbers of critical night vision equipment, as well as providing funds to accelerate the development of the Army's Comanche helicopter and nonlethal weapons programs.

Mr. President, I want again to express my appreciation to my colleagues, especially the subcommittee chairmen and ranking members, for working together to reach this responsible conference agreement so expeditiously. I note with sadness that this is the last authorization conference during which the committee will benefit from the friendship, knowledge, and wisdom of Senator SAM NUNN, Senator BILL COHEN, and Senator JIM EXON. Senator COHEN has been a leader in the cause of reforming the acquisition process and has managed the process of recapitalizing our Navy's fleet in a constrained fiscal environment. During his tenure on the committee, Senator EXON has been a dedicated advocate of a strong, affordable defense.

Senator NUNN has worked tirelessly to help us put together legislation that reflects the broadest possible bipartisan consensus. I am personally grateful to him, and the entire Nation owes him a debt of gratitude for the work he has put in on this bill and the many other pieces of national security legislation in which he has played such a vital role over the years, including the landmark Goldwater-Nichols Reorganization Act of 1986.

Mr. President, we would not have been able to complete work on this conference agreement had it not been for the ceaseless work of our majority and minority staffs. Our two staff directors, Les Brownlee and Arnold Punaro did an outstanding job directing the process and keeping our staffs focused on responsible outcomes.

I ask unanimous consent that a list of the committee staff associated with this bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, finally, I want to express my appreciation to Senator STEVENS and Senator INOUYE, the chairman and ranking member of the Defense Subcommittee on Appropriations, for their willingness to work with us in a spirit of unprecedented cooperation through our process this year. I believe that both of our committee's bills have benefitted from this relationship.

With the attacks against Iraq this week, we are reminded again of the vital role our military is fulfilling around the world. Many of the Senators who have expressed concern about the funding levels in this bill have also gone on record in support of the President's recent actions in Iraq as well as his earlier decision to send our troops to Bosnia. These deployments are costly. They require continuing investments in weapons modernization, spare parts support, and training in order to ensure that our men and women in uniform are well led and can perform such operations efficiently and with a minimum of risk. As Senators consider their votes on this vital legislation, they should be mindful of our obligation to support the men and women in our Armed Forces and the need to maintain an adequate level of funding for these forces that we so frequently call upon to go into harm's way.

It is my hope that this conference agreement will receive the resounding support of the Senate. The agreement is supported by a bipartisan consensus and represents a responsible and sustainable approach to national security. It sends the strongest signal to our men and women in uniform that we appreciate their daily sacrifices, and that we are committed to supporting their families and their mission into the next century.

Mr. President, in closing, I would like to bring to the attention of my colleagues that President Clinton has already indicated in his radio address on Saturday that he intends to sign this legislation. I believe that this is a strong reflection of the bipartisan spirit which has characterized this bill from the very beginning.

With that in mind, I believe all Senators should be able to vote for this bill, and I urge them to do so.

EXHIBIT 1

ARMED SERVICES COMMITTEE MAJORITY STAFF

Les Brownlee, Staff Director, Charles S. Abell, Patricia L. Banks, John R. Barnes, Lucia Monica Chavez, Christine Kelley Cimko, Donald A. Deline, Marie Fabrizio Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Cristina W. Fiori, Larry J. Hoag, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, and George W. Lauffer.

Paul M. Longsworth, Stephen L. Madey, Jr., J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Joseph G. Pallone, Cindy Pearson, Sharen E. Reaves, Steven C. Saulnier, Cord A. Sterling, Eric H. Thoemmes, Roslyne D. Turner, June Vaughan, Deasy Wagner, and Jennifer L. Wallace.

ARMED SERVICES COMMITTEE MINORITY STAFF

Arnold L. Punaro, Staff Director for the Minority, Christine E. Cowart, Richard D. DeBobes, Daniel Ginsberg, Mickie Jan Gordon, Creighton Greene, Patrick T. Henry,

William E. Hoehn, Jr., Maurice Hutchinson, Jennifer Lambert, Peter K. Levine, David S. Lyles, Michael J. McCord, Frank Norton, Jr., Julie K. Rief, Jay Thompson, DeNeige V. Watson.

Mr. THURMOND. Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I join Senator THURMOND in urging our colleagues to adopt this conference report on H.R. 3230, the National Defense Authorization Act for fiscal year 1997. I also join him in commending the staff. Les Brownlee, George Lauffer, and Jon Etherton on the majority side have led a very capable majority staff. Arnold Punaro, David Lyles, and Andy Effron, now Judge Effron, did the same on our side. They have worked together in a splendid fashion.

This truly is a bipartisan bill. As Senator THURMOND has said, President Clinton has indicated he plans to sign this bill, and that is a reflection that the bill is solid for national security. This also reflects the kind of leadership we saw this year under Senator THURMOND. He made sure this was a bill that did reflect not only his strong concern and continued commitment for a national security, but also a bill that could be signed into law.

I commend him on his leadership, and I thank Senator THURMOND for his very thoughtful and kind remarks about my career in the Senate, particularly my involvement in the national security arena.

I also would like to join Senator THURMOND in being one of those who can testify in the first person about the tremendous role that Senator EXON and Senator COHEN have played as members of this committee.

Senator COHEN and I have joined in numerous national security matters over the years, including the creation of a special forces command, the builddown proposal, and moving away from MIRV'd warheads. I can think of numerous proposals that he and I jointly championed. He has been a stalwart of national security. He has made an outstanding record, not only in this area but in others. I certainly share the very strong statements made by Senator THURMOND in terms of praise for Senator COHEN.

I also would like to add very loud applause for Senator EXON who has chaired the Strategic Subcommittee for a number of years. Every year when I was chairman, Senator EXON chaired the subcommittee. That is not only where the controversy was, that is where the money was.

We had one matter after another that had to be handled, both in terms of strategic weapons and in terms of overall arms control concerns. Senator EXON has been a stalwart leader. He has been a person who could find a light of agreement and mold together a consensus in very difficult circumstances. He has been steadfast in his support for a strong and sensible national security. He has been my partner time and time again in crucial matters, and he will be sorely missed. Senator EXON also has been a leader and a champion of moving toward a balanced budget in his leadership on the Budget Committee. He will be missed in that area as well.

Mr. President, this budget that we have before us increases the President's budget on national security, and it does so in a way that is going to boost the funds for procurement, research and development, and, as Senator THURMOND said, quality of life for our military forces. I think everyone should keep in mind, even with the substantial increase over President Clinton's budget, this budget remains a reduction from last year in real terms. When we hear over and over again ''the very large increases in the defense budget,'' those increases are relative to the proposals made by the Clinton administration but do not accurately reflect that the trend continues downward in national security.

Many of these cuts that have taken place over the last 8 or 10 years were needed and necessary. This drawdown has been the most successful, in terms of personnel policy, we have ever had in the U.S. military after a major mission or, in this case, the end of the cold war. We have been able to maintain the quality and the qualifications of the men and women who serve in our military. This is a very difficult and challenging task, and none of us should diminish the importance of it. If we had not been able to accomplish this successful drawdown, we would be reading all sorts of horror stories about readiness and horror stories about our military being demoralized. We are not reading those stories because we have had a very successful drawdown.

I think our committee and our counterparts in the House deserve some credit for this. We have come up with new, innovative ways to ease into this transition and to take care of the personnel, not only those that were leaving but those that are staying, and their families.

I also think the leadership of Dr. Perry has been outstanding in this regard, and I believe the leadership of the services has been outstanding. The U.S. Army, in particular, has been able to manage a very, very substantial drawdown of forces and reduction in the size of the Army. The Army has moved forces from parts of the world back home in an unprecedented and very skillful way.

Mr. President, the Senate passed this bill in early July. Under the leadership of Senator THURMOND, the House and Senate conferees completed a very difficult conference on this large and very important bill in 4 weeks. I congratulate Senator THURMOND for his leadership of this conference and the bipartisan manner in which it was conducted. He kept all of us in harness and told us we had to finish this conference before we left for the August recess. Without that leadership, without that push, we would not have this bill before us today.

Again, I thank Senator THURMOND, not only for his work on this bill, but for his stalwart leadership on national security issues during the entire time I have been in the U.S. Senate. I thank him most of all for his friendship and for being a man of integrity and a man who absolutely places the security of our country above partisan interests and above parochial interests. I thank him for that. I think our Nation is, indeed, indebted to him for that kind of leadership. I am indebted to him for his personal friendship.

I thank our House counterparts, Chairman SPENCE, who was determined to get a bill this year and who exercised leadership time and time again, along with my good friend, Congressman RON DELLUMS, who is the ranking Democrat. They were determined to get a bill. They were determined to make changes and display flexibility where flexibility was absolutely required if we were going to see a bill signed into law. I commend them for their leadership, as well as all the House conferees and all of our Senate conferees for their cooperation in bringing this conference to a successful conclusion. I also would like to thank, as Senator THURMOND did, the chairman and ranking members of each of our subcommittees. These members played such a key role on the Senate committee in getting this legislation passed.

Mr. President, this is the last defense authorization conference report of my Senate career. I want to express my deep appreciation to the staff of the Armed Services Committee, not only this year but over the years that I have served on the Committee. They have provided tremendous support during this conference and throughout this year: Les Brownlee, John Etherton, Arnold Punaro, David S. Lyles, and Andy Effron. I mention them again because without them this bill would simply not be possible. Arnold Punaro and all of the members of the minority staff have continued to provide the outstanding assistance to me and to other members on the Democratic side. This support has been their trademark for many years. More importantly, both Les Brownlee and Arnold Punaro have the confidence of the entire committee. They make contributions, as do their staffs, to the analysis and thinking of the committee members on both sides.

Mr. President, Senator THURMOND has already summarized the major features of this conference report. I endorse those statements he has made, but I would emphasize a few others, which I think are very notable provisions in this conference report.

I am pleased the House conferees agreed to the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act of 1996, which the Senate

adopted unanimously, both in this bill and in the appropriations bill. This legislation is a critical step in addressing our Nation's ability to deal with the threats from the proliferation of chemical, biological, radiological, and nuclear weapons with special emphasis on combating domestic terrorism. I, too, thank Senators STEVENS and INOUYE for supporting this legislation, both on the floor and in conference in the appropriations bill. I also thank them for their splendid leadership in the national security arena.

This legislation authorizes $201 billion for the Departments of Health, Human Services, and Energy to address the threat of proliferation of weapons of mass destruction. This includes $65 million for the Defense Department to conduct a program to train, equip, and assist local first responders in dealing with incidents involving nuclear, chemical, and biological weapons and related materials. Within this $65 million, $10.5 million is specifically earmarked for DOD assistance to the Secretary of Health and Human Services in forming emergency medical response teams capable of dealing with the consequences of the use of these materials.

A total of $30 million is authorized for DOD to provide equipment and assistance to the U.S. Customs Service and to help train custom services in the former Soviet Union, the Baltic States, and Eastern Europe in an effort to improve our ability to detect and interdict these materials before they can reach the hands of terrorists in the United States. Of course, a partnership between the United States and these other customs services is absolutely essential for our own security.

An additional $27 million is provided to the Department of Defense and to the Department of Energy for efforts to research and develop improved detection technologies, which are badly needed. I will not go into detail, but that was one of the most important lessons learned at the Olympics in Atlanta. All elements of our law enforcement need to learn to detect more thoroughly, with a broader area and with more confidence, the presence of a chemical or biological weapon, if one is released. This area needs attention in the research field.

Finally, this conference report authorizes additional funding to address the threat of proliferation, as we have done in the past, at its source. In addition to fully authorizing the administration's request of $327.9 million for the DOD Cooperative Threat Reduction Program, this legislation authorizes $37 million for DOD projects designed to destroy, dismantle, and improve controls over the former Soviet Union's stockpile of weapons of mass destruction. DOE is being provided $40 million for its program in this area.

I must commend our colleague, Senator DOMENICI, for his outstanding leadership in developing, implementing, following through, and providing the funding for this legislation.

This legislation also calls for the creation of a senior level coordinator to improve the coordination among Federal departments and agencies dealing with the threat of proliferation, and to improve coordination between the Federal Government and State and local governments and emergency response agencies.

Mr. President, the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons is one of the most serious national security threats we face today. I put it right at the top of the list. Too many experts have said it is not a question of ''if'' but only of ''when'' terrorists will use chemical, biological—or even nuclear—weapons in the United States. The legislation in this conference report is a major step forward and will significantly improve our ability at the local level and State level and all over this country to deal with this threat—a threat which today we are clearly not prepared for. I anticipate that the National Guard, if they choose and if the administration moves in that direction, will be able to play a major role in this area.

We have Guard forces in every community of any real size in America. Every Governor has Guard forces that are available if an emergency comes at on the State level. A number of these units are trained in the chemical and biological area. I think it is a natural fit because Guard forces are on the scene and also enjoy a great deal of confidence by our citizens. I would like to see, as one of the originators of this entire legislation, it move in the direction of the Guard.

I am also pleased that the conferees agreed to the Senate provision giving the Secretary of Defense discretionary authority to waive some of the existing buy-America limitations for defense procurement. I joined Senator MCCAIN in sponsoring this provision in committee and in conference. I commend Senator MCCAIN for his leadership in this respect.

Mr. President, this waiver authority is essential if we are to live up to our commitments to our allies to work for free and open competition for defense procurement. If we do not buy from them in a fair way, they are not going to buy from us. We enjoy an advantage on the sale of defense articles. It is a favorable part of our trade balance. This is a very important step for those who sell defense equipment to our allies.

Two of the most difficult issues in this conference and in this whole bill, Mr. President, were the multilateralization of the ABM Treaty and the demarcation between theater missile defense systems and ABM systems.

The House bill contained provisions on each of these issues which the administration vigorously opposed as infringements on the President's treaty-making powers under the Constitution. The Senate bill reported by the committee contained similar language, but both provisions were modified on the Senate floor. The administration was prepared to accept the two provisions in the bill that passed the Senate.

Again this year, a majority of the conferees decided to drop all the provisions on these two issues, rather than accept the bipartisan provisions contained in the Senate bill. This same course was followed last year with respect to language on national missile defenses, with the end result that the Congress provided some $800 million for national missile defense for the current fiscal year without any guidance to the Department of Defense as to how to spend it.

Mr. President, I commend the House conferees on their willingness to drop their language. I have never understood why the language adopted in the Senate, both last year and this year, was not acceptable.

After removing all of the bill language regarding both multilateralization and theater missile defense demarcation this year, a majority of the conferees endorsed the statement of managers language on both issues. That, of course, is the right of the conferees. This statement of managers language was not endorsed by all of the conferees. In fact, some of my colleagues on the minority side of our committee decided not to sign the statement of managers accompanying the conference report, in large part because of their disagreement with this statement of managers language.

While I signed the conference report and statement of managers because of my overall support for this bill, I want to make clear my concerns with the statement of managers language on both multilateralization of the ABM Treaty and on theater missile defense demarcation.

Mr. President, it is unfortunate that Congress remains deeply divided on missile defense issues. We may have a debate on issues relating to missile defense in the next 2 or 3 weeks before we adjourn this session. For one thing, I think a debate would be healthy. I think this subject needs to be debated. I think it needs more understanding, both in the media and in the main body of the American people, as well as here in the Congress.

We are in sort of a gridlock in the DOD's management of missile defense programs, which is not helpful for program execution. In each of the past 2 years, the Senate has reached a bipartisan consensus on missile defense language that has had overwhelming support, only to see this consensus language dropped from the final conference report. While the Senate seems to be able to develop, at least under pressure when required, a consensus, the House and Senate have not been able to see eye to eye on this issue.

Mr. President, another difficult issue in this conference was whether to allow

increased privatization of depot-level maintenance currently performed by Government employees at DOD facilities. The Senate bill contained a series of provisions concerning DOD depot-level maintenance of equipment.

Mr. President, I do not want to take too much time discussing this issue. I have a few more minutes, but if Senator THURMOND has anything he would like to say at this point or wants to interrupt me at any point, I welcome that.

Mr. President, the House bill basically supported the so-called 60/40 rule in current law, which requires that at least 60 percent of DOD's depot-level maintenance be performed in Government facilities. The statute, however, has been interpreted by the Air Force to exclude contractor logistics support from the definition of depot-level maintenance. While you have a 60/40 requirement in law, interpretation by the Air Force excludes contractor logistics support from the definition of depot level maintenance. Therefore, under current law, the Government could move away from the depots simply by reclassifying it as contractor logistics support.

The Senate bill would have changed the 60/40 formula, giving the administration and DOD more flexibility, so that 50 percent of DOD's depot-level maintenance would be performed in Government depots, while the balance could be performed in the private sector. At the same time, the Senate bill would have created a common definition of depot maintenance for all the military services that would have included all depot maintenance, including contractor logistics support.

The Senate bill would also have prohibited privatization of the depot maintenance work at Kelly and McClellan Air Force Bases unless there was a competition open to all public and private sector competitors. We on the Senate side certainly are not opposed to Kelly and McClellan competing. We felt there should be a competition, not simply an assignment.

After vigorous discussions in conference, the conferees determined that there were too many issues in dispute to permit development of a long-term solution to this question at this time. The House was insistent on sticking with the 60/40 rule, but it did not have the definitions which I think are important. As a result, the conferees dropped all the relevant provisions in both bills relating to depot maintenance and decided to retain current law. I believe this outcome is unfortunate. The issues have been the subject of a lot of debate and discussion in recent years. I think the Senate provisions were a good, long-term compromise that would have provided flexibility to put in place clear definitions and a well-defined policy that would have given greater predictability and stability for both DOD depots and private-sector interests.

Turning to the area of personnel policy, the House bill contained a provision that would have required the mandatory separation of HIV-positive service members who have less than 15 years of service. Under the House provision, these individuals would have had to be separated within 2 months of their having been determined to be HIV positive.

The Senate bill contained a provision that would have required the Secretary of Defense to prescribe uniform regulations concerning the retention of service members who cannot be deployed worldwide for medical reasons. These regulations would have not only applied to members affected by HIV but by all other diseases that may affect the ability for these personnel to be deployed.

Under this provision, the policies governing the retention of service members who are nondeployable because of medical conditions like asthma, cancer, diabetes, and heart disease would be the same as those policies governing the retention of service members determined to be nondeployable because of their being HIV positive.

Mr. President, I will not go into detail today, but the House provision would have imposed a very severe hardship on people found to have HIV and to their families. These are people who have gotten into this situation through no fault of their own. It would have been very unfair. There are very few people in this category. We can state that the conferees dropped the House provision, and the report includes no changes to current law. I think that is the right result.

Mr. President, President Clinton indicated over the weekend that he would sign this bill, so this is the last defense authorization bill that I will have the privilege of voting on during my Senate career. I am glad about that. I did not want the bill to be vetoed, and I did not want an encore here. I am delighted we were able to finish this conference.

This will be the last Defense authorization bill that I will have the privilege of voting on and working on. I joined the Armed Services Committee when I came to the Senate in 1973. It was one of the real reasons I ran for the Senate. I wanted to be on the Armed Services Committee, and I wanted to be involved in international security. I had it in my heart and mind. Being able to work with the men and women who serve our Nation on the Armed Services Committee has been one of the true highlights of my entire life and my Senate career. It has been the highlight of my tenure here in the Senate.

Every year that I have been in the Senate this committee has brought a Defense authorization bill to the floor, and every year it has been signed into law. Occasionally, we had to have a bill vetoed first, but we have always managed to enact an authorization bill. I hope that will continue.

Mr. President, the hallmark of the Armed Services Committee has always been a deep and unwavering commitment to the national security of the United States and particularly to the welfare of the men and women who so capably and bravely serve us. This service is not without sacrifice throughout this country and the world. The people in uniform are remarkable. This commitment has been completely bipartisan, and I am proud of the fact that over the years, with a few exceptions here and there, we have managed to conduct our business with a minimum of partisanship.

It has been a real privilege for me and a great honor to serve on the committee under the leadership of some of the giants of the U.S. Senate. Of course, my predecessor, Richard Russell, was an outstanding chairman of this committee and the Appropriations Committee for many years. I followed his career before I came to the U.S. Senate. My great uncle, Carl Vinson, chaired the Naval Affairs Committee and then the House Armed Services Committee for many years during his 50 years of service in the House of Representatives. I have been deeply honored to serve with the giants, who have chaired and been ranking members of the Armed Services Committee. I am not going to try to name every one that I have served with because they have all been friends and colleagues.

However, I have to list Senator John Stennis, a giant in the U.S. Senate; Senator Barry Goldwater, my partner in numerous legislative undertakings, as Senator THURMOND has said, particularly in the legislation known as the Goldwater-Nichols legislation; Senator John Tower, a colleague and very strong chairman of the Armed Services Committee; and, of course, now, my colleague and friend, Senator STROM THURMOND, who has been a great chairman and ranking member when he was in the minority of the Armed Services Committee. I must add that Senator THURMOND was a pillar of strength in his own service in the U.S. military. He was a stalwart leader during World War II. All of us who went to Normandy were able to recount that history and understand the remarkable role Senator THURMOND played there. Again, we are impressed and indebted to him for his service.

I have to mention Senator ''Scoop'' Jackson, a man I admired deeply before I came to the U.S. Senate. I felt a great privilege in knowing and working with him, both in military and national security, foreign policy matters, as well as on the Permanent Subcommittee on Investigations. I was his vice chairman, and while he was engaging in his run for Presidency in 1976, I was the acting chairman under his direction of that investigative subcommittee. I must mention Senator JOHN WARNER, who has been my partner on many different ventures involving military foreign policy matters. He served as a ranking minority member of the committee during my chairmanship. He has been a pillar of support for the men

and women in uniform and for our national security. I have thoroughly enjoyed my association with him. I have learned a tremendous amount from all of these Senators.

I remember Senator Dewey Bartlett, now departed, Republican from Oklahoma. Senator Bartlett and I went to NATO in the mid-1970's and worked together on a NATO report which we think had some effect on strengthening our overall NATO positions. He was a very close friend of mine. He died a few years ago. Certainly, the recent book that has come out on Senator Bartlett is on my ''must read'' file. He was a wonderful Senator. I remember him with great fondness.

Then there are Senators COHEN and LEVIN. I have already mentioned Senator COHEN and the remarkable role he played in all the things we have undertaken together. Senator LEVIN, Senator EXON, and I have worked together as partners on many, many, different matters. Senator LEVIN will be the chairman of this committee if the Democrats are in control next year and will be the ranking Democrat if the Republicans retain control. In either role, I am confident that he will continue his diligence and his dedication to the men and women in our military and to our Nation's security.

Senator BINGAMAN has been a champion and our real leader in technology issues. I have thoroughly enjoyed working with him as well as every member of the committee. Senator BYRD as majority-minority leader, a member of this committee, and a leader in the Appropriations Committee has been one of my most greatest friends and has helped me every step of the way in everything I have undertaken on this committee and in the Senate.

I will not try to name all the people, but Senator KENNEDY has done a great job in his work. Senator GLENN and I have been great friends and have worked together on many different matters, including the deployment of our forces in Korea and helping to convince President Carter to change his mind on withdrawal of the forces from Korea in a critical time.

Senator MCCAIN is certainly not only a war hero but also a leader for national security. Senator COATS and Senator KEMPTHORNE are newer members of the committee, but they both have done remarkable jobs. Senator SMITH and others are going to be increasingly heard from on the Armed Services Committee in the years ahead.

I leave with a great sense of feeling that the Armed Services Committee is going to be in strong hands on both sides of the aisle in the years ahead. I will follow these issues with a great deal of interest in the future. I am sure that I will continue to be involved in one way or another in national security issues. I leave the Senate with a great feeling of confidence that the men and women who serve in the military have stalwart champions of our national security policy and the quality of life for the people who serve our Nation so well.

Mr. President, in closing, the Armed Services Committee has been fortunate to have the service of some extraordinarily talented and dedicated staff members during my service on the committee—staff directors and the staff who serve under them. I wish I could name everyone who served so well on this committee as a member of the staff. They all know of my deep admiration for them, and they all know that I relied on them every day that I have been in a leadership position on this committee.

We have had staff directors like Ed Braswell, Frank Sullivan, Rhett Dawson, Jim Roche, Jim McGovern, Carl Smith, Pat Tucker, Dick Reynard, Les Brownlee, and, of course, Arnold Punaro, who has been my right arm on national security issues for over 20 years. Arnold and Les both have had outstanding military careers and have accorded themselves with great valor on the field of battle.

Mr. President, these staff directors and those who serve with them are truly the unsung heroes of our American military forces. I will continue to be indebted to them.

I am indebted to the current minority staff committee, who worked so hard on this bill and on countless other issues. In addition to Arnold Punaro, Andy Effron, and David Lyles. David, who is on the floor today, left the committee for a while and has come back. I hope he will be on the committee staff for a long time to come.

Andy Effron left the committee last month to take a position on the bench of the U.S. Court of Appeals for the Armed Forces. Nobody will do a better job as a judge affecting our military forces than Andy Effron, and we all know that.

Rick DeBobes is an outstanding lawyer and Navy captain who worked with Admiral Crowe. He has been my right arm on numerous foreign policy issues and is always available to the majority leader and minority leader in working out difficult foreign policy matters on behalf of this committee.

I thank Creighton Greene, P.T. Henry, and Bill Hoehn, who has been with me a long time. Creighton and P.T. have all done a tremendous job. Bill Hoehn has made remarkable contributions to national security at the Rand Corp., as a DOD official in the Reagan administration, and on our committee. Mike McCord is a genius with budget numbers and has been our mainstay in so much of the analysis that is critical for our committee.

Frank Norton has done a wonderful job on military construction. Julie Rief is a true professional on construction and family housing issues. Chris Cowart, who runs the committee and tolerates Arnold Punaro. Chris can hear him all across the Capitol, wherever he is, and she has done so much for our committee day in and day out. I thank Jan Gordon, Jennifer Lambert, Danny Ginsberg, Jay Thompson for their hard work. Maurice Hutchinson and DeNeige (Denny) Watson, who have come out temporarily, Maurice from the Department of Defense and Denny from the executive branch, to help me personally and our entire committee in analyzing key developments in Asia and the former Soviet Union. Maurice was involved in Asia and Denny with the former Soviet Union.

Mr. President, I would like to have a chance to thank everybody who I have served with on staff. I will not name them all today. Generally speaking, without any doubt, we could not prepare any bill, let alone a bill of this size, without their help. They do the hard work under a great deal of pressure and with impossible deadlines. They stay up all night many times. The taxpayers of this Nation are well-served. All of them are underpaid, in terms of not only the hours they work, but in terms of what they could earn if they were out in the private sector. They, like our men and women in uniform, make sacrifices for our national security. I think that should be said.

Finally, Mr. President, I thank the Democratic floor staff. I will not try to name all of them. They are absolutely remarkable people. We take them for granted because they are so good. The floor staff here on the Democratic side—and I am sure the same is true on the Republican side—are terrific. We appreciate their help in every step we take to get our bills and legislation through.

In closing, this is a good conference report. I congratulate Senator THURMOND, all of our staff, members of the committee, and the conferees. Again, I thank Senator THURMOND for his leadership. This legislation will improve our national security, and that is what we are all about. I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Will Senator NUNN yield me a few minutes?

Mr. NUNN. Yes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we're here today to vote on the conference report to the fiscal year 1997 Defense authorization bill. But before I begin my remarks on this legislation I want to take a moment to commend my good friend and colleague, the senior Senator from Georgia, SAM NUNN.

Today, the Senate will see the last Defense conference report handled by my colleague, and I'm sure I'm not the only one who is already feeling the tremendous loss.

Both as chairman of the Senate Armed Services Committee and its ranking member, Senator NUNN gained a reputation for working with members on both sides of the aisle. His ability to forge compromises in the best interest of the Nation has made Senator NUNN

not only a skilled legislator, but also a true leader.

In addition to thanking the committee, the chairman, and the ranking member, I also want to give special thanks to Senator COATS for his tireless effort to preserve our language to assist the Navy's privatization efforts at the Louisville Naval Ordnance Station and the Indianapolis Naval Surface Warfare Center.

I want to turn now to the 1997 fiscal year Defense authorization bill's conference report. I was very pleased to see the conferees retained my funding for the Urban Combat Training Center at Ft Knox, along with my language to protect the pensions of certain employees affected by the BRAC privatization effort and on impact aid. However, I'm very disappointed that the conferees dropped my language on the chemical demilitarization program.

While the final bill language is a compromise from the legislation Senators COATS, LUGAR, HUTCHISON, and I introduced a few months ago, it accomplishes our goal of providing a deferred annuity for those Department of Defense employees targeted for privatization as directed by the Base Closure Commission and who consequently, will lose their benefits under the Civil Service Retirement System.

This 2-year pilot program: Requires the GAO to evaluate and report to Congress on the successes or failures of the program; leaves the Secretaries of the military services the discretion of implementing a program; and indexes a deferred annuity.

In their report on the Senate Defense authorization bill, CBO estimates that the civilian retirement annuities, section 1121, proposal would reduce spending by $362 million by the year 2003.

Mr. President, I ask unanimous consent to have printed in the RECORD an outline of what this provision does and why it was needed.

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

BRAC PRIVATIZATION: THE CSRS ISSUE

Issue: The Base Realignment and Closure (BRAC) Commission has recommended the privatization of certain military facilities. For privatization to succeed, the maintenance of an experienced workforce is critical. Retirement benefits have become recognized as a major impediment to the privatization of the Louisville and Indianapolis Navy facilities and other Department of Defense (DOD) facilities.

In the absence of legislation to protect their retirement benefits, many employees will—and are—transferring to other Federal positions to maintain and protect their retirement benefits under the Civil Service Retiement System (CSRS).

If a large number of key employees transfer within the government rather than work for a private sector contractor, privatization savings to the the government may not be fully realized. The Department of the Navy estimates that privatization of Louisville and Indianapolis would provide up to $390 million in ''cost avoidance'' to the government.

Unlike other Base closings, the cost to the Federal government to close and move the work at Louisville and Indianapolis is far greater than the cost of privatization. The retention of the Federal employees at these facilities is essential to the private contractor.

Background: The 1995 BRAC Commission directed privatization of two Navy facilities with a large Federal workforce—the Naval Surface Warfare Center, Louisville, Kentucky, and the Naval Surface Warfare Center, Indianapolis, Indiana (the 1993 Commission directed the Air Force to privatize Newark Air Force Base in Ohio).

These Federal employees are different from other employees adversely affected by downsizing—the key difference is that these employees are not being separated because their services are no longer needed or because the work they accomplished is redundant or unnecessary. Under the BRAC ''Close and Move'' scenario these employees would have been eligible to continue their Federal employment (and qualify for an annuity) at another Federal installation. These employees are expected to continue accomplishing the same mission as before, but they will be working as private sector employees.

Most Federal employees hired before 1984 currently participate in the CSRS; those workers hired after 1984 participate in the Federal Employees Retirement System (FERS). FERS is different than CSRS because it is a portable plan in that it allows a Federal employee to move between Federal and non-Federal employment. In doing so, the accrual of Federal benefits is not significantly penalized.

However, employees under CSRS have no portability because it is a single component defined benefit plan. Therefore, when CSRS covered workers are forced to separate from Federal employment before they are eligible for an immediate annuity, their retirement benefits lost considerable value. Employees who lose their Federal position and withdraw their retirement contribution early forfeit all benefits from the Federal government and thereby are not eligible for a pension.

Employees with the most experience tend to be covered under CSRS. These are the employees the contractor taking over the work at a government facility considers to be very valuable. For example, 46% of the employees at the Louisville Naval Surface Warfare Center are covered by CSRS and are not eligible for retirement. Many of these employees, who are highly skilled, are seeking to transfer to other Federal positions. Some are even accepting lower paid positions within DOD, so that they may maintain their CSRS retirement benefits. As a result, there is little incentive for CSRS employees to accept positions with the private contractor. Therefore, the privatization of Federal facilities could fail at a significant cost to the Government and the U.S. taxpayers.

LEGISLATIVE REMEDY

To rectify the CSRS issue, the legislation proposes to index a deferred annuity for DOD CSRS Employees. It would be a pilot program for two years with a requirement that the GAO report to Congress its evaluation on the success or problems with the program. It is discretionary with the Secretary of the military service to implement a program and the Service would have to pay into CSRS the annual pay raises for the indexed annuity (this is similar to what Congress established for the postal employees). The legislation would address the issue of CSRS employees receiving a retirement benefit by:

Indexing the average pay on which the annuity is computed, and allowing a Federal deferred annuity to be paid to specific CSRS employees at the individual's optional retirement age, and the employees must forego their Federal severance pay.

The legislation will apply only to Transferred Employees of the Department of Defense. A Transferred Employee is one whose job is privatized pursuant to a decision of the BRAC Commission. This indexed, deferred annuity will be available only to individuals participating in CSRS, and not to those participating in FERS. The legislation will apply to only those CSRS employees who are ineligible to retire and who accept work with the private contractor.

Reasons for legislation:

At this time there are no administrative remedies.

Treats employees equitably and thus stabilizes the workforce for privatization.

Is acceptable to contractors.

Is easy to administer.

Understandable; makes sense.

Mr. FORD. Mr. President, I'm also very pleased that conferees kept my amendment on impact aid in the final bill. Since the Truman administration, the Federal Government has acknowledged its responsibility in assisting school districts educate federally connected children through the Impact Aid Program.

In 1994, Congress made a change to this program and said that if a school district which provides an education to children whose parents are civilian and work on Federal property does not enroll 2,000 of these students and this does not impact a school district by 15 percent then the school district would not be able to count these children for payment.

With this change, we drew a line in the sand which was arbitrary and unfair. We ignored the fact that a school district may be heavily impacted, but may not enroll 2,000 of these students in it school district. The end result was that our rural school districts were penalized unfairly because of their size. But, these students have as much of an impact on smaller school districts as they do on any of the larger school districts.

I am pleased to see that the provision I offered lowering this threshold to 1,000 students or 10 percent impact, has been retained. This has been a difficult change to make, and I'm pleased and thankful for the support this amendment has received from my colleagues, especially Senator WARNER and other members of the Senate Armed Services Committee. We can all be proud that we corrected an error that would have caused school districts in 42 States unjust hardships.

Despite being very pleased to see the Coats-Ford pension changes and my impact aid language included in the final bill, I'm very disappointed the conferees dropped language Senator BROWN and I had included on chemical weapons demilitarization.

Maybe we ought to treat this conference report like a crime scene. Let's dust for fingerprints and see just who it was who ripped the Ford-Brown language out. While we're at it let's find out what their motives could have possibly been.

For those who decided to play behind-the-scenes politics with this deadly issue let me remind you that it only

takes one drop of a nerve agent like sarin to kill a person. A major release would kill 1 in 10 people within a 40-mile radius according to some projections.

Their decision seems even more imprudent with the news of a nerve gas leak in Utah. I find it amazing that the Army remains as hard as a bull's head on this issue despite having to literally shut down operations in Utah almost as soon as they started because of a leak. With all their big talk about advanced technology, it took just one leaky gasket to close up shop.

That's why the Ford-Brown language had the support of the President, who expressed his satisfaction that an agreement had been reached on such a critical issue. I ask unanimous consent that the letter dated July 17 from the President be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. FORD. In his letter, President Clinton wrote:

> . . . I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. . . .

He continues:

> . . . As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration. I urge the House-Senate Conference to act favorably on this amendment . . .

But today the American public is seeing what can happen when policy is made behind closed doors. I can only hope that those responsible for this irresponsible action simply didn't understand the impact of leaving us with language that is much, much weaker. If that's the case let me tell you as clearly as I can that your actions essentially leave us emptyhanded.

Because of this indiscretion we won't have a chance to discover if there's an alternative to the baseline incineration program. Instead, the conferees have chosen to spend $12 billion on a program which the affected citizens haven't accepted—and with good reason—as a safe method of destroying chemical weapons.

Recent reports of the nerve gas leak in Utah further underscore just how much is at stake. As Craig Williams, a spokesman for the Chemical Weapons Working Group put it, ''This program is 12 years behind schedule and 700 percent over budget. They are desperately trying to keep it afloat.''

I'm outraged that back room deals in the Senate have not only made us a silent partner in the Army's efforts, but will essentially lock in the baseline incineration program. This was done despite a letter from the President supporting the Ford-Brown language and despite the overwhelming evidence that safer alternatives exist.

This change causes delays of at least a year in the commencement of an alternative pilot program and gives the Secretary of Defense authority not to conduct a pilot program based upon a paper assessment. Those responsible for this are fooling themselves if they think I'm the only one who will recognize what a sham this language makes of our efforts and our constituents' concerns.

I wonder if you've considered the whole transportation issue? Did you realize that we have to transport neutralized chemical agent and residual materials to a central facility for incineration? What will you tell the site that becomes the dumping ground for all other sites? That's a real possibility since the language doesn't limit shipment of neutralized chemical agent and residual material to the chemical demilitarization sites. Thanks to this new conference language, any State that has a permit to burn hazardous waste may be a potential shipment point.

Mr. President, this language puts the alternative program under the current chemical demilitarization management—exactly opposite from the Ford-Brown amendment. Their justification for doing this is that ''the conferees are concerned that a divided program under separate managers would result in duplication of effort and increased costs and would jeopardize safety.''

The Ford-Brown language resolved many of the problems that have brought us to this point today. Not only would it have set out a 3-year deadline for completion, but our language stipulated that no funds were to be expended for the purchase of long lead materials that are incineration specific. It also gave the Secretary of Defense latitude to appoint the best individual for the program, even if this person came from another agency. By making the Secretary accountable, we could have ensured the pilot program wasn't compromised.

Our amendment would have allowed the Department of Defense to transfer funds to other parties within the Federal Government to ensure that this project would be completed in an efficient and timely manner and again, so that there would be an independent review and analysis of alternative technologies. It also required accountability with a report to be filed with Congress each year on the progress of the program.

So whether you're talking about accountability or effectiveness, this conference report language flat out fails the affected communities. In fact, it biases the program in such a way that no one in the effected communities will believe anything that comes out of the Army Chemical Demilitarization Program.

We already know that lawsuits have and will be filed in other States who are opposed to the baseline incineration program. This situation could be avoided if the conferees had stayed with the Ford-Brown language. And more important, it could have been avoided if those people working behind-the-scenes to kill our provision remembered that they ultimately answer to the American people, not to the National Research Council or those running the Army chemical demilitarization show.

While the conference report isn't amendable, I haven't given up on this and will be doing everything I can to reverse this grave policy error.

EXHIBIT 1

THE WHITE HOUSE,
Washington, DC, July 17, 1996.

Hon. WENDELL H. FORD,
U.S. Senate, Washington, DC.

DEAR WENDELL: I am pleased that we were able to reach an agreement on the Ford-Brown chemical weapons demilitarization amendment to the Defense Authorization Act that the Senate adopted on June 26 during debate on S. 1745. The National Academy of Sciences (NAS) concluded in its 1994 study that the continued storage of these obsolete and dangerous weapons poses severe environmental and safety problems for workers and communities. I am dedicated to ensuring that these weapons are destroyed as quickly and safely as possible.

I am also committed to going the extra mile to explore whether there may be safer and more environmentally sound alternatives to the Army's baseline incineration system, even though the 1994 NAS study concluded that the baseline system has been demonstrated as a safe and effective disposal process for the stockpile. I continue to believe that a well-designed incineration system can be a safe and environmentally acceptable means of destroying these weapons and that any potential decrease in disposal risks through alternative approaches must be balanced against the increased risk of storage by delaying destruction. Still, I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. My Administration will work very hard to ensure that all Americans have a safe and healthy environment. As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration.

I urge the House-Senate Conference Committee to act favorably on this amendment. I am asking the Secretary of Defense to work with the Congress to ensure that this pilot project receives the highest priority in the Chemical Demilitarization Program. I commend you for seeking alternative solutions to this very difficult problem.

Sincerely,

BILL.

Mr. BYRD. Mr. President, the conference on the Fiscal Year 1997 Department of Defense Authorization bill has been concluded. In many respects, the bill has been improved in conference over both the House- and Senate-passed versions. Policy provisions have been dropped that might have led us into needless conflict with Russia and that might have jeopardized strategic arms reductions which make the whole world safer. I commend the conferees, under the able leadership of Senator THURMOND and Senator NUNN, for these changes. I would note also that this is Senator NUNN's last defense conference. I congratulate him on the selfless and dedicated service he has given to the Senate Armed Services Committee, to the Senate, to the people of

Georgia, and to the Nation. I shall miss his thoughtful analysis and cogent arguments of security threats facing this nation.

Although action was taken on the floor to bring the bill into line with the Budget Resolution, at $265.6 billion, it is still $11 billion over the administration's request of $254.3 billion. It is hard to imagine that $254.3 billion is not sufficient to maintain our nation's military forces, but it was adjudged to be too little to maintain our defense establishment.

I earlier expressed my hope that the amount might be reduced in conference, but it has not been. As I have stated previously, I did not vote for the Budget Resolution because I did not agree with the choice made to add funds to defense while cutting other critical non-defense domestic discretionary accounts. The Fiscal Year 1997 defense authorization and appropriations bills hew to the path that was set forth in the Budget Resolution. I cannot blame the managers of these bills for playing the card they were dealt, and spending the money in the most effective manner possible, but I cannot follow the same path. Regretfully, for I believe the conference has improved its content, I must vote against this bill.

A strong defense is all well and good, Mr. President, but other things are also important. A nation's strength is measured not only in military strength, but in the strength of its infrastructure, its economy, and its people. I think we need a better balance between our spending on defense and our spending on other programs. Recent events in Atlanta and the tragic and unexplained loss of TWA flight 800 have raised fears of terrorism to new levels, and have added priority as well as funding to anti-terrorism and counterproliferation efforts. Americans have prepared themselves for the inconvenience and drag on productivity that greater security measures will impose. But what about the loss of life and loss of productivity created by the imbalance in funding between defense and non-defense discretionary programs that has been accentuated by the congressional budget process? How high does the illiteracy rate have to climb before we stop cutting funds for education, teachers, and books? How many airline crashes must occur before the FAA gets funds for more inspectors? When will we add funds for programs to keep aircraft and passengers safe, rather than add funds for farfetched and technologically risky plans to stop incoming ballistic missiles? This conference agreed to add $350 million to the administration's already generous request of $508.4 million for national missile defense.

How many children must die from contaminated hamburgers before we find more funds for food inspectors? How many sick people must die before the Food and Drug Administration gets more funds to speed the review of new medicines and other treatments? These are the choices we make when we add money to defense. The pot is only so big; the more that gets ladled into the defense bowl, the less there remains to dole out to defense against illiteracy, unsafe conditions, and disease.

There is much talk of readiness, of funds being needed to prepare for military contingencies. That is what some of these added funds are meant to address. But, while we are willing to prepare for and to wage war, we must also be prepared to pay the wages of war. I offered an amendment to provide $10 million for independent scientific research into the possible link between chemical warfare agent exposure and the Gulf War syndrome being suffered by large numbers of Gulf War veterans. My amendment would also have provided health care for the children of these veterans who have birth defects or catastrophic illnesses that may be related to their parents' wartime exposures.

I am glad that the conferees agreed to designate the funds from within the $9 billion Defense Health Program for this research. It has been five years since the Gulf War, and no such research has been conducted, despite veterans' concerns that this exposure may be at the root of their illnesses and at the root of their childrens' tragic conditions. A recent Department of Defense admission that chemical weapons were among Iraqi ammunition stores that were blown up over U.S. troops have reignited concerns about chemical warfare agent exposure. I am glad that this research may now be conducted, and I hope that the Department of Defense will move quickly to get the research started.

In the interim, I had hoped that the conferees would agree with my proposal to provide health care for the affected children. Their situations are truly tragic, and are financially devastating to their families. I asked that these children, the likely victims of an increasingly toxic battlefield, be given the benefit of the doubt until scientific research establishes evidence of a link between their parents' exposure and their conditions. Sadly, the conferees were not prepared to be that compassionate. Out of a $265.6 billion defense budget, not $30 million could be found to provide for these children while appropriate scientific research is conducted. Instead, the Secretary of Defense and the Secretary of Veterans Affairs have been directed to develop a plan to provide care only after these birth defects and catastrophic illnesses have been proven to a reasonable scientific certainty to be linked to their parents' wartime exposures. I urgently hope that the research moves fast enough to convince my colleagues before these children and their families pay too high a wage for their participation in our Nation's wars.

EA–6B REACTIVE JAMMER PROGRAM

Mr. THURMOND. Mr. President, airborne electronic warfare has been an item of special interest for the Committee on Armed Services for several years now, not only because of its importance in strike warfare but also because of the Department of Defense's checkered record of providing substantial programs and clear direction in this area. In fact, I believe it was when Senator NUNN chaired the committee in 1992, that the committee urged the Defense Department to merge electronic warfare programs to provide a more cost-effective, and indeed, a more effective EW capability.

Mr. NUNN. Mr. President, I thank the Chairman for bringing up this issue. It is true that the committee proposed to merge the Air Force's and the Navy's requirements into one electronic warfare aircraft program that could be pursued aggressively, but the Department of Defense responded that it needed two separate robustly funded jamming aircraft programs. Now it has one program that limps along without the benefit of any real capability upgrades.

Mr. THURMOND. Mr. President, I agree with Senator NUNN and believe this year's bill is designed to move forward with this very important program. Section 123 of the Conference Report contains a prohibition on the obligation of funds for modifications or upgrades for EA–6B aircraft until funds have been obligated for a reactive jammer program, a report has been received, and 30 days have elapsed from the date of the receipt of the report. Specifically, section 123(a) prohibits the obligation of funds for modifications to EA–6B aircraft until a certification that some or all of such funds have been obligated for a reactive jammer program for EA–6B aircraft. Only research and development funds have been authorized and appropriated for the reactive jammer program and, as I understand it, the funds mentioned in this section refer to those research and development funds for initiation of a reactive jammer program. Does the Senator from Georgia interpret the section as I do?

Mr. NUNN. Mr. President, I agree with the Senator from South Carolina's interpretation. The mention of ''some or all of such funds'' does indeed refer to research and development funds, not to procurement funds. The intent of the conference is that the prohibition is on the obligation of procurement funds until some or all of the research and development funds are obligated for a reactive jammer program.

Mr. THURMOND. Mr. President, thank you for providing me the opportunity to clarify this section of the conference report.

SECTION 3154 OF H.R. 3230, DEFENSE AUTHORIZATION BILL

Mr. THOMAS. Mr. President, I am pleased the conference report contains section 3154, which requires the Department of Energy [DOE] to carry out a study to determine the extent and valuation of natural resource damages at DOE sites. I authored this provision as chairman of the Senate Energy

Committee's Subcommittee on Oversight. Frankly, I was shocked to find that the Department had not yet done their own study of this potentially huge future liability, and that is why I introduced this amendment.

It is vital that the Department of Energy obtain comprehensive and accurate information regarding the extent and valuation of natural resource damages at DOE sites. This is especially important if we are to make realistic budget assumptions today and set realistic budget goals for the future. Unfortunately, there has not been a reliable study done on this issue to date.

During the course of Superfund hearings held in the Environment and Public Works Committee, significant questions have been raised about the Department of Energy's liability for natural resource damages at their Superfund sites. Department officials first estimated liability in the hundreds of billions of dollars. Since that time, GAO has looked at the situation, as has CEQ. However, the CEQ and GAO estimates are quite different. GAO estimates a high range of $15 billion while CEQ says the high range is $500 million. The disparity between these two studies is troubling, as is the fact that DOE has never done their own study.

This amendment directs DOE to conduct their own study, to use realistic assumptions about liability based on the real world experience private parties have already had, and to report to the Congress 90 days after enactment. This real world experience is the methods in the current natural resource damages assessment regulations, and should be consistent with the position asserted by public trustees in suits against private parties and with the position supported by the administration pertaining to damages against private parties. While I would be happy to work with DOE to ensure they have enough time to do a credible job, it is important that they complete their work before we move to reauthorize the Superfund program next year and before next year's appropriations cycle.

Finally, I want to emphasize that the intent of this section is purely for oversight functions. This section in no way should be interpreted as a reflection of support for the current operation of the natural resource damages provisions of CERCLA. I in no way endorse the methodologies used by public trustees under the current natural resource damages regulations. I simply believe that if private parties face these regulations today, and if the Department of Energy is the single largest potentially responsible party in the country, then we ought to use the same standard in estimating DOE liability at these sites. I look forward to receiving this study and to possible future hearings on this issue.

Mr. President, I want to thank Chairman THURMOND and Senator NUNN for their help on this matter.

CABLE TELEVISION PROVISION

Mr. SMITH. I would like to engage the chairman and ranking member of the Senate Armed Services Committee on section 833 of the conference bill, relating to cable television franchise agreements on military bases. That section implements an advisory opinion of the U.S. Court of Federal Claims, which found that cable television franchise agreements on military bases are contracts subject to the Federal Acquisition Regulation [FAR].

As chairman of the Acquisition and Technology Subcommittee, I believe that when negotiating the settlement ordered by section 833(3), the parties should give due consideration to the fair compensation of cable operators terminated for the convenience of the Government in accordance with part 49 of the FAR. Factors to be considered may include, to the extent provided in the FAR, interest on capital expenditures, settlement preparation costs, and other expenses reasonably incurred by such operators in connection with constructing their cable systems or obtaining fair compensation.

Mr. THURMOND. I agree with the statement of the Senator from New Hampshire.

Mr. NUNN. I also agree with the statement of the Senator from New Hampshire.

SUBMARINE LANGUAGE

Mr. LIEBERMAN. Mr. President, in section 121 of the conference report I read that funds in this bill are:

* * *available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the ''Memorandum of Agreement among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) concerning the New Attack Submarine'' dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and update design base.

Further, in the bill, under subsection (g) Design Responsibility, I read,

The Secretary shall ensure that both shipbuilders have full and open access to all design data concerning the design of the submarine previously designated by the Navy as the New Attack Submarine.

Mr. President, reading a portion of the aforementioned memorandum of agreement, a copy of which I am submitting for the record, NNS is to ''be provided design deliverable information in a manner and scope that is generally consistent with that provided in the latest submarine program (SeaWolf). Design data transfer will be conducted in the most cost effective manner to support construction of follow-on ships at NNS.'' My interpretation of subsection (g)(1) of section 121 is that this subsection does not require the transfer of any design data between the shipyards which are not required by the memorandum of agreement. Am I correct in my interpretation of the intent of the conferees?

Mr. COHEN. Mr. President, I would say that the Senator from Connecticut is correct in his interpretation of the language in the bill regarding the transfer of design data between the two shipyards. It was the intent of the conferees to reaffirm last year's requirement requiring the transfer of design data regarding the new attack submarine to Newport News Shipbuilding. It was not the intent of the conferees to change the terms of the memorandum of agreement. Further, it was the intent of the conferees that the appropriate US Navy official resolve differences of opinion about what information is required to be transferred under the MOA.

Mr. KENNEDY. Mr. President, may I say that I fully agree with the distinguished chairman of the Seapower Subcommittee on this point.

Mr. WARNER. Mr. President, I agree with my colleagues interpretation of this important subsection of the conference report.

Mr. LIEBERMAN. Mr. President, thank you for providing me the opportunity to clarify this most important section of the conference report.

NUNN-LUGAR-DOMENICI DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

Mr. NUNN. Mr. President, after a truly heroic effort by both members and staff, before the recess we completed action on a conference agreement on the fiscal year 1997 Defense authorization bill. I hope this agreement will be voted on by the Senate soon. I wanted to take a few moments to highlight one provision in that bill which relates specifically to a recent tragic incident that has hit all of us in our hearts and homes. The incident to which I refer is the terrorist pipe bomb that went off in Centennial Park—the heart of the Olympic celebration in Atlanta—in July, which killed 1, caused the death of another, and injured over 100 people.

But, Mr. President, at this point in history, we have to ask ourselves, ''What if?'' What if this hadn't been a crude pipe bomb? What if the individual who planted this terrorist device had used information readily available on the Internet and materials readily and legally available to concoct a chemical weapon? Or, worse, suppose he had concocted a biological weapon?

The answer seems too terrible to consider, but consider it we must. And that is precisely why Senator LUGAR, Senator DOMENICI, and I cosponsored the Defense Against Weapons of Mass Destruction Act, an amendment—adopted by a unanimous vote in the Senate—to the Defense authorization bill that addresses this very threat. I am pleased to say that our colleagues in the House of Representatives also accepted this amendment in the conference report virtually as it passed the Senate.

Mr. President, the Defense Against Weapons of Mass Destruction Program, now title XIV of the Defense authorization bill, provides $201 million—$144 million to the Department of Defense and $57 million to the Department of

Energy—to address the threat of proliferation of weapons of mass destruction.

DOD is being given $65 million to conduct a program to train, equip, and assist local first responders in dealing with incidents involving nuclear, chemical, and biological weapons and related materials; $10.5 million of this funding is specifically earmarked for DOD assistance to the Secretary of Health and Human Services in forming emergency medical response teams capable of dealing with these materials.

DOD is also being given $30 million both to provide equipment and assistance to the United States Customs Service and to help train customs services in the former Soviet Union, the Baltic States, and Eastern Europe in an effort to improve our ability to detect and interdict these materials before they reach the hands of terrorists in the United States. An additional $27 million is provided to DOD and DOE for research and development of improved detection technologies, which are badly needed.

Finally, DOD and DOE are provided additional funding to address the threat of proliferation at its source. In addition to being fully funded at the administration's request of $327.9 million, DOD's Cooperative Threat Reduction Program is being provided $37 million for projects designed to destroy, dismantle, and improve controls over the former Soviet Union's stockpiles of weapons of mass destruction. DOE is being provided $40 million for its programs in this area.

The provision also calls for the creation of a senior level coordinator to improve the Federal Government's efforts in dealing with the threat of proliferation and to coordinate Federal, State, and local plans and training. Some $2 million is provided for the coordinator to use in focusing research efforts on improved planning, coordination, and training efforts.

Mr. President, the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons is one of the most serious national security threats we face today.

This threat is very different than the threat of nuclear annihilation with which our Nation and the world dealt during the cold war.

During the cold war both we and the Soviet Union recognized that either side could destroy the other within an hour, but only at the price of its own destruction.

I have heard too many experts, whose opinions and credentials I respect, tell me that it is not a question of if but only of when terrorists will use chemical or biological—or even nuclear—weapons in the United States.

In July, the Commission on America's National Interests, cochaired by Andrew Goodpaster, Robert Ellsworth, and Rita Hauser, released a study that concluded that the No. 1 vital U.S. national interest today is to prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. The report also identified preventing the loss of control of nuclear weapons and nuclear weapons-usable materials, and the containment of biological and chemical weapons proliferation as one of five cardinal challenges for the next U.S. President.

The Permanent Subcommittee on Investigations of the Governmental Affairs Committee held a series of hearings over the last year on the proliferation of weapons of mass destruction, at which representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, and foreign officials described a threat that we cannot ignore, but for which we are virtually totally unprepared.

CIA Director John Deutch, for one, candidly observed ''We've been lucky so far.''

And, in fact, we have already received at least three loud warning bells. First was the release of deadly sarin gas in the Tokyo subway system. Second was the truck bomb which went off in the garage of the World Trade Center in New York City—a bomb that the trial judge believed the killers intended to be a chemical weapon which, had it deployed as intended, would have killed thousands. Third was the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The pipe bomb in July in Atlanta serves as yet another warning that we must improve our preparedness for terrorist attacks in this country.

Mr. President, this legislation will significantly improve our ability to deal with this threat—an ability which today is clearly not up to the challenge. We have heard testimony in recent months at hearings held by the Permanent Subcommittee on Investigations that speaks clearly to the remarkable lack of domestic preparedness for an incident involving nuclear, radiological, chemical, or biological materials.

Fire chiefs said that they cannot plan on Federal emergency assistance to help in an emergency of this nature as it is simply too long in coming.

Local emergency first-responders—policemen, firemen, medical technicians—grimly said over and over again that they were incapable of dealing with a chemical or, especially, biological weapon or incident.

By providing funding and a mandate for DOD and DOE to share their experience, expertise, and equipment dealing with nuclear, radiological, chemical, and biological weapons and materials, we can address critical shortfalls in our domestic preparedness that have been specifically and repeatedly noted in congressional testimony and documentation.

Several modest exercises have been held to test how Federal, State, and local emergency responders would deal with a nuclear, radiological, chemical, or biological attack.

In one large exercise, the first 100 or so emergency response personnel—police, firemen, medical personnel—arriving at the scene of a mock chemical weapon disaster rushed headlong into the emergency scene, and were promptly declared ''dead'' by the referees.

In a second exercise featuring both chemical and biological weapons, contaminated casualties brought to the nearest hospital were handled so carelessly by hospital personnel that, within hours, most of the hospital staff were judged to have been killed or incapacitated by spreading contamination.

In addition, a report recently forwarded by the Secretaries of Defense and Energy to Congress on our preparedness for a nuclear, radiological, chemical, or biological terrorist attack noted that, ''response personnel are relatively few in number and pieces of equipment necessary to provide adequate support to an NBC event are in some cases one of a kind.''

I still remain fully convinced that the best way to prevent the use of these terrible weapons and materials on American soil is by stopping them before they get here. For this reason, this legislation provides additional resources and impetus for enhancing our ability here at home to detect and interdict nuclear, chemical, and biological weapons and related materials before they get into the hands of terrorists or malcontents.

An extensive study by Arnaud de Borchgrave, Judge William Webster, former Director of the FBI and CIA, Congressman BILL MCCOLLUM, and others, published earlier this year by the respected Center for Strategic & International Studies [CSIS], concluded that ''there are few opportunities for detecting, interdicting, and neutralizing these materials once they are beyond the source site. * * * Attention and resources must be directed toward post-theft measures as well.''

Mr. President, the single best way to deal with this threat is by preventing proliferation at its source, as far away from the United States as possible. That is why this legislation also bolsters the original concept introduced by Senator LUGAR and myself in 1991, which aims at helping the states of the former Soviet Union to improve their safeguards and controls over existing stockpiles of deadly materials.

The CSIS de Borchgrave-Webster study also found that:

> The most serious national security threat facing the United States, its allies, and its interests is the theft of nuclear weapons or weapons-usable materials from the former Soviet Union. The consequences of such a theft—measured in terms of politics, economics, diplomacy, military response, and public health and safety—would be catastrophic.

de Borchgrave himself stated at a press conference that: ''We have concluded that we're faced now with as big

a threat as any we faced during the cold war, when the balance of terror kept the peace for almost half a century.''

Finally, Mr. President, this legislation attempts to improve the overall coordination of how we deal with the broad threat to our Nation posed by the proliferation of weapons of mass destruction.

There are currently dozens of government agencies that deal with the various aspects of this threat, with overlapping authorities and programs, but with serious gaps.

Testimony provided in the Permanent Subcommittee on Investigations revealed that coordination between Federal agencies is seriously lacking, and that there is virtually no effective coordination or communication between the Federal Government and State and local agencies and organizations. This appears to be changing, at least in the case of the Olympic games in Atlanta.

I visited Atlanta during the Olympics and received a briefing by a group of representatives from various Federal agencies that were working together to provide security for the Olympic games. I strongly commend their joint efforts, but, this must become the pattern all over the country. We must build from this experience, improve in areas where we have weaknesses, and make this kind of interagency cooperative effort the norm.

Mr. President, I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation. I commend all of the Defense authorization conferees for their swift actions in approving the inclusion of the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act in the conference agreement, and I look forward to the President signing this legislation into law.

Mr. SMITH. Mr. President, I rise in strong support of the conference report on the fiscal year 1997 Defense authorization bill. I want to take this opportunity to commend the distinguished chairman of the Armed Services Committee, Senator THURMOND, for putting together an outstanding bill. Senator THURMOND worked tirelessly to conclude the conference quickly and efficiently, and the product is a bill that we can all be proud of.

I also want to pay tribute to the ranking member, Senator NUNN. Senator NUNN has served on the Armed Services Committee with distinction for 23 years. Throughout that time, he has been steadfast in his support for a strong, capable, and highly prepared military. This will be Senator NUNN's final Defense authorization bill, and I want to take this opportunity to thank Senator NUNN for his outstanding work on behalf of the men and women of our Armed Forces.

Mr. President, the bill before us includes a much-needed increase of $11.2 billion from the President's budget request for national defense. I want to emphasize that even with this increase the total level of Defense spending remains $7.4 billion below last year's level when adjusted for inflation. We are in the 12th straight year of decline in Defense spending.

For the benefit of my colleagues, I want to briefly summarize some of the highlights of this conference bill. The bill before us includes a 3 percent pay raise and a 4.6 percent increase in the basic allowance for quarters for our Armed Forces.

It directs the Secretaries of Defense and Health and Human Services to prepare and implement a demonstration program enabling Medicare-eligible beneficiaries to enroll in the Tricare, the DOD health care program.

The bill approves $10 million in additional research funding to examine the relationship between service of our men and women in the Gulf war and the incidence of congenital birth defects and illnesses among their children.

It also includes $201 million to carry out the Defense Against Weapons of Mass Destruction Act which addresses the Nation's ability to deal with threatened or actual use of nuclear, chemical, or biological weapons against American cities.

The bill provides $40 million to complete development and testing of the Patriot Anti-Cruise Missile Upgrade Program.

It authorizes $32 million for reactive jamming upgrades to the Navy's fleet of EA–6B electronic warfare aircraft.

It includes a $24.5 million increase for night vision goggles and $9.1 million for infra-red aiming lights.

It also directs that the Navy conduct a competitive evaluation of the ATD–111 and Magic Lantern Lidar systems to determine which system to acquire under the Airborne Laser Mine Detection Program.

It provides an increase of $914 million for the Ballistic Missile Defense Organization, and $134 million specifically for the space and missile tracking system.

Last, it approves an increase of roughly $300 million for conventional delivery enhancements for the B–1 and B–2 bombers.

Additionally, Mr. President, I would like to briefly summarize some of the initiatives contained under the acquisition and technology section of this bill. As chairman of the Subcommittee on Acquisition and Technology, I have been troubled by the failure of the administration to adequately invest in long-term technology development. Modernization is the key to long-term readiness, and without effective investment in the technology base, we will be unable to preserve the technological edge that we enjoy today.

The bill before us includes a number of important initiatives to support efforts of the services to develop advanced operational concepts and technologies, to increase the use of commercial technologies for defense applications, and to make defense programs more affordable. For instance, the bill provides $40 million to fund the Marine Corps' Sea Dragon experiments to develop new operational concepts that leverage technology and innovation; authorizes $20 million for a joint services research and development program for nonlethal weapons and technologies; provides $85 million for the dual use applications program; authorizes $61 million for the manufacturing technology programs of the Army, Navy and Air Force; provides an increase of $12 million to continue the procurement technical assistance program; and includes a provision to streamline the Defense Department's requirements for assessing the capabilities of the national defense technology and industrial bases, including cases of unacceptable reliance on foreign sources.

Mr. President, these are but a few of the many critically important initiatives contained in this bill. I would emphasize that these initiatives address the priorities established by the service chiefs and will directly enhance our national security.

I also want to emphasize that each of the issues that President Clinton's advisors indicated may trigger a Presidential veto have been resolved to the satisfaction of the administration. Thus, this bill enjoys strong bipartisan support and the indications are that the President will sign it.

Again, I want to thank the distinguished chairman and ranking member for their outstanding work in formulating a conference bill that enhances national security and reflects the vast majority of the Senate's priorities for defense. They have rendered an invaluable service to the Nation, and I am proud to support this important legislation.

Mr. President, I urge the adoption of the conference report, and I yield the floor.

CHEMICAL WEAPONS DEMILITARIZATION

Mr. MCCONNELL. Mr. President, this morning, I listened to my colleague from Kentucky with great interest as he expressed our mutual concern about the action taken by the conferees on the chemical demilitarization program. I share his disappointment that language which would have guaranteed an alternative technology program so clearly in the interests of our constituents was deleted in conference.

Let me review for a moment how we ended up in this situation and how I hope we can correct course. Several months ago, staff representing all of the Members who have chemical demilitarization facilities met in Senator FORD'S office to review the status of demilitarization at each site. At the time, Senator FORD offered a proposal which required the Department of Energy, in conjunction with the Army office which currently manages the incineration program, to develop alternatives to incineration. Although I strongly supported the idea of alternative technologies, the Department of

Energy had no demonstrated experience with chemical weapons. Given the danger involves with this aging stockpile, appointing an agency which, in effect, would have to undergo on-the-job training did not seem a safe or suitable option.

As Senator FORD mentioned, both the Congress and the communities affected by these facilities have had serious problems with the Army office responsible for the baseline program. They have been adamantly opposed to considering any credible alternatives to incineration. This led me to the conclusion that assigning them any role for an alternative program was counterproductive so I found I was also unable to support this provision in Senator FORD's draft bill.

Being uncertain about two of the key provisions in Senator FORD'S proposal I decided to pursue my concerns through the Defense Appropriations Subcommittee. Unlike the Armed Services Committee, the Appropriations Committee has an unusual number of Members with chemical weapons sites in their States. In addition to the distinguished chairman of the Committee, Senator HATFIELD and the ranking member on the Defense Subcommittee, Senator INOUYE, Senators BENNETT, NIGHTHORSE CAMPBELL, SHELBY, BUMPERS and MIKULSKI each have an installation of grave concern to their constituents. As a result, Senator STEVENS was very responsive to our common interest in holding a hearing to consider the status of the Army's incineration program as well as the viability of alternatives.

In discussion following the June 4 hearing, Senator STEVENS agreed to include a provisions in the chairman's draft of the Defense appropriations bill which addressed my concerns. The language which passed the Senate and is now in conference, provides $40 million for the initiation of a pilot program to identify and demonstrate not less than two alternative technologies to the baseline incineration process. The Under Secretary of Defense for Acquisition and Technology is directed to assign a program officer to pursue this effort. The report language which accompanied the bill explicitly stated.

Under no circumstances shall the Under Secretary appoint a program executive officer who is, or has ever been, in direct or indirect control of the baseline reverse assembly incineration process.

Finally, the bill prohibits the obligation of funds to initiate construction in Kentucky or Colorado until 180 days after the Under Secretary has reported back on the pilot program.

It is my understanding that the amendment that Senator FORD offered which was accepted on a voice vote just before final passage of the Defense Authorization bill has been modified so that it was compatible with the language already included in the Defense appropriations bill. This final version of Senator FORD'S proposal was clearly on the right track and I share his disappointment about the outcome. I also agree with his assessment that the substitute language is in fact worse than the status quo in that it postpones serious consideration of alternative technologies and gives the managers of the current incineration program both the responsibility for studying alternative options as well as the right to veto any new ideas.

I have discussed Senator FORD'S and my concerns with both the chairman of the Armed Services Committee and the chairman of the Appropriations Subcommittee on Defense. Since the Defense Subcommittee will begin conference tomorrow, it is my hope that we can reach a favorable solution to this unfortunate turn of events.

I am grateful to the sound guidance I have received from Senator STEVENS and Senator INOUYE. Both have extensive experience and a thorough understanding of the complexities of this issue and both I and my constituents will look to their leadership and count on their continued good advice.

Mr. CRAIG. Mr. President, title XXXI, subtitle F of the 1997 Defense Authorization Act is an amendment I sponsored in the Senate to clear up several unnecessary and delaying bureaucratic requirements that currently exist in the Waste Isolation Pilot Plant Land Withdrawal Act—Public Law 102–579–WIPP. This title will allow the WIPP facility to open, meet a major environmental objective, and save the taxpayer money.

The purpose of the WIPP is to provide for the safe disposal of transuranic [TRU] radioactive and mixed wastes resulting from defense activities and programs of the United States. These materials are currently stored at temporary facilities, and until WIPP is opened, little can be done to clean up and close these temporary storage sites.

Idaho currently stores the largest amount of TRU waste of any State in the union, but Idaho is not alone. Washington, Colorado, South Carolina, and New Mexico also store TRU waste.

The agreement recently negotiated between the State of Idaho, the DOE and the U.S. Navy states that the TRU currently located in Idaho will begin to be shipped to WIPP by April 30, 1999. This legislation will assure this commitment is fulfilled by clearly stating that it is the intent of Congress that the Secretary of Energy will complete all actions needed to commence emplacement of TRU waste at WIPP no later than November 30, 1997. The opening of the WIPP will solve a nagging and ongoing problem at the INEL—what to do with this nuclear waste that has accumulated over the years at the Idaho site.

We cannot solve the environmental problems at sites such as the Idaho National Engineering Laboratory, Rocky Flats Weapons Facility, Savannah River and others without WIPP. The reason is obvious. Without a place to dispose of the waste, cleanup is impossible, and without cleanup, further site decommissioning can not occur.

The goal of this bill is simple: To deliver on Congress' longstanding commitment to open WIPP by 1998.

This bill amends the Waste Isolation Land Pilot Plant Land Withdrawal Act of 1992 in several very significant ways.

It deletes obsolete language in the 1992 act. Of particular importance is the reference and requirements for test phase activities. Since the enactment of the 1992 act, the Department of Energy [DOE] has abandoned the test phase that called for underground testing in favor of above-ground laboratory test programs. Thus the test phase no longer exists as defined in the 1992 law and needs to be removed so it does not complicate the ongoing WIPP process.

Most important, this amendment will streamline the process, remove duplicative regulations, save taxpayers dollars—currently, the costs of simply watching over WIPP exceed $20 million per month.

This bill does not remove EPA as the DOE regulator of the WIPP. DOE has stated numerous times that it does not want to self-regulate. The Department believes that having EPA as the regulator will instill additional public confidence in the certification process and the facility itself, once it opens.

I am skeptical regarding EPA. EPA has a poor record of meeting deadlines. The WIPP, as a facility, is ready to operate now and is basically waiting on EPA's final approval. The schedule DOE has established to meet the opening dates is an aggressive timetable. It is successful only if EPA can accomplish its tasks on time. I strongly encourage them to do so.

Idaho and the Nation need to have the WIPP opened sooner rather than later. Each day of delay is costly (nearly $1 million per day in taxpayers' dollars), and the potential dangers to the environment and human health resulting from the temporary storage of this waste continue.

It is time to act. We must, if we are to clean up sites such as the Idaho National Engineering Laboratory. We must act to dispose of this nuclear waste permanently and safely for future generations. The passage of this Defense authorization bill clears the way for that to happen.

Ms. SNOWE. Mr. President, I wish to express my strong support for the fiscal year 1997 Defense authorization conference report. The conferees have done an admirable job of crafting a well-balanced bill that will ensure our national defense needs are met in the coming fiscal year.

At $265.6 billion for fiscal year 1997, the conference report is $11.2 billion above the President's budget request. Much of the additional funds will go toward much-needed weapons modernization, with $6 billion more for procurement and $3 billion more for research and development. Despite the increase over the budget request, however, the bill is actually $7.4 billion below the

fiscal year 1996 spending level for Defense in real terms. The conference report authorizes a responsible level of defense spending given the threats to our national security which exist in the post-cold war era.

The conference report preserves our readiness to respond quickly to military emergencies like the one precipitated within the past 2 weeks by Saddam Hussein in Iraq. It emphasizes modernization and new weapons procurement in an effort to begin turning around the steep 71 percent decline in funding for military procurement over the last 10 years. It also continues crucial research and development of promising new defense technologies. These programs include the design of an effective ballistic missile defense system, quieter submarines, and multi-use fighter aircraft.

While effective and state-of-the-art military hardware are crucial to maintaining our defense advantage, the best military equipment in the world is of little value without the highly-trained and hard-working service men and women on whom the success of our national defense ultimately depends. I am therefore pleased that the conference report authorizes a number of initiatives directly benefiting military personnel, retirees, and their families. Among these are a 3-percent military pay raise, a 4.6-percent increase in the basic allowance for quarters, $466 million for new housing, and a dental insurance plan for retired service members and their families. My one regret is that the conference agreement dropped the Murray-Snowe amendment adopted by the Senate which would have repealed the ban on abortions at overseas military hospitals.

Mr. President, I am especially pleased that the conference report supports a strong and efficient Aegis destroyer program. Bath Iron Works of Maine is one of two private shipyards which build this important Navy ship. The conference report authorizes $3.4 billion for four guided-missile Aegis destroyers in fiscal year 1997 and $520 million in advanced procurement for an additional Aegis destroyer in fiscal year 1998. I am particularly gratified that the conference report includes approval for the Navy to implement a stable three-ship-per-year procurement plan for the Aegis from 1998 through 2001. The plan will result in efficiencies that will save $1 billion in construction costs for the Aegis destroyer.

The end of the cold war has uncapped a host of long-simmering regional conflicts around the globe, some of which have threatened important U.S. interests. Combined with the proliferation of nuclear and missile technology as well as chemical and biological weapons, these limited conflicts carry the potential for far wider consequences. I am pleased that the conference report includes $122 million to strengthen our domestic preparedness against the use of nuclear, chemical, or biological weapons. We must recognize that the world is still a dangerous place and that maintaining a high level of military preparedness must continue to be a national priority.

The fiscal year 1997 Defense authorization conference report will maintain the strength of our national defense forces for the coming year. I urge that it be adopted.

Mr. COATS. Mr. President, I commend the fine leadership of Chairman STROM THURMOND of South Carolina and Senator SAM NUNN of Georgia. Together, they worked to achieve strong bipartisan support of this year's Defense authorization bill.

The conference bill before us provides for an $11.2 billion increase to the President's Defense budget request. The increase, when adjusted for inflation, is still $7.4 billion less than last year's Defense budget. I wish to stress this point because the trend toward lower defense spending is an issue that concerns me. Given the uncertainties and adversaries our Nation will continue to face, slashing defense spending or force structure without a coherent military strategy is not the answer to preserving our military superiority into the 21st century. By the same token, the familiar path of the past—as convenient as it may be—will be less likely to lead us to the future we hope to shape. In that regard, I believe much debate remains in addressing the future of our national defense.

This bill addresses many of the fundamental concerns of our military. It will improve the quality of life of our Armed Forces by increasing their pay and authorizing the construction of new barracks and military family housing. It also moves to address the critical modernization issues our military's senior leadership raised during their testimony before Congress this year. In that regard, the bill supports the Army's efforts toward battlefield digitization, modernization of tactical aircraft for the Air Force and Navy, and funds the modernization of our National Guard and Reserves.

Also included in this bill is what I consider to be a major step forward in the debate over the future of our Armed Forces in meeting the national security requirements of our Nation. The Military Force Structure Review Act of 1996 is a provision I cosponsored with Senator LIEBERMAN, Senator MCCAIN, Senator ROBB, and many other distinguished colleagues in the Senate. This act will establish an independent nonpartisan, nine-member National Defense Panel that will conduct a long-range assessment of future threats, military force structure, and operational concepts in support of our national security strategy. It is our hope that this panel will challenge the Defense Department to be more forward thinking as it moves beyond the Bottom-Up Review, and develops a strategic construct to guide our military forces into the next century.

Mr. President, the bill before us addresses critical issues facing our men and women in uniform—improving readiness, their quality of life, and their need to modernize weapons systems in order to keep pace with rapid technological changes. As recent events have demonstrated, our military must be ready and capable of responding to myriad, uncertain threats. We must be willing to provide our military with the funding they need today, and tomorrow, to prepare for these unforeseen contingencies. I urge the final passage of the Defense authorization conference bill for 1997.

AMENDMENT TO PROHIBIT CRIMINAL BOMB-MAKING INSTRUCTION

Mrs. FEINSTEIN. Mr. President, I rise to express my great concern and disappointment with the conferees named by the other body who insisted on striking section 1088 of the Senate's DOD authorization bill. Section 1088, an amendment by Senator BIDEN and myself would have prohibited teaching bombmaking for criminal purposes.

As my colleagues will recall, this amendment was accepted in the Senate as part of the antiterrorism bill last summer in addition to being part of the Senate DOD authorization bill. Regrettably, as happened this time, the other body dropped it from the bill.

The bombing in Centennial Olympic Park is only the most recent pipe bombing. In just 10 days, from July 21 to July 31, my staff found seven newspaper accounts of bombing incidents.

A 15-year-old boy, in Irving, TX, blew off three fingers with a bomb he learned to make using the Anarchist's Cookbook from the Internet.—Dallas Morning News, July 26, 1996.

A high school student from Providence, RI, assembled a foot-long bomb after obtaining instructions from the Internet.—Newsday, July 28, 1996.

A 16-year-old boy from Plainview, TX, lost a finger when a homemade bomb exploded. The Bomb was made using information from the Internet.—Newsday, July 28, 1969.

In Pennsylvania, three teenagers carrying a list of 20 ingredients needed to build a bomb were arrested after breaking into the Penncrest High School chemistry lab. They downloaded this list from the Internet.—Chicago Tribune, July 23, 1996.

In Rancho Palos Verdes, CA, sheriff's officials believe information available over the Internet was used in a series of pipe bombings which destroyed four mailboxes, a guard shack and a car. Four teenagers were arrested in this case.—Los Angeles Times, July 27, 1996.

In Orange County, CA, police believe four teenagers used the Internet to get instructions on building acid-filled bottle bombs. One of those bombs burned a 5-year-old boy at a school playground in April.—Los Angeles Times, July 27, 1996.

A 23-year old man, from Torrance, CA, used a 10-inch-long pipe bomb which blew out three windows in his home. He obtained the bomb making instructions from a manual on homemade bombs.—Los Angeles Times, July 27, 1996.

In addition to the explicit explanations on how to make all sorts of bombs, the Terrorist's Handbook, downloaded by my staff from the Internet, also encourages criminal behavior. Let me read a section entitled, ''Checklist for Raids on Labs.''

In the end, the serious terrorist would probably realize that if he/she wishes to make a truly useful explosive, he or she will have to steal the chemicals to make the explosive from a lab.

This section ends with the needed lists of solid and liquid chemicals needed to make most bombs.

This amendment would have prohibited the teaching of bomb making if a person intends or knows that the bomb will be used for a criminal purpose. Additionally, the amendment prohibits the distribution of information on how to make a bomb if a person intends or knows that the information will be used for a criminal purpose.

This information is not something that one would use for a legitimate purpose or information that can be found in a chemistry textbook on the back shelf of a university library.

What my amendment targets is detailed information that is made available to any would-be criminal or terrorist, with the intended purpose of teaching someone how to blow things up in the commission of a serious and violent crime—to kill, injure, or destroy property.

This provision could give law enforcement another tool in the war against terrorism—to combat the flow of information that is used to teach terrorist and other criminals how to build bombs.

Some question the constitutionality of this provision. Common sense should tell us that the first amendment does not give someone the right to teach someone how to kill other people.

The right to free speech in the first amendment is not absolute. There are several well known exceptions to the first amendment which limit free speech. These include: Obscenity; child pornography; clear and present dangers; commercial speech; defamation; speech harmful to children; time, place and manner restrictions; incidental restrictions; and radio and television broadcasting.

I do not for 1 minute believe that the Framers of the Constitution meant for the first amendment to be used to protect the teaching of methods to injure and kill.

However, knowing that there would be concern over the first amendment, I carefully crafted this amendment with constitutional scholars. I'd like to read you some of what they said about this amendment.

I think the language . . . is about as tight as it could be . . . the reasonable-knowledge, explosive materials, and furtherance-of-a-criminal purpose language is all clear enough; these are legal terms of art and unlikely to be found void for vagueness.—Richard Delgado, University of Colorado at Boulder.

The rigorously-protected talk anticipated by the first amendment is, in brief, political discourse, in the widest sense of that term. This kind of talk does not include routine commercial speech (including advertisements), pornography and obscenity, planning for criminal activity, and related forms of expression. Commonsense distinctions should be apparent here. These distinctions would rule out anyone's instructing others in how to make explosives, especially when it is known to the instructor that the explosives being talked about are to be made and used by his students as part of an illegal enterprise.—George Anastaplo, Loyola University of Chicago.

Some civil libertarians attempt to immunize virtually all talk from government regulation, but a stable community would be difficult if not impossible if this should ever become the rule. Others have gone so far as to justify actions, including some violent actions, as forms of expression that are entitled to freedom-of-speech protection. But even these theorists are reluctant to argue that blowing up public buildings should be considered a form of expression protected by the First Amendment.—George Anastaplo, Loyola University of Chicago.

In today's day and age when violent crimes, bombings and terrorist attacks are becoming too frequent, and when technology allows for the distribution of bombmaking material over computers to millions of people across the country in a matter of seconds, some restrictions are appropriate. Specifically, I believe that restricting the availability of bombmaking information, if there is intent or knowledge that the information will be used for a criminal purpose, is both appropriate and required in today's day and age.

My amendment to this bill was an important, balanced measure to confront the problems presented by today's rapid growth in technology, and I am extremely disappointed that it was removed during conference.

Mr. KENNEDY. Mr. President, the National Defense Authorization Act for fiscal year 1997 has the principal goal of funding our Armed Forces to keep them the best-trained, best-equipped, best led, and most ready military in the world. In large measure, the bill is well-designed to achieve this goal, and I support it.

Nonetheless, I am concerned about the inclusion in this bill of over $11 billion in spending authority above the amount requested by the President. The Secretary of Defense and the Joint Chiefs of Staff testified that the budget presented by the President is enough to provide fully for the defense needs of the Nation during the next fiscal year. The $11.3 billion added to the budget far exceeds those needs. The authorized level is a ceiling, and I urge the President and the Secretary of Defense to exercise their authority to spend at a lower level than provided in this bill.

On arms control, the conference took an important step by refusing to adopt provisions that would have infringed on the President's constitutional treaty-making authority, and that would also have undermined the ABM Treaty, the cornerstone of nuclear arms control. The House provisions would have undermined U.S. leadership at the very moment when we stand on the threshold of achieving the most important nuclear arms control agreement of the post-cold-war era, the Comprehensive Test Ban Treaty.

The bill also authorizes $365 million for the Nunn-Lugar Cooperative Threat Reduction Programs, under which the United States works with the States of the former Soviet Union to reduce the nuclear threat to all nations. It also provides funds for new programs to improve our ability to prevent attacks using weapons of mass destruction.

I am also pleased that the conferees rejected several objectionable provisions contained in the House version of the authorization bill. One House provision would have required the mandatory discharge of all service members who are HIV-positive. This discriminatory provision would have singled out HIV-positive men and women from among the much larger pool of service members who suffer from chronic medical conditions, yet who can still serve in many worthwhile capacities. The House provision was motivated by bigotry, and the conferees treated it appropriately by dropping it from the conference report.

The conference report also excludes the House repeal of the Department's don't ask/don't tell policy on gays in the military. This provision would have reinstated the practice of antigay witch hunts abolished by the Clinton administration. In this instance too, the conferees were right to drop the House provision.

Despite these positive elements, there are two other objectionable aspects to this bill that cannot be overlooked.

First, the conference report does not adopt the Senate provision repealing the current ban on privately funded abortions at U.S. military facilities overseas. This provision would ensure that women in the armed forces serving overseas can exercise their constitutional right to choose safe abortion procedures.

Our servicewomen should not lose rights granted by the Constitution when they serve their country in foreign lands. This is a basic issue of fairness. Women in the armed forces serve on military bases around the world to protect our freedoms. But they are denied access to the same range and quality of health services that they could obtain in the United States. In many countries where our forces serve, adequate care is difficult to obtain in the best of circumstances, and in many cases it is not available at all.

Without adequate care, abortion can be a life-threatening or permanently disabling procedure. We can easily avoid such risks by making the health facilities at U.S. overseas bases available for this procedure and it is irresponsible not to do so.

In addition to the health risks of the current policy, there are travel costs, delays, and privacy violations that women serving in the United States do not have to endure and should not have to endure while serving overseas.

A woman's decision to seek an abortion is difficult and personal. It is unfair and unreasonable to continue to make this decision even more difficult and dangerous for women who serve our country overseas. Congress should be protecting constitutional rights of women in the armed forces, not turning them into second class citizens.

Finally, I commend Chairman THURMOND and Senator NUNN for their leadership in achieving this bill. This is Senator NUNN's last Defense Authorization Act. We have served together on the Armed Services Committee for 14 years, and it is obvious that his reputation for fairness and integrity, and as the Senate's preeminent expert on national defense is eminently deserved. The entire Senate, the entire Nation, and the entire free world will miss him.

In addition, our colleagues, Senator EXON and Senator COHEN will be ending their long, outstanding service on the committee at the end of this season. Senator EXON, as ranking member, and formerly chairman, of the Strategic Forces Subcommittee, has worked to defend our Nation against nuclear threats. In particular, his leadership on achieving a nuclear testing moratorium and support for a comprehensive test ban treaty have brought us to the threshold of an international treaty to ban nuclear explosions.

As ranking member of the Seapower Subcommittee, I have had the honor to work closely with Chairman COHEN. He is an able leader on defense issues, resourceful, and has worked tirelessly to ensure a strong national defense. I commend him for his leadership and commitment, and I wish him well in his career beyond the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, since both sides are using this quorum to their advantage, I ask unanimous consent that the time be equally divided to each side when we are in a quorum so no one side will be unduly punished.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I yield the able Senator from Oklahoma such time as he may require.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the distinguished Senator from South Carolina for yielding to me and for the fine job that he has done in preparation on his committee of the Department of Defense authorization bill. It has been a very difficult and arduous time that we have had in trying to get this done with objections from the White House every step of the way.

Since the beginning of our country's history, national security has been our Government's most solemn obligation to its citizens. In order to honor this obligation, sufficient resources must be given to the forces that protect us. These forces do not ask much of us for their service. But they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States as well as maintain our status as the world's preeminent military power.

In order to allow our military to honor their sworn duty, we have to provide them with the means to do many things. We must give them the authority to retain ample manpower in the form of adequate end strengths. Our military must have the means to recruit high-quality personnel to carry us into the 21st century. In addition, in order to keep our high-quality personnel, and protect the high quality of life which is so important in maintaining morale, we must provide them with equitable pay and benefits—including a 3-percent pay raise to protect against inflation—and appropriate levels of funding for the construction and maintenance of troop billets and military family housing.

We must keep the sword sharp by providing enough resources to maintain current readiness, and to continue modernization efforts to provide the capabilities needed for future wars. Our military must also be given the means to field the type and quantity of weapons systems and equipment needed to fight and win battles decisively, with minimal risk to our troops, just as they did in the gulf war.

An important lesson learned in the gulf war was that we need to be able to protect our troops from ballistic missiles, missiles that are capable of delivering weapons of mass destruction. Whether it is nuclear, chemical, or biological, we must protect our forces while they are in the field and we must protect their families at home. The way we do this is through the development and deployment of missile defense systems: land- and sea-based theater missile defense systems, which can protect U.S. and allied forces against cruise and ballistic missiles while deployed in the field; and a national missile defense system to defend America itself.

The missile defense funding authorized in this bill is not sufficient to put in place the robust system I would like to see. It is a life support program, designed to keep as much of our program viable until a Republican President is elected. At that point, we will be able to move more aggressively toward building a national missile defense system, just as the American people expect us to.

We know that most Americans think we have a missile defense capability, and we know that they are outraged and frightened when they learn that we do not. They hear the administration cite intelligence estimates to justify waiting and waiting on missile defense. But any American who witnessed Pearl Harbor in 1941, or the invasion of South Korea in 1950, or the invasion of Kuwait in 1990—and that's most of us, Mr. President—knows that intelligence estimates are wrong as often as they are right, and that even good intelligence gets misread by political leaders. I would rather have a defense and hope my intelligence was correct than have complete faith in intelligence; the Clinton administration apparently disagrees.

I am particularly concerned by this emphasis on future threats because the administration uses it to justify doing nothing. They say that the missile threat isn't here yet. But isn't defense all about getting out in front of threats? And what about the technology that threatens us today? Russia and China have missiles—in the case of Russia, thousands of missiles—which could be accidentally fired at us today.

More than 20 other nations are developing the technology. Terrorists and rogue nations, with enough money and some perseverance, will buy their way into the nuclear club. And until we get a missile defense system in place, there will be nothing we can do about it.

Missile defense is complex. Sophisticated defense technology is seldom produced precisely on schedule. This is why we need to start now. We will have a national missile defense system; the question is whether or not it will be before or after the first time we need it.

I have spoken about what we must provide for our military. I would also like to point out what burdens we should remove from them. We can eliminate defense spending that does not contribute directly to the national security of the United States; such as policing of the Olympic games. More importantly, we should stand back and evaluate U.S. involvement in nontraditional military operations, and its impact on combat readiness, budgeting, and our national interests. Bosnia, Somalia, and Haiti; these and other police actions—some of them going on today—drain defense funds and put a strain on personnel who are already being stretched beyond their breaking point.

In this part of our foreign policy, mistakes have certainly been bipartisan. George Bush, a Republican President, began the Somalia commitment. It took a humiliating defeat and the

deaths of 18 Rangers in Mogadishu for us to learn about the limits of that humanitarian operation. Operations in Bosnia will have cost American taxpayers more than $3.5 billion in defense dollars if our troops leave by December. I say ''if'' because neither I nor anyone else in this body believes we will be out of Bosnia by December. The American people were truly deceived by the administration on this commitment.

I went to Bosnia last November, before the IFOR mission began, and I watched experienced U.N. and NATO leaders laugh at the idea that we would be through in Bosnia after 1 year. One U.N. commander, General Huakland of Norway, said that involvement in Bosnia was like putting your hand in water—when you take it out, nothing is different. If the administration intends to keep troops in Bosnia longer, they owe it to us and to the American people to say so before our Presidential election. But I do not expect them to shoot straight on this, either.

Some people, it seems, never seem to see a breaking point for our military. They say we are spending enough on defense. I have criticized the administration's defense priorities, but I am also dismayed by some of the voices I have heard in this chamber. I cannot believe that some of my colleagues believe their own antidefense rhetoric. Let me examine some of the most common attacks on this responsible defense budget that I've heard recently, four arguments that we hear over and over and over again:

First: ''This is money the Pentagon has not asked for.'' My liberal friends make this statement as if they believe that the defense budget request is decided by admirals and generals based on what they need to fight and win wars. In fact, because each of the services and the Department of Defense itself is run by administration-appointed civilians, the Pentagon's budget request is based on the administration's priorities. It is then modified by Congress, just like every other Government agency's budget.

It is the Congress' constitutional responsibility to review and either increase or decrease this and all department budgets based on our view of the Nation's needs. Congress never blindly accepts the Pentagon budget request. When the Reagan administration asked for increases in the defense budget in the 1980's, my liberal colleagues never suggested that the Congress accept them without argument. That is exactly the kind of argument we're having today—the President thinks we should continue to cut defense sharply, and we disagree. It is our view that military spending has been cut too deeply and is well below the minimum required for a sound national defense.

The fact is that the real Pentagon agrees with us. This year the four service chiefs, in a public repudiation of the administration, made it clear that they need $20 billion a year more in procurement funding than what the Clinton administration has requested. Each warned of the dire consequences of the continued aging of their weapons and equipment. So when we consider ''what the Pentagon asked for,'' I intend to listen to the chiefs who have made a career of preparing for war, not the President's political appointees.

Second: ''This budget focuses on the wrong threats.'' Of course there are growing unconventional threats to the United States and her citizens, including terrorism and information warfare. In fact, some of our additional spending on R & D is going toward programs such as counter proliferation support and chemical and biological defense. But we should not be forced to choose which threat to remain exposed to—as we address these new threats, we have to still be prepared for conventional warfare.

I urge my colleagues to remember that defense spending is not an investment, but an insurance policy. And we need different kinds of insurance. Their odds of having a car accident may be far greater than the odds that their house will burn down, but most Americans have both car and fire insurance. This same logic underlies our continued readiness on conventional threats even as we prepare for the unconventional threats of the future.

Third: ''Why buy advanced weapons when American weapons are already the best in the world?'' It is true that American weapons are the best in the world today. But as threats evolve and weapons technology throughout the world improves, we must stay ahead. When we go to war, we don't want a fair fight—we want to overwhelm the enemy with speed, stealth, and lethality. This costs money, but what is our alternative? To ask our troops to get closer to the enemy, to expose themselves more to enemy fire, to fight longer and harder in order to win?

We need look no further than the gulf war. We sent a half-million troops to the other side of the world, where they won a major land war in less than 100 hours of ground combat. We suffered 146 killed and 354 wounded in that war, and mourned each and every one of them. But how many more would we have lost if we had not invested billions in the 1980's in stealthy aircraft, cruise missiles, Aegis ships, and advanced land combat systems? We bought those weapons in the 1980's at a time when we also had the most technologically advanced force in the world, and many opponents of the Reagan budgets criticized those purchases. In the end, I would argue that President Bush was very lucky to fight his war with Ronald Reagan's military. I often wonder how a future President will feel about fighting a war with Bill Clinton's military.

Fourth: ''We spend far more on defense than other countries.'' Of course we spend more money on defense than other countries. But there are two problems with this comparison: it assumes that all countries are equal, and it suggests that the comparison between how much the United States spends versus other nations, accurately predicts which side will prevail in conflict.

But because of geography, all things aren't equal. We are separated from our potential enemies by two great oceans. And rather than fighting wars in our own backyard, Americans prefer to fight over there. Because we prefer to fight abroad, it will naturally cost us much more than it costs our enemies to field the same force, since we have to transport, sustain, and operate our fighting force in a place where the enemy already is.

Each of these activities—moving, sustaining, and fighting far away—increases the cost of our military without significantly changing the friendly-to-enemy force ratio. This cost is raised further if we want to field a force that is not just equivalent to our enemy's, but one that can defeat his force with minimal casualties, just as we did in the gulf war. The question, therefore, is not whether we will be paying more for our Armed Forces than our enemy does, but rather how much more we must pay. Is the right number three times as much, as with Russia, or more?

More than 2,000 years ago, Sun Tzu said you should have five times the strength of an enemy to assure success. Well, there have been some changes in warfare since Sun Tzu's time. We now have tanks, and planes, and submarines, so the ratio has changed a little. And we can stand here and argue until we are blue in the face over what the proper force level is; two times, three times, five times as much as the other guy. But the cost of our unique geography makes any comparison between what we pay and what our enemies pay irrelevant. The point is: if you want to fight over there, and win, decisively, with minimal losses, then you can expect to pay many times what the enemy pays for his military. So this argument is cruel and invalid.

Now, the people who make these and other statements about this defense bill are smart. They know that we must cross our oceans to fight. They know that what we consider defense spending may not be what our enemies consider defense spending: First, there is the high cost of our high-quality volunteer military: recruiting, paying, providing medical care, and retirement. Many people don't realize it, but two-thirds of our defense budget is spent on paying people. Then there is the cost of supporting our world-wide surveillance network, our nuclear deterrent and so on. They know these costs are unique to the United States but they choose to ignore it in their arguments. Why? Because it supports their view of proper levels of defense spending. We can disagree about what it takes to field a given capability, but we should drop these invalid comparisons and deal with the facts.

As we prepare to vote on the fiscal year 1997 Defense bill, I am truly concerned about the effects that decreasing levels of defense spending have had upon our armed forces. If the general public fully understood the severity of defense cuts under the Clinton administration, they would be outraged. In my State of Oklahoma, I have heard this message already. We can see the cuts all around us and it is time to put these reckless defense cuts to an end. History has demonstrated that superpower status cannot be sustained cheaply, nor can it be sustained by budget requests which do not provide for adequate funding of our forces. I am committed to maintaining America's superpower status, just as I am convinced that the Clinton administration is not.

I was deeply disappointed by the administration's fiscal year 1997 budget request for defense spending. The administration's fiscal year 1997 budget request was $18.6 billion less in real terms than the level enacted for fiscal year 1996. In real terms, since the end of World War II, there have only been 5 years that the United States has spent less than the Clinton administration is recommending for fiscal year 1997. Only in fiscal year 1947, fiscal year 1948, fiscal year 1949, fiscal year 1950, those years immediately following World War II, and fiscal year 1955 immediately after the Korean war, has defense spending been less than the President's recommendation for this year. Not even during the hollow force years of the 1970s, when we could not afford spare parts to keep our equipment running, have we spent so little on defense. Clearly, it is the responsibility of Congress to address these shortcomings.

Now we know that events in the Persian Gulf over the past several days have gotten President Clinton's attention. He appears to have reversed his earlier threat to veto this bill. But I wonder if he has considered the deeper ramifications of Saddam Hussein's recent activity. This latest round of cruise missiles has reminded me of two basic facts. One, of course, is that the Persian Gulf, like many other regions, remains a very unstable place. The second is that we must be prepared to project power on the other side of the world on very short notice.

It is one thing to throw a few cruise missiles at easily identified desert targets. But what if more is required? What if the missiles do not stop Saddam's advance? Then we are right back where we were in 1990—we must build up a force, move it to the gulf, and fight Saddam Hussein the old fashioned way, of course with overwhelming firepower, but also perhaps man to man and tank to tank.

My friends, should this worst-case scenario arise, we will have a problem. Why? Because, in terms of military strength, we are not right back where we were in 1990. In fact, we aren't even close. Listen carefully! We fought Desert Storm with 11 Army divisions plus two larger Marine divisions, 10 Air Force tactical fighter wings, and 6 carriers, and 100 ships from the Navy. We drew this Desert Storm force from an Army with 28 divisions, an Air Force with 38 tactical fighter wings, and a Navy with 15 carriers and 566 ships.

But look at today's numbers: instead of 28 Army divisions in 1991, we have just 15 today; instead of 38 Air Force wings, we have 20 today; and instead of 566 ships and 15 carriers, our Navy has roughly 350 ships and 12 carriers today. This means, for example, that while we used about 42 percent of the Army's combat power in 1991, we would use more than 70 percent today. So what would we fight a second war with?

It only gets worse—these comparisons assume that the administration's budgets will hold our forces at today's levels. But most outside analysis—General Accounting Office, Heritage Foundation—shows that the Clinton 5-year budget plan is more than $150 billion short of the amount needed to buy the force level that the President himself says is necessary. This is worse than a difference of opinion over priorities—this mismatch between what we say we will do and what we actually can do is dangerous. It undermines confidence among our allies, invites miscalculation by the Saddam Husseins of the world, and gives the American people a false sense of security. No government should do this.

It is our duty, as U.S. Senators, to do our part in providing for our national security. In doing our part, we must vote for a defense bill which gives our military the means to do their part. Our forces do not ask much of us for their service, but they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States of America.

I feel it is time we take a more responsible approach to defending this Nation. I urge my colleagues to make a good start, by supporting the fiscal year 1997 DOD authorization bill and its attempt to slow the administration's deep cuts to our Nation's military modernization. Even this level of funding is inadequate; however, it is the best we will be able to do until we have a President who remembers that his first responsibility is not to try to change Americans' behavior with gimmicks in the tax code, but to protect their lives, liberty, and property from threats around the globe.

As inadequate as it is, we must pass this defense authorization bill. It is the best we can get until we change Presidents.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Oklahoma for the excellent remarks he just made here on the floor of the Senate on this bill. The Senator from Oklahoma is a member of the Armed Services Committee of the Senate, and a very valuable member. He has made outstanding contributions to our defense on that committee. Again, I commend him.

Mr. INHOFE. I thank the Senator.

Mr. THURMOND. Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise in support of the Defense authorization bill we have before us. I think it is an important step as we consider the appropriations bills that are left before us. I want to specifically commend the leadership of the Armed Services Committee, Senator THURMOND, the chairman, Senator NUNN, the ranking member, for bringing this bill to us.

I also want to specifically thank Senator MCCAIN who worked on the floor during Senate consideration of the authorization bill on both my amendment on B–52's and on my national missile defense amendment.

I also want to commend those retiring members of the Senate Armed Services Committee. Senator Bill COHEN, the chairman of the Seapower Subcommittee, announced he was not running for reelection. Senator COHEN will be missed here in the U.S. Senate. He has always been somebody who is respected on both sides of the aisle, someone who many of us look to for leadership not only on defense issues but others as well.

Senator EXON of Nebraska, who is the ranking member on the Strategic Forces Subcommittee, and the former chairman of that subcommittee, has announced that he is retiring. And he, too, will be sorely missed in this Chamber on both sides of the aisle. And, of course, Senator NUNN, the ranking member and former chairman of the Armed Services Committee, who has achieved respect not only in this Chamber but across the country as well as a defense expert.

I think we should also recognize the outstanding staffs that have worked on this legislation. I want to single out Les Brownlee, the majority staff director, Eric Thoemmes, also on the majority side who was very important in working with us on the amendments that I have talked about, minority staff director Arnold Punaro, and minority strategic forces expert Bill Hoehn. All of them we worked closely with in the development of this legislation. We appreciate their outstanding service to the committee, to the Senate, and to the country.

Mr. President, I cannot help but respond to some of what I heard from my colleague from Oklahoma. I am supporting this Defense authorization bill. I think it is the right course to take. But I must say, we ought to put some of this in perspective. I mean, we have to remember here the cold war is over. We do not have any force on the face of the globe that in any way rivals the

military strength of the United States. Thank goodness that is the case, but it is the case. We also have to remember that we are still running budget deficits in this country, $116 billion in the current fiscal year.

Mr. President, we have to keep our eye on the ball. We just cannot spend money on everything everyone would like. And that includes our armed services. We have to make tough decisions. We have to stay on this course of deficit reduction if we are to prevent fiscal calamity in the future.

It is true we have made enormous progress on the budget deficit. In 1992 it was $290 billion. This year it is projected to be $116 billion, a dramatic improvement, without question. But we also know that we face the time bomb of the baby boom generation, and that requires us to continue to put spending under the microscope. We have to look at every part of the Federal budget, and that includes our defense budget. Let me just say that I think everybody in this Chamber understands that the pressure will continue on every part of Federal spending, and that is as it should be.

Mr. President, there are some parts of this bill that I want to discuss specifically because I think they are critically important in light of what has just happened with respect to the action in Iraq.

Section 1302 of the conference report wisely prohibits the retirement of any strategic systems pending Russian ratification of START II. But we go even further with respect to our B–52's. Those bombers must be retained under these provisions whether or not START II is ratified in recognition of their conventional capabilities.

Mr. President, the amendment that I offered, that has been retained, stipulates that none of the 28 B–52's that were not funded in the Department of Defense request can be sent to the boneyard and that all must be kept fleet standard in a fully maintained attrition reserve. I believe the recent cruise missile strikes in Iraq bring into sharp focus why retention of these provisions in conference was wise.

Mr. President, if I could turn to the charts that I have brought with me, I would like to just point out for a moment the B–52 advantage—global reach, global power. Mr. President, in the recent action against Iraq, the B–52's responded immediately from the United States. Naval vessels could only participate in cruise missile strikes because they had completed a deployment process that can take days or even weeks. Other land and sea forces can take weeks or even months to arrive. The B–52 is able to be there in a matter of hours.

No. 2, B–52's did not require in-theater basing. The United States could not use land-based forces in-theater because of political considerations. The B–52's can operate from the continental United States and from bases in Guam and Diego Garcia, thousands of miles from combat operations.

No. 3, the B–52's placed few lives at risk. Air, land, and sea forces in forward deployments involve hundreds of thousands of personnel in combat operations. But more than one-quarter of the cruise missiles we fired in the first round were launched by only 14 Americans on two B–52's.

No. 4, B–52's were the least expensive system involved. Naval vessels and in-theater forces have large personnel complements and costly support requirements.

No. 5, the B–52 was the only bomber for the mission. The B–52 is the only bomber that at this point carries cruise missiles.

Mr. President, the Department of Defense suggested that we not fund 28 of our 94 B–52's. We believe that would have been a serious mistake. Retirement is clearly unnecessary. These B–52's have been comprehensively upgraded. I have been told by the former head of Air Combat Command that these planes are good until the year 2035. Often we hear people say B–52's are older than the pilots flying them. Mr. President, that is with respect to the name plate on the B–52's. Many of these airframes were, it is true, constructed in the 1960's, but what people forget, there have been billions of dollars of upgrades to these planes, including new skins, new everything.

Mr. President, General Loh, head of the Air Combat Command, told me these planes are good until the year 2035 because, if you look at the landings, you look at the flying hours, there are far fewer landings and flying hours on these airframes than on commercial planes. As a result, these planes, with all of the upgrades that have been done, are good until the year 2035. We should not be sending a single one of them to the bone yard.

Mr. President, in addition, reengining, the proposal by Boeing, could produce $6 billion in savings, enough to finance retention of the 28 that were unfunded in the DOD budget. This makes great sense to reengine these planes, put on commercial engines that will experience some 40 percent in fuel savings, make these planes even more responsive and even longer lasting in our force inventory.

I believe that retirement of any of our B–52's would be ill-advised. I want to salute the committee for taking this position, as well. I believe it is unwise to retire B–52's for the following reasons:

No. 1, it endangers arms control. A B–52 retirement reduces Russia's incentive to ratify START II. We ought not to be taking down strategic systems before there is a Russian ratification of START II. That makes no sense. I am very pleased that under the leadership of Senator THURMOND and Senator NUNN, the committee has taken that position. That is a wise and prudent position. The committee ought to be saluted for taking it.

No. 2, retirement of these strategic systems now preempts the 1997 defense studies. We have major studies underway, Mr. President, to determine the appropriate force structure for the future. We ought not to preempt those studies now.

No. 3, to retire B–52's would sacrifice a superior global bomber. B–52's have a longer range than the B–1 or the B–2. They have the greatest versatility because they are fully dual capable and the only bomber with cruise missiles allowing standoff operations, as we saw in the Iraqi confrontation.

No. 4, they have the largest total payload of any bomber.

No. 5, they are the least costly to maintain and operate.

Finally, Mr. President, and perhaps most important, to reduce any of our bombers would only add to the existing bomber gap. Some have asked me, what do I mean by bomber gap? Mr. President, let me make clear, the Bottom Up Review said we need at least 100 deployable bombers—100 deployable bombers—in order to prevail in two MRC's simultaneously.

Mr. President, today we only have 92 deployable bombers, 92 deployable; the Bottom Up Review said we need 100. Mr. President, to send any bombers to the bone yard in this circumstance makes very little sense.

I might add that I believe the new efforts that are underway to evaluate our strategic systems will disclose that 100 deployable bombers are not sufficient. In fact, I believe 100 deployable bombers is sadly insufficient to meet the requirements of two MRC's. We will have a chance at a later time to go into the assumptions that have been made to establish the 100 deployable bombers as the appropriate target.

Mr. President, it certainly makes no sense to be adding to the bomber gap at a time when, I think, it is in great question whether or not 100 deployable bombers is sufficient to meet the contingency of two MRC's.

Let me just close, Mr. President, by again thanking the committee leadership and the staff of the Senate Armed Services Committee for working with us to put together the Conrad amendment that calls for retaining our B–52 force and also for the national missile defense provisions that are included in this conference report. I want to thank the chairman of the committee, Senator THURMOND. I want to thank the ranking member, Senator NUNN, and I want to thank their very able and professional staffs for the assistance they have provided to us. I yield the floor.

Mr. THURMOND. Mr. President, I believe the vote on this bill is set for 2:15 tomorrow; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. 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.

Mr. THURMOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO ARNOLD PUNARO

Mr. THURMOND. Mr. President, I want to take this opportunity to pay tribute to Arnold Punaro, the minority staff director.

At the close of this session, Arnold Punaro will be leaving the Senate after almost 24 years of service, both on the Senate Armed Services Committee and on Senator NUNN's personal staff.

During his service on the Armed Services Committee, Mr. Punaro served in the following positions: 1983 to 1987, minority staff director; 1987 to 1995, staff director; 1996 to the present, minority staff director.

Throughout his tenure on the committee, Mr. Punaro played a key supporting role in virtually all legislation that the Armed Services Committee considered, including the Goldwater-Nichols legislation and creation of the Special Operation Command.

In addition to his superb work on the Armed Services Committee, Mr. Punaro serves in the Marine Corps Reserves. He currently holds the rank of brigadier general and is commanding general of the Marine Corps Reserves Support Command.

Mr. President, I know I will be joined by all members of the Armed Services Committee in thanking Mr. Punaro, for his dedication and hard work on behalf of our Armed Forces and for the service he has rendered to our Nation.

Mr. President, I wish him and his family continued success in the years ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that floor privileges be granted to Marine Corps Lt. Mark Kerber. He is currently part of a fellowship program assigned to my office. He is a recent graduate with distinction from the U.S. Naval Academy and next week will actually be headed to basic training at Quantico and then the flight school at Pensacola.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Chair.

Mr. President, as a member of the Armed Services Committee, I am pleased to rise in support of the 1997 Defense authorization conference report.

The conference report takes a number of steps to strengthen our Nation's defenses and improve the quality of life for our brave men and women in uniform.

The conference report authorizes a 3-percent pay raise for American military personnel and a 4.6-percent increase in the basic allowance for housing, an issue on which we have spent a great deal of time and we know there certainly is a need.

The conference report provides $466 million for the construction of new barracks, dormitories, and family housing.

The bill also continues efforts to address the No. 1 problem identified by the Joint Chiefs of Staff, the lack of modernization of our military equipment. The bill provides for increased procurement of ships and planes, missiles, trucks, communications systems, and night vision devices that our forces need to maintain the qualitative edge against possible foes.

The bill also increases funding for operations and maintenance to provide training needed to keep our military forces ready for action.

The conference report also rectifies a past wrong by authorizing the President of the United States to award the Congressional Medal of Honor to seven African-American soldiers who were denied this award after World War II. While six of these awards will be awarded posthumously, the one living recipient, Vernon Baker, is a resident of St. Maries, ID. I have spoken to Mr. Baker, and I can tell you of the great pride that he shares in knowing he will receive that award.

The bill also authorizes $5.5 billion, an increase of $100 million above the President's request, for environmental cleanup and waste management at Department of Energy facilities around the country.

The conference report reduces redundancies in existing law and streamlines the regulatory process to expedite the opening of the Waste Isolation pilot project [WIPP] facility in the State of New Mexico. The bill also provides additional funding can make sure the WIPP facility can accept waste on time.

The bill also provides greater authority for site managers at DOE facilities to move funds from different accounts to address problems developed during the fiscal year. This authority was requested by site managers at a hearing that I chaired earlier this year. We expect this increased efficiency to save the taxpayers money.

The conference report also establishes technology demonstration zones at major DOE facilities to allow site managers to apply new technologies to the nuclear cleanup problems across the Department of Energy complex.

The conference report also authorizes major privatization efforts at the Hanford site and the Idaho National Engineering Laboratory to pay private contractors for the amount of waste treated.

At my request, the conference report creates a high-level commission to address the problem of recruiting the next generation of nuclear weapons scientists. This is another problem identified during this year's hearings.

The conference report before the Senate is a good bill that reflects reasonable compromises between the House, the Senate, and the administration. I urge my colleagues to support the conference report. I was pleased to hear the President plans to sign this important piece of legislation.

I thank the able chairman of the Armed Services Committee, Senator STROM THURMOND, and the distinguished ranking member, Senator NUNN, for their counsel and guidance throughout this difficult process. As always, Chairman THURMOND's tireless leadership and his determination have resulted in a strong Defense authorization bill reaching the Senate floor. Just as he has done through so many different periods of this Nation's need when we have turned to strong individuals, once again he is leading us, as he has done so many times in service to the country.

In addition, this is Senator NUNN's last defense authorization conference report. I feel honored to have served on the same committee as Senator NUNN. The knowledge and skill of the senior Senator from Georgia will be missed, and the whole Senate and the Nation will feel his absence.

This also will be the last conference report that will include the Senator from Maine, Senator COHEN. I can tell you, there have been tremendous insights and improvements that he has made throughout this process. Senator COHEN will be missed.

The Senator from Nebraska, JIM EXON, with whom I had the pleasure of serving—we had a particular trip in Russia, where we spoke to those that head up the nuclear defenses there in Russia. Again, Senator Jim EXON will be missed as well.

Also, I acknowledge the contributions of Senator SHEILA FRAHM, the Senator from Kansas, in her tenure in serving on the Senate Armed Services Committee. We wish her the very best with her future as well.

In conclusion, as we saw last week in Iraq, despite the end of the cold war, the world remains a dangerous place. American military power is required to ensure stability and protect democracy and free trade. There is no substitute for a strong America. The pending conference report will ensure our military forces can respond to any threat to U.S. national interests. When we think about people in the military services, such as Lt. Mark Kerber, we know it is our duty to make sure they have the best training, equipment, and facilities so, when they respond to any crisis anywhere in the world on behalf of this Nation, we know they are doing it as the best.

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

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

The distinguished Senator from South Carolina is recognized.

Mr. THURMOND. I want to express my appreciation to the able Senator from Idaho for the kind words he had to say about my service as chairman of the Armed Services Committee. Senator KEMPTHORNE has been a devoted, able member of that committee and has rendered the defense of this country great service. Our country is indebted to him for all that he has done to promote a strong defense in this Nation. Again, I am proud of his friendship and proud of his service to his Nation.

Mr. President, I understand this has been cleared on the other side of the aisle. I have been authorized to yield back all debate time on the Defense authorization conference report.

The PRESIDING OFFICER. Without objection, all time is yielded back.

MORNING BUSINESS

Mr. THURMOND. Now, Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 6, the Federal debt stood at $5,220,377,655,156.41.

One year ago, September 6, 1995, the Federal debt stood at $4,969,749,000,000.

Five years ago, September 6, 1991, the Federal debt stood at $3,623,922,000,000. This reflects an increase of more than $1,596,455,655,156.41 during the 5 years from 1991 to 1996.

TRIBUTE TO VICE ADM. EDWARD M. STRAW

Mr. THURMOND. Mr. President, I rise today to recognize Vice Adm. Edward M. Straw, U.S. Navy, who will retire on October 25 after a distinguished 35-year career. Admiral Straw will relinquish control of the Defense Logistics Agency, which is also known as the DLA, on the day he retires. He has served as Director of the DLA since 1992.

DLA is the largest combat support agency in the Department of Defense. If it were a private company, it would be the 78th largest company in the Fortune 500. Admiral Straw's performance in directing 50,000 civilian and military members, and in managing $14 billion in annual funding, has been recognized both inside the Department of Defense and in the private sector as a model of highly effective management. Under his leadership, DLA became one of the first Federal agencies ever to win a Ford Foundation Innovations in Government Award.

During his tenure, Admiral Straw reengineered and completely revamped the DLA. His fine efforts have saved our $10 billion to date, and are expected to yield an additional $20 billion in savings and cost avoidance over the next 6 years while significantly improving responsiveness to customers.

Admiral Straw began his military service in 1961 when he was commissioned upon graduation from the U.S. Naval Academy. He served numerous sea duty assignments and held senior policy positions within the Department of the Navy. These include Vice Commander, Comptroller and Chief Financial Officer of the Naval Supply Systems Command, and Director of Supply Policy and Programs on the staff of the Chief of Naval Operations. In 1994, he organized and successfully conducted the Defense Performance Review. He will also receive the Society of Logistics Engineers' annual Founders' Award for 1996, later this year.

Mr. President, our Nation owes Admiral Straw its appreciation for his truly distinguished service. I wish him and his wife, Chris, continued success and happiness in all future endeavors.

CHEMICAL WEAPONS CONVENTION

Mr. PELL. Mr. President, under a unanimous consent agreement, the Senate has obligated itself to consider the Chemical Weapons Convention later this week.

The timing is fortuitous. Getting the Senate to this point has taken much longer than was needed or one would have hoped, but, if the Senate does indeed decide this week to consent to the ratification of the convention, we will be in on the setting up of the organizations required by the convention—a conference of all the states parties, a 41-member executive council, and a technical secretariat, which will be the international body responsible for conducting verification activities.

As of this point, 62 nations have ratified the convention. The convention will enter into force 180 days after it gains the 65th party. If the Senate acts now, our action will enable us to be in on every aspect of the setting up of the convention. Moreover, we will surely bring others with us and, thus, help ensure widespread adherence to the treaty and do much to ensure its effectiveness.

This treaty represents a serious and important step in our continuing effort to curb and to end the threats posed by weapons of mass destruction to us, our friends and allies, and to the world.

The Chemical Weapons Convention, when it enters into force, will ban the production, acquisition, stockpiling, and use of chemical weapons.

In it each state party undertakes never, under any circumstances, to:

Develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

Use chemical weapons;

Engage in any military preparations to use chemical weapons; and

Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a state party under this convention.

It is very important that we be involved every step of the way. Particularly important is our involvement in a leading role during the 180-day period when so much is done to prepare for the entry into force of the treaty. Simply put, during this crucial period for the treaty, we simply cannot afford to be on the outside looking in. If we stay out, we will have no say over the activities of the governing body. We will not be involved in the establishment of the inspection regime, which, if done as envisaged, could be very important in providing information as to the presence or absence, worldwide, of chemical weapons programs. If we are not a party, we will certainly avoid having the minor inconvenience of international inspections in our country, but at the price of having no expert Americans on inspection teams worldwide looking for illicit chemical weapons activity.

These would be major prices to pay for failure to participate in this important undertaking. There is another major price to be made if we do not become a party. Our failure to join the treaty would constitute a major body blow to our critically important chemical industry, which supports ratification in overwhelming numbers.

The problem that failure to ratify would cause for the industry was put clearly to the Committee on Foreign Relations by the president of the Chemical Manufacturers Association, Mr. Frederick Webber, who said:

Mr. Chairman, honest businesses have nothing to fear from this treaty. On the contrary, the real price to pay is for not taking action. The United States, as I am sure you know, is the world's preferred supplier of chemical products. Chemical exports, last year, topped $60 billion. Indeed, we are the leading exporting industry in America.

Those exports, that $60 billion figure, sustained 240,000 high-paying American jobs throughout the land. That makes us the nation's largest exporter. More than 10 cents of every export dollar is a product of the chemical industry.

We are a fast, reliable, high-quality supplier to customers in every corner of the globe. But we could lose that distinction, we could lose it if the U.S. does not ratify the Chemical Weapons Convention.

The Convention sharply restricts trade in chemicals with countries who are not parties to the treaty. If the Senate does not ratify, our customers will cut us off. They will drop us, and find other suppliers.

Unfortunately, we will be lumped in the same categories as nations like Libya, Iraq, and North Korea. We do not believe this is an acceptable option.

The critics like to say that this treaty imposes too many burdens on business. They say that opening our plants to inspections will mean forfeit our most important trade secrets. It is a good story, if it were true, but it is not.

Yes, the Convention does open our plants to inspection. But it also offers state-of-the-art protections for confidential business information. This treaty will not reveal our secrets.

Indeed, it will protect them. We know, because we helped develop the inspection system. Then we put the system to the test over and over again. We learned what works and what does not. We found the gaps, and we believe that we have plugged them.

Mr. Chairman, let me cut to the bottom line. The benefits of this inspection system far outweigh the costs. The rewards outweigh the risks. The treaty may not provide an iron-clad guarantee that chemical weapons will not ever again be a threat, but it does have teeth. It will provide a real deterrent. It is the best available option.

The Convention strikes a balance. It is tough, but it is fair. It is intrusive, but it is not stifling. It asks a lot, but in return, it offers a significant reduction in the threat of chemical weapons.

Mr. President, I find the points raised by industry and the issue of U.S. involvement in activities that really are at the heart of our national interests to constitute in themselves compelling reasons for us to be very, very careful before giving any serious thought to a turning down of this treaty. Today and over the next several days, I'm sure that Senators will be bombarded with arguments for and against this treaty. I would like to draw my fellow Senators attention to a very thoughtful analysis provided the committee by Dr. Brad Roberts this year. Dr. Roberts, who has spent a considerable time assessing issues related to the treaty, spoke in full recognition of some of the concerns that have been raised. He said:

In sum then, the CWC certainly is not perfect, and anybody who has told you it is, is blowing smoke. The relevant question for this committee, though, is simply: Is it good enough? Is the treaty in the national interest?

If you believe, as I do, that it is better to narrow the proliferation threat, than to let it spiral out of control, which is where it is headed, that the only chemical weapons that matter to the United States are those that pose real military threats, that it is better to share verification and compliance tasks and to have on-site access, than to go it alone on these matters, that it is better to add relatively modest regulatory burdens to industry than to jeopardize its long-term competitiveness, that it is better to create more tools to deal with the proliferation threat of the post-Cold War than to have fewer, and if you agree that it is better to share the burden of managing this problem than to saddle the United States alone, then support the CWC.

It is not perfect, but it is largely up to us to define and manage its risks through our military programs, our anti-chemical protection systems, our own national verification capabilities, a task that is far easier than coping with the risks of a world of much broader chemical and perhaps biological proliferation, and the difficult challenges that would result to U.S. interests, capabilities, and leadership.

Mr. President, I know my fellow Senators will weigh this treaty very carefully before deciding how they wish to vote. I deeply believe that a positive vote is the correct one for our national interests. I hope very much that most of my fellow Senators will reach the same conclusion.

STRENGTH FROM DIVERSITY

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues a most insightful address on religious tolerance and freedom delivered by Radm James R. Stark, president of the Naval War College, at Touro Synagogue in Newport, RI on August 25.

Admiral Stark has had a distinguished career, serving our Nation with great dedication and a strong commitment to the enduring principles upon which our country was founded. His address exemplified the principles of George Washington now memorialized today on the 30-cent stamp issued in August 1982 to commemorate the Touro Synagogue: ''To bigotry no sanctions. To persecution no assistance.'' These same words were in George Washington's letter to Moses Seixas and the Touro Synagogue community.

Let me share Admiral Stark's concluding remarks:

Today, we have the opportunity to rejoice in the success of the Touro congregation to be treated like any other citizens, and to celebrate in the wisdom of George Washington and the other founding fathers, who realized that our diversity did not have to breed hate and suspicion and discrimination, that our ''unlikeness'' did not prevent us from being good citizens in a society of mutual trust, and respect, and consideration. Rather than being a weakness, America's diversity has become our strength.

I ask unanimous consent that Admiral Stark's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF RADM. J.R. STARK, USN

Good morning, ladies and gentlemen. I'm so pleased to see you all here. I want to start out by saying how honored I am to be addressing you today.

When Governor Sundlun asked me to speak a few weeks ago, I leaped at the opportunity—first, because I've been interested in Touro Synagogue since I was first stationed in Newport back in the '60's. And second, because we're here to commemorate an event which is of such importance, that it resonates still today across the length and breadth of America.

That event was an exchange of letters between the warden of Touro Synagogue and President George Washington over 200 years ago. Some may say, what's the big deal? What's so important about an exchange of letters? They're not even legal documents. They're just a couple of pieces of paper, written by people long dead—people who hadn't a clue about life in the last 20th century, people who never imagined the airplane, or the internet, or MTV. Even their language seems stilted and old-fashioned—and the issue of religious freedom really doesn't appear to be especially relevant today, does it? So what?

But we know better, don't we. Those letters had an impact that went far beyond the little community of 18th century Newport. But, you know, this celebration is about more than just letters. It's about 200 years of history, and a very special, almost unique series of events that redirected that history which took place here in the days when the United States of America were still young and searching for what this new concept called democracy really meant.

Several years ago, I was in command of a Navy cruiser on its way from California to the Persian Gulf. It was a long trip—it took us six weeks to sail halfway around the world. And as we neared the end of our voyage, we stopped for fuel in the ancient port of Cochin, on the southwest coast of India. In the course of my visit, I was able to do some sightseeing. I came across a Catholic church, nearly 500 years old, where the Portuguese explorer Vasco da Gama was buried in 1524, soon after ''discovering'' India. But I also visited another building nearly twice as old. It was the Jewish synagogue, which had been founded in first century A.D. by Jews fleeing Jerusalem after the destruction of the Second Temple—Herod's temple—by the Romans. To me, it was a tangible illustration of how long and how far the Jewish people have been forced to wander in their search for a decent life.

Interestingly, history tells us that—except for their periodic revolts in Judea—Jews fared well under the Roman empire. They were merchants and craftsmen who were welcomed wherever they settled. And by the end of the Roman era, strong Jewish communities had sprung up all around the Mediterranean. Even after the fall of Rome, Jewish settlements continued to spread—first into Western Europe, and then, after the 12th century, into the East.

But as time went by, the attitudes of their hosts changed. The hard work, the education, the cohesion, and especially the success of those Jewish communities created jealousy and resentment. Jews who had been welcomed because they brought needed skills and built the local economy gradually changed from being neighbors to being outsiders, tolerated when necessary and persecuted when it because convenient.

More and more restrictions were placed on Jews. As commerce and skilled trades expanded during the Middle Ages, the guild system was used to exclude Jews from a growing number of vocations. They were prohibited from owning land. They were restricted from universities. They were required to live in certain urban districts—the ghettoes.

Rather then being the mainstay of regional and international commerce, as they had been for centuries, in many areas the only jobs open to Jews were as itinerant craftsmen or as moneylenders to all levels of society.

But success in finance and the emerging business of banking and credit carried its own dangers. When local businessmen made poor decisions—or kings had to borrow money to finance everything from wars to jewelry—they became more and more indebted to the very people they had forced into being their bankers.

And when it came time to repay those debts, it was a lot easier to spread rumors of witchcraft and secret rites, launch a wave of pogroms, expropriate Jewish businesses, cancel the debts, and then expel the Jews.

And that's exactly what happened over and over during the Middle Ages. In 1290, Edward the First of England solved his debt problems by expelling the Jews. They were to remain barred from England for the next 350 years, until the time of Oliver Cromwell. A hundred years later, in 1394, they were expelled again, this time from France. A similar fate befell the Jews of Spain in 1492, and those of Portugal in 1497. Some were forcibly

converted. Others were killed for refusing to abandon their faith. Many of the original Jewish community here in Newport—the people who founded Touro Synagogue—were the descendants of those same Sephardic Jews who had been driven from the Iberian Peninsula 150 years earlier.

These cycles of persecution waxed and waned for the next 500 years. Sometimes they were violent. Sometimes it was just snide remarks and not being admitted into some exclusive club.

As we all know, the culmination of all this was the Holocaust. How could it happen? Wasn't it something we should have foreseen?

Jews had lived in Germany for over a thousand years. They had built its industry. They were part of its educational system. They were skilled workers, bankers, businessmen, artists, scientists. They had fought in Germany's war right alongside the rest of their countrymen. There part of the community. They were Germans, and they thought of themselves as Germans. No wonder so many responded to the first acts of the Nazis with disbelief and a total inability to comprehend what lay in store.

And in the end, why did so many others, Germans and non-Germans alike, turn their heads from what was happening to their neighbors, or worse yet, take part in the persecutions?

Earlier this month, I read a very moving piece in the New York Times entitled ''The Pogrom at Eishyshok.'' Some of you may have seen it. It was the chilling first person account of a man who, as 7 year old child in the fall of 1945, had witnessed the murder of his mother and infant brother in a little town—a ''stetl''—in what is now Lithuania. Their attackers weren't Nazis bent on carrying out the final solution—Hitler had already been defeated. These were their neighbors, people they knew and had grown up with. At the end of his story, the author observed that ''as our world shrinks and its diverse nations become more entangled with one another, it is of the utmost importance to understand that the 'dislike of the unlike' is what leads to the gas chambers and the killing fields.''

''The dislike of the unlike.''—the tendency of people to divide the world into ''us'' and ''them'', and then treat with suspicion or even hatred those who look different, or talk different, or have funny names, or strange customs.

Those words—''the dislike of the unlike''—perfectly capture the essence of what has plagued all mankind—not just Jews—since time immemorial.

What we see is that, again and again, people can get along for decades on the surface. But when society is placed under stress, when it's confronted by war, or famine, or plague, or economic collapse, people turn on those who aren't quite like them. They look for something or somebody to blame—and then they take out their fear and frustrations on them. For Europe's Jews, that cycle was all too familiar.

And if it could happen there, could it ever happen here? Clearly, there are a handful of people in every society, in every country, who are capable of monstrous evil, even murder on a massive, organized scale. There is no question in my mind that such people exist in America today. But the difference is, I don't see that ever happening here. We are different. And because of that difference, I don't believe American society could ever allow that handful of evil men to work their will. We wouldn't put up with it. And the reason I think that we are so special—that we are protected from that kind of evil—has a lot to do with why we are here today.

Let's be very clear. Religious freedom wasn't always the norm in colonial America. The same colonists who had fled religious persecution in England were only too happy to impose their beliefs on others when they were in control. Fortunately, the tolerance established by Roger Williams here in Rhode Island made it a mecca for people of all faiths who sought the right to worship in peace. Huguenots and Baptists, Jews and Quakers all lived together here, worshipping God in their own ways.

One hundred-fifty years ago, the great French commentator, Alexis de Tocqueville, observed a peculiar fact—that two principles which in Europe had historically been mutually exclusive—the spirit of religion and the spirit of liberty—had somehow been combined and made mutually supportive here in America. Part of the reason for that happy fact lies right here.

When warden Moses Seixas of Touro Synagogue wrote to President George Washington to wish him well and to give thanks for a government ''erected by the majesty of the people'' which gave everyone—regardless of their origins—the liberty to worship in peace and enjoy equally the protections of citizenship, he started a series of events which had consequences far beyond what he could have ever imagined.

And when President Washington, in his reply, wrote of how proud we should be for having given mankind a country where ''all possess alike liberty of consicence and immunities of citizenship'' he captured the very ideals that make America special.

And, in what I think is one of the most remarkable insights of the letter, President Washington notes that we're not talking about toleration the way it was throughout history, where one privileged group granted others some limited rights as a form of indulgence, ''allowing'' them to be treated fairly. No! What George Washington says is that there is no single group which holds sway over the rest of us. All of us have inherent natural rights, and the only thing required of us is that we conduct ourselves as good citizens and support the government. The government didn't just ''allow'' the Jews to practice their religion and conduct their business like everyone else; the President said it was their right all along—so it couldn't be taken back arbitrarily if someone in power changed his mind. That's what's so important here.

When they sought Washington's assurance of their right to practice their religion, to be free from government persecution, to be treated like all citizens of this country, the Jews of Newport were not just achieving something for themselves. They established a percedent which applied to every other religion. And a year later, that precedent was codified in the Bill of Rights as the First Amendment to the Constitution.

And look at what we've gained. Look at what that freedom from oppression has enabled America's Jewish citizens to contribute to this country during the last two centuries. Art, education, music, science, literature, religion, business—the list goes on and on. The political and community involvement of America's Jewish citizens—across the entire spectrum of issues and views—is absolutely remarkable. The philanthropy of America's Jewish community has aided those less fortunate out of all proportion to their numbers. The Jewish community has strengthened and enriched the intellectual and economic and political fabric of American life to an extraordinary degree.

Today, we have the opportunity to rejoice in the success of the Touro congregation to be treated like any other citizens, and to celebrate in the wisdom of George Washington and the other founding fathers, who realized that our diversity did not have to breed hate and suspicion and discrimination, that our ''unlikeness'' did not prevent us from being good citizens in a society of mutual trust, and respect, and consideration. Rather than being a weakness, America's diversity has become our strength.

Yes, we do have much to be thankful for today. For the congregation of Touro Synagogue truly helped make America what it is—a special place where all can live in peace together.

Thank you, and shalom.

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

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

The senior Senator from Illinois is recognized.

Mr. SIMON. I thank the Presiding Officer.

DIRECT STUDENT LOAN PROGRAM

Mr. SIMON. Mr. President, although it is unusual for me to speak from a prepared text, I want to spend a little time providing my colleagues with some of the history and facts regarding an item that appeared in the Republican Party's platform last month. The issue is a successful Direct Student Loan Program which has saved students and taxpayers billions of dollars by streamlining a complicated system and enhancing competition. It is a great disappointment to me that an issue with such strong bipartisan roots has been turned into a one-line rhetorical attack on the President. That is unfair to the program, unfair to the President, and it is unfair to the Republicans who spent years promoting these reforms.

Five years ago, I teamed up with David Durenberger, then a Republican Senator from Minnesota, in proposing to shift to a direct loan program with income-based repayments for all students who desire it. We proposed using the billions saved with that proposal to restore the buying power of the Pell Grant Program, which has suffered from years of underfunding.

The loan reforms we put in our bill were not original. They were borrowed, with a few minor changes, from Representative TOM PETRI, a Republican from Wisconsin with conservative credentials, with whom you and I served, Mr. President, in the House.

My colleague, Senator AL D'AMATO, now the head of the National Republican Senatorial Committee, cosponsored the Petri plan in the Senate. Republican support for direct lending was broad. Original cosponsors of the Petri legislation included my House colleague from Illinois, JOHN PORTER, now the chairman of the appropriations subcommittee that handles education, and three Members who have now joined us in this body: Senator RICK

SANTORUM, Senator JAMES INHOFE, and Senator BEN NIGHTHORSE CAMPBELL.

Cosponsors also included the current Speaker of the House and spanned the Republican spectrum from SUSAN MOLINARI to DANA ROHRABACHER. Their support did not stop at cosponsorship. Thirty-three Republican House Members wrote to President Bush urging him to make direct lending part of his domestic agenda. They argued that Republicans—and I am quoting: ''should be advancing our own innovative, cost-effective solutions'' to help the middle class pay for college.

But after President Clinton proposed their innovative, cost-effective solution, many of those Republicans became silent, or worse, opposed their own proposal. The basic policy did not change. It was pure partisan politics. The Republican party platform ratified last month included the following two sentences:

> Congressional Republicans budgeted a 50 percent increase in student loans while fighting Bill Clinton's intrusion of Big Government into their financing. Heeding the outcry from the nation's campuses, we will end the Clinton Administration's perverse direct lending program.

That is the end of the quote from the Republican platform.

Mr. President, the program that was innovative and cost-effective when it was a Republican idea somehow became perverse and an intrusion of Big Government—with a capital ''B'' and a capital ''G''—when President Clinton decided to promote it.

Mr. President, I want to respond to these statements. And I speak not only for myself. Members should know that every national higher education association and student group that has taken a stand supports direct lending. If there is any outcry on college campuses, it is for the reforms that President Clinton has championed, not against them.

I have a chart here that compares the old Government guarantee program with the direct lending. I ask my colleagues to look closely and tell me which program is the so-called perverse, big Government system that the Republican platform would eliminate.

Is it the program on the left, with fewer than 500 Government employees, or the one on the right with more than 2,500 Government employees?

Which is big Government?

Is it the one that uses competition to determine how much to pay private-sector participants or the one in which Congress sets the prices?

Is it the one where a low default rate is rewarded or where more defaults can bring more money to middlemen?

Mr. President, which is ''perverse''?

Is it the program that uses taxpaying private-sector companies and investors or the one that gives away tax subsidies? And again, you have these comparisons here.

Is it the one that chooses contractors based on performance or the one in which Congress gives entitlements to middlemen regardless of performance?

Is it the program that can be audited or the one that requires taxpayers to give away money in the dark?

Is it the one with or without costly conflicts of interest that threaten billions in lost taxpayer dollars?

If we change the chart here, you will see at the bottom obviously this is the one that Congressman PETRI and Senator Durenberger and others of us have proposed and is now in effect on about 1,700 campuses that really makes sense.

Mr. President, strange as it may seem, the program that the Republican platform has labeled ''perverse, big Government,'' is the one that has fewer Government employees, no entitlements to middlemen, uses competition to set prices, and rewards only the good performers.

Congressman TOM PETRI warned his Republican colleagues last September that they were going down the wrong road. Let me repeat what he had to say. This is Congressman PETRI talking.

> If at the end of this whole process we do kill off direct lending, President Clinton and others will tell the American people that the Congress, under Republican control, shut down a conservative reform effort that was good for students and schools in order to keep the gravy flowing to powerful special interests. And that argument will resonate with the American people because it was right.

Mr. President, I would like to take a few moments to describe to my colleagues how the Government guarantee program really works. The banks and Sallie Mae like to brag they now share the risk of defaults of the student loan program because they are reimbursed 98 percent rather than the 100 percent they insisted was necessary before direct lending came along as an alternative.

That 2 percent is a nice contribution, but it is also deceptive. A bank that makes a loan of $1,000 is guaranteed, by the Government, not just $980, but also full interest on the $1,000 at a rate 3.1 percentage points above the Government's cost to borrow. That is set by us in Congress. Some of these bankers who denounce welfare for poor people will end supporting this welfare for bankers. If it cost us 5 percent to borrow, we pay them 8.1 percent every year. Then they offer to absorb 2 percent of any loan that defaults.

So if interest is included, what is the real guarantee? After 4 years of college, the Government, which will have paid about $324 in interest on $1,000, then will reimburse $980 of the default, for a total payment to the bank of $1,304. The real Government guarantee is more than 130 percent, not the 98 percent that they advertise.

What about all those guarantee agencies, the middlemen in the Government guarantee system? They claim that they are the Federal Government's partner, sharing the risk of loan defaults.

Mr. President, that has not been true since 1976. These guarantee agencies have no private contributors, no private investors, no State funds that contribute to the cost of the Federal loan program. Instead, the funds that they ''share'' with us are the funds that we give them; entitlements such as a percentage of the student's loan, 27 percent of any defaults they collect, and administrative payment, and on and on. It is like your child saving up his allowance to pay a small part of the cost for a new bicycle. It is a nice exercise, but the money really all comes from your pocket.

It is true that the amount we pay to the banks and middlemen is lower than it was before 1983. But it is lower only because direct lending forced the lobbyists to admit that they were fleecing taxpayers and students.

For 25 years the banks and student loan middlemen kept asking Congress for more subsidies, more entitlements, and less risk. Congress had little choice but to comply. No elected official wants to risk students not getting loans. The banks and middlemen told us that to cut the subsidies would risk loan access.

As recently as 1991, the banks warned that some borrowers could lose access to loans if Congress did not increase the return to lenders.

Until President Clinton proposed a viable alternative to the Government guarantee program, there was no safe way to call the bluff. The Republican platform's plan to eliminate direct lending would return us to that time when we had no choice but to follow orders from the banking industry, the guaranty agencies, and their lobbyists.

This leads me to some questions about the Government guarantee program:

Why do we pay banks 3.1 percentage points over the Treasury rate? Not because of any market competition that led to the price, not because of any study by economists, but because that is what the lobbyists said the industry could live with.

Why do we pay guaranty agencies 27 percent of any defaulted loan they collect? Incidentally, that is an encouragement to default. We subsidize that, not because of competition, not because of careful study, but because the lobbyists told us that was the right number.

Why did last year's appropriations bill require the Education Department to pay $176 million to guaranty agencies on top of the more than $1.8 billion in Federal funds they already hold? Because that is what the lobbyists said they wanted. I could go on and on.

Mr. President, is this any way to run a program? Instead of lobbyist-set rates, why not use auctions to determine how much we should pay to get capital for student loans? That is direct lending.

Rather than Congress setting the rates, why not use competition to determine how much to pay the loan collectors? That is direct lending.

Why not give all borrowers a wide variety of repayment options instead of

leaving their options up to the whim of whatever secondary market happened to purchase their loan from the bank? That is direct lending. I might add, direct lending is open to every student while in the old system you have to be below a certain level of income.

Why not provide the funds through the same system that delivers Pell grants, work-study and other student aid rather than confusing schools, parents, and students with a plethora of agencies, offices, and forms? That is the simplicity that direct lending provides.

What about savings for taxpayers? A few direct loan opponents have implied that direct lending never was cheaper than the Government guarantee program. That is just plain nonsense, and it is easy to see why. Everyone agrees that the 1993 reforms forced several billions of dollars of reduced subsidies in the Government guarantee system. Now, according to the Senate Budget Committee, the cost of the two programs are virtually identical. By definition, if the cost of the Government guarantee system has come down and now matches direct lending, then direct lending must have been cheaper.

In fact, the cost of the direct loan program has been overstated for a variety of reasons that I have explained in detail previously in the RECORD, including the choice of discount rates, the cost of tax-exempt bonds used by secondary markets but not in direct lending, and the handling of conflicts of interest and other costs of the Government guarantee system. Not only was direct lending cheaper 3 years ago when the loan industry was forced to ante up, but it is still cheaper today.

Whether you agree with the Republican staff of the Budget Committee or with Congressman TOM PETRI or PAUL SIMON, there is no question that the 1993 student loan reforms have saved billions of dollars for taxpayers because of the efficiency of direct lending.

Mr. President, millions of dollars have been spent in lobbying to sully direct lending, and there are two other charters to which I have not yet responded. First, there was the cost-shifting scare. Before direct lending had a track record, Sallie Mae provided colleges with sophisticated-looking analyses showing that direct lending would cost the average college an additional $219,000 to administer each year. Banks and middlemen also got into the fray, hiring a CBO Director to say that costs were being shifted to schools. Of course, colleges were concerned.

But time has erased all those claims. Direct lending turned out to be exactly the opposite of the Sallie Mae scare tactic. Colleges saved money through a welcome relief from excess paperwork and redtape. In your State of Colorado, Mr. President, the State auditor found that direct lending in the first year reduced costs by $325,245, at two of the State's universities.

That is why 1,700 schools have now joined the direct loan program. Schools now have the option. That is what we want to keep.

Next, there came the haven for defaults claim. Long-time opponents of direct lending held a press conference to announce a rush of high-default schools into the direct loan program. They pointed to several shady trade schools but failed to point out that the schools, under the law, had to already be participating in the Government guarantee program. Still, they persisted in their claims for as long as no data were available to refute them.

In March, the data arrived. That lie was put 6 feet under. The truth is that schools in the direct loan program last year had a lower average default rate than those in the guarantee program. More data on the performance of the two programs at similar schools is still to come.

Mr. President, over time, every allegation made by the industry has turned out to be misleading or just plain groundless.

I have said very little about students. They, after all, are the reasons that these programs exist. How have they been helped by the Student Loan Reform Act proposed by President Clinton and enacted by the Congress in 1993?

I touched briefly on the repayment options. Direct lending makes a wide variety of repayment options available to any borrower. Borrowers can even choose to make payments that vary according to their post-college income. That is critical, as students are increasingly relying on loans to finance their continuing education.

USA Today reported that the direct loan program's ''simplicity has proved hugely popular at colleges across the country.'' In the Government guarantee program, the maze of agencies, lenders, and purchasers often cause confusion, delays, and errors. They are not only frustrating but costly to colleges and students.

As millions of college students begin this academic year, one of the things that is foremost on their minds is money. Whether they participate in the direct loan program or the guarantee system, the changes that were enacted in 1993 will send students this week back to their dorm rooms with $650 million more than any would have had otherwise. In other words, $650 million savings this school year to students because of the direct loan program and because the old guarantee program has been forced to come down in its expenditures because of direct lending. That savings would never have happened without the leadership that President Clinton and Congressman PETRI, Senator David Durenberger, and Senator TED KENNEDY showed in standing up to the special interests and promoting the direct lending.

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. KENNEDY. 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. KENNEDY. Mr. President, as I understand it we are on general debate?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Is there a time limit on morning business?

The PRESIDING OFFICER. There is a 10-minute time limitation.

Mr. KENNEDY. I ask unanimous consent to be able to speak for 20 minutes.

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

THE REPUBLICANS' RECORD ON EDUCATION AND MEDICARE

Mr. KENNEDY. Mr. President, although Republicans in Congress claim to support education, they cannot escape the record of harsh education cuts proposed by the Republican majority in Congress, led by NEWT GINGRICH and Bob Dole. Just this past weekend, Christiane Valfour, a college student at the University of Pittsburgh, challenged Bob Dole to explain why Republicans in Congress pushed for deep budget cuts in Federal student aid last year. Candidate Dole's response was silence. When the student asked why Dole opposed the highly successful direct student loan program, again, candidate Dole was at a loss for words.

It is no surprise that Bob Dole decided to take the fifth amendment on education. In fact, anything he said would incriminate him. The truth is that candidate Dole supported the Republican budget last year that proposed the largest education cuts in the Nation's history. That Republican budget also capped Direct loans for college students, denying the opportunity for over a thousand schools to choose the loan program that provides the best service and lowest fees and other costs to their students.

I commend to all the Members the excellent presentation that was made by our colleague and friend from Illinois, Senator SIMON, on this issue. He has been a strong leader in support of the direct loan program.

Candidate Dole and the Republicans in Congress are desperately trying to run away from their slash-and-burn record on education. But the American people won't be fooled. They know investing in education is important to the Nation's future, and they won't be deceived by the Republican claims that pretend to support education, while cutting the heart out of the investment that is needed to give education the priority it deserves.

In communities across America, it is back to school time, back to classes, back to homework, back to parent-teacher meetings, and back to preparing pupils for the future.

It is also back to crowded classrooms. Secretary of Education Richard Riley has called this school year the

''baby boom echo.'' Student enrollment will reach an all-time high of 52 million, surpassing the 1971 record of 51 million.

Here in Washington there is a different echo—the echo of the education-cutting Republican Congress. Last fall, the Republican Congress—led by Speaker NEWT GINGRICH and former majority leader Bob Dole—proposed the largest education cuts in U.S. history. Democrats fought these harsh cuts at every turn, because we believe in education as the key to the door of the American dream.

Republicans proposed to cut $3.7 billion in education last year. That proposal failed because the American people would not stand for deep cuts in education funding. But the Republicans refused to listen. They insisted on proposing similar cuts in education funding in a series of short-term spending bills.

Last January, I offered an amendment to one short-term spending bill that would have restored full funding to education—$3.1 billion. But the Republican leadership blocked the measure. Even when a majority of the Senate—51 Senators—supported the amendment, the Republican leadership used a procedural trick that required 60 votes for passage—so education lost again.

Last April, prospective college students were desperate to know how much financial aid would be available for the coming school year. Teachers were receiving pink slips because schools were expecting huge cuts in their budgets. As the crisis deepened, Republicans in Congress abandoned 90 percent of their harsh cuts and agreed to education funding $400 million below the 1995 level. It took the Republicans 9 months to learn what American families already knew—education is the key to America's future and must be a high national priority.

Throughout the past year, the American people have consistently said ''no'' to education cuts and ''yes'' to doing more to see that every child gets a decent education and can afford to go to college.

I might point this out, Mr. President, on this chart, to give you a better idea of what these cuts were. If we take the 1995 appropriations—and this is after the rescission of several hundreds of millions of dollars—$3.7 billion was cut from education in the House appropriations bill for fiscal year 1996. In the continuing resolution $3.1 billion was cut from education as compared to the 1995 appropriations level. In the 1996 omnibus appropriations agreement—the final agreement that was made—we cut $400 million from education. This agreement was made with the President after the Government shutdown. The education cut was reduced to just $400 million less than the 1995 appropriations as a result of the President talking about the importance of education, Medicare, and the environment, which are high national priorities. President Clinton demonstrated a commitment to these priorities by getting us back close to the 1995 appropriations levels.

Notice what has happened this year. In the 1997 appropriations, the House of Representatives has cut education funding by more than one billion dollars from last year's agreement. When they are able to get their hands on it, they go right back down to $1.5 billion in the House appropriations bill.

The Senate appropriations bill will be marked up soon. So, hopefully, we will have an opportunity to address this issue. But if we are not assured that we are going to consider the education appropriations, others are going to offer amendments to restore education funds on the next appropriations bills that come before the Senate. We can't take a chance on the funding of education—not that money in and of itself guarantees improvements in education. It does not. But it is a reflection of the Nation's priorities.

That is what we are talking about in this debate; let's strengthen the programs in various priority areas. We heard earlier today of the excellent work that was done with the leadership of Senator SIMON, Senator BRADLEY, Senator DURENBERGER, a bipartisan effort to move us toward the direct loan programs. I welcome the opportunity to join in that effort with the support of the President.

Thanks to the Direct Student Loan Program, we have alternatives in the college financial aid programs, as was pointed out by Senator SIMON earlier today. Last year, Republicans in Congress tried to eliminate the Direct Loan Program. They would have taken away a good alternative for young people to pay for college.

Nonetheless, I think is important to clarify what happened in last year's battle over education funding. This past weekend, one of our colleagues, who was answering a question from Christiane Valfour in Pennsylvania at the University of Pittsburgh, denied the Republican education costs. She challenged Bob Dole to explain why the Republicans proposed massive education cuts in their budget, and he was speechless. Then a Republican Senator came up and said that she was completely misinformed, and that the Republicans had not cut education. It is important as we enter into the final days of this Congress, as we make our final judgments on the issue of higher education and also elementary and secondary education, that we understand exactly what has been done.

Now, as we begin a new school year, teachers are teaching more students than ever before. Communities are fighting to prevent youth drug use and crime. Schools are trying to equip classrooms for the 21st century. But the elephant never learns. Instead of helping schools and children to prepare for the future, Republicans in congress are bent on repeating the past instead of learning from it. They have slashed education funding again this year, cutting education by $1.5 billion from the fiscal year 1995 level in the House appropriations bill for 1997, which begins October 1. The label fits and sticks. This Republican Congress—the Gingrich-Dole Republican Congress—is the most antieducation Congress in the Nation's history, bar none.

We know that when we ask and expect more of children, they achieve more. More students than ever are taking harder courses. SAT scores are up. But Republicans don't get it. They tried to zero out Goals 2000 in the fiscal year 1996 appropriation, but we stopped them. In the fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out funding for Goals 2000, which is helping 5 million schoolchildren achieve higher standards of learning.

The Goals 2000 Act was passed with bipartisan support both in committee and on the floor of the U.S. Senate. Ninety percent of Goals 2000 funds go to the schools at local level to give assistance to schoolteachers, to parents, and to citizens involved in their communities, who want to enhance students' academic achievement. Goals 2000 has been zeroed out. Unfortunately, I think it was zeroed out because it was an initiative supported by President Clinton and his administration.

We know that the use of advanced technology in education increases achievement and reduces dropouts. Computers help teachers spend more time with students and teach them more complex lessons. Classroom technology helps prepare students for the 21st century workplace. But the Republicans don't get it. In fiscal year 1996, they tried to zero out the Star Schools Program, but we successfully fought to restore the funding. In their fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out the Star Schools Act, which helps bring schools into the information age. They cut $27 million from the President's budget for technology challenge grants, which help bring computers into classrooms.

I wish some of our Members had the chance to visit some of the Star Schools Programs I have visited. I remember several years ago visiting an excellent Star Schools Programs in the State of Mississippi. Senator COCHRAN has been interested in distance learning for a long time. We found that in a number of schools throughout Mississippi and the South students were taking classes in advanced calculus and advanced mathematics. These classes were not available within their particular communities, but the Star Schools connections allowed them to work with some of the best teachers that exist, both in Mississippi and in other Southern Communities. Star Schools programs bring high-level courses to many students who would not have the opportunity to take these challenging classes in their local schools. It was enormously impressive.

This is just one example of the importance of bringing the newest technology that is available into our schools. Nonetheless, Republicans have cut education technology programs including Star Schools and also technology challenge grants.

We know that communities, schools, and families are working hard to prevent youth crime and drug use. But Republicans don't get it. They tried to slash the funding for the Safe and Drug-Free Schools Act by 60 percent in fiscal year 1996, but we didn't let them. In their fiscal year 1997 proposal, the House Republicans cut $25 million from the Safe and Drug-Free Schools Act, the only Federal Program dedicated to providing funds to schools to combat drug use and violent behavior.

Even in the Human Resources Committee during the last Congress, the Drug-Free Schools Program was effectively wiped out, and the funding was transferred to a youth block grant program. But it was one of a number of different programs that would be available to young people, depending on the decisions of the various Governors. At the time, we made a decision that schools needed to have some consistent support across this country in terms of drug-use prevention and violence prevention activities. So we passed the Safe and Drug-Free Schools and Communities Act. In this current appropriations bill, Republicans in Congress continue to reduce support for safe and drug-free schools.

The appropriations for education funding are going to be acted on by the Senate this week. It is important, since the budget is an indicator of national priorities, that we understand exactly what is before the appropriator and what will be before the Senate and before the American people. I believe that most Americans think that education programs deserve a strong national investment.

We know that half of all college students need financial aid to go to college. Three-quarters of all student aid comes from the Federal Government. Between 1985 and 1994, the average cost of attending college rose by 39 percent while the median family income rose by only 1 percent. College graduates earn almost twice what high school graduates earn and nearly three times what high school dropouts earn. But Republicans do not get it. In fiscal year 1996, their attempts to eliminate the funding for Perkins loans and the supplemental State incentive grants failed. In their fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out funding for Perkins loans, which helped more than 700,000 students go to college last year. And they again eliminated the supplemental State incentive grants, which helped over 1 million students attend college.

In the coming weeks, we will hear Republicans claim that they support education, schools, children, and teachers. But candidate Dole and Speaker GINGRICH and their Republican colleagues cannot escape their antieducation record.

President Clinton is the education President. He has fought hard and successfully to block the Republican cuts in education funding. His budget for the coming years is a budget that invests in education. While Republicans want to subtract $1.5 billion from education, the President wants to add $2.8 billion. That is the right priority for Congress, and the right priority for America.

As this chart shows, the House Republicans want to cut education by $1.5 billion this year, and the Senate Republicans are continuing the battle in terms of cutting education funding.

Mr. President, the fact remains that over the period of the last Congress, 1992 to 1994, a series of education programs were enacted. We passed a reauthorization of the Head Start Program. In this act, we extended the Head Start education programs to include training programs for expectant mothers, and we expanded the early intervention programs.

Then we passed the Goals 2000 Act to challenge students to a greater degree and bring out the best in students. The purpose of Goals 2000 is to provide additional funding to local school districts so that teachers, school committees, parents, the business community, and other community activists who want to improve their local schools, would have flexibility to develop new initiatives in terms of curriculum, in terms of the time students spend in class, and in terms of additional training for teachers. A number of communities have used Goals 2000 funding to develop local initiatives to improve student achievement.

We also passed the School-to-Work Program to address the particular educational challenges that exist for the three out of four high school graduates who do not go on to a 2- or 4-year college and receive a college degree. The purpose of the School-to-Work Program was to give these students the opportunity to obtain job skills and additional educational training that could help them have more useful, productive lives. The School-to-Work Program, which has been supported by Republican Governors as well as Democratic Governors, was, effectively, going to be terminated on the job training bill which we considered in conference committee. We should not terminate this important program, and we certainly should not terminate it just because it was developed by President Clinton.

So, Mr. President, we have seen in recent times, when we are talking about the funding of those programs, support for those programs, a dramatic reduction in those programs, and a number of those programs have actually been zeroed out.

It is increasingly clear that our Senate Republicans are so embarrassed by their antieducation record that they do not intend to bring the education appropriations bill before the full Senate for final action before the election. One way or another, either on the continuing resolution or on other legislation, the Senate should vote on this vital issue so the American people know where we stand.

American families want good schools and affordable college education. They want a brighter tomorrow for their children, and they will not let an education-cutting Republican Congress hold them back.

Republican priorities are also too extreme with regard to Medicare. Time and again Republicans in Congress have sought to slash Medicare in order to pay for irresponsible tax breaks for the wealthy.

Medicare is a compact between the Government and the people. It says, ''Pay into the system during your working years, and we will assure that you have affordable health care in your retirement years.''

Today's senior citizens built the country. They worked hard, raised their children, stood up for America during depression and war, and now it is America's responsibility to stand by them—to guarantee that affordable medical care will be there for them when they need it in their retirement years.

You would think that these are principles that every American supports, but not Bob Dole, not NEWT GINGRICH and the Republicans in Congress. NEWT GINGRICH says he wants Medicare to wither on the vine. House majority leader DICK ARMEY has said Medicare is a program he ''would have no part of in a free world.'' And last year, Bob Dole said again that he is proud to have voted against Medicare when it was first enacted. He told the American Conservative Union, ''I was there, fighting the fight, voting against Medicare, 1 of 12, because we knew it wouldn't work. * * *''

The Dole-Gingrich Republican budget last year would have slashed Medicare by an astounding $270 billion. Medicare premiums would have doubled. Medicare deductibles would have doubled. The age of eligibility for Medicare would have been raised. Elderly couples would have paid an additional $2,400 in increased premiums alone during the budget period.

Republicans pretend that they are not cutting Medicare, just slowing its rate of growth. But every American family knows that if your wages do not keep up with inflation, your living standard is cut. Every family knows that if Medicare payments do not keep up with the cost of medical treatment, senior citizens' health care will be cut. And every family knows that if Medicare deductibles are doubled, if Medicare premiums are doubled, and if Medicare eligibility is postponed, your Medicare has been cut.

Abraham Lincoln once said, ''You can fool some of the people all of the time, you can fool all of the people

some of the time, but you can't fool all of the people all of the time.'' Our Republican friends seem to be counting on fooling enough of the people enough of the time until November 5—but they are not going to succeed.

The Dole-Gingrich attack on Medicare went even farther. In cahoots with the private insurance industry, their scheme was designed to force senior citizens to give up Medicare and join HMO's or private insurance plans. The Republicans said that their proposal was meant to offer greater choice, but senior citizens know that slashing Medicare in order to divert billions in profits to private insurers is no choice at all.

Republicans claim that President Clinton and the Democrats are using scare tactics on Medicare. But the American people know better. In fact, the cost of the lavish new tax breaks that Senator Dole is proposing will make even deeper cuts in Medicare more likely.

Under the Dole-Gingrich plan last year, the Republicans proposed a 7-year tax cut of $245 billion, paid for by $270 billion in Medicare cuts. Under the current Dole economic plan, the tax cut is $681 billion over 7 years, almost three times as large as last year's tax cut.

What about the Medicare cut? It is fair to ask where the cuts are going to come from. But still we have silence by Bob Dole on where the cuts are going to come from. I say to anyone who cares about Medicare, you better keep tuned because, as we have seen, Bob Dole supported the tax cut of $245 billion and the Medicare cut of $270 billion. Now he is proposing a $681 billion tax cut, and he is silent. You can bet your bottom dollar that there are going to be significant cuts in Medicare.

You do not have to be a mathematical genius to understand that if you have to pay for a tax cut three times as great, your Medicare cuts would be even greater than in the Republican plan last year. Bob Dole is no friend of Medicare and neither is the Republican Party.

The Dole-Gingrich Republican plan for Medicare makes a mockery of the family values they claim to support. I want to point out, on this issue, what happened before the election of 1994. In 1994, Majority Leader Bob Dole said, ''President Clinton and Vice President GORE are resorting to scare tactics . . . falsely accusing Republicans of secret plans to cut Medicare benefits.'' That is the statement he made in 1994, before the last election. And Haley Barbour said, ''The outrage, as far as I am concerned, is the Democrat's big lie campaign that the Contract With America would require huge Medicare cuts. It would not.'' After the election, they proposed $270 billion in Medicare cuts. Bob Dole said no, there would not be any cuts. Haley Barbour said no, there would be no cuts, and then the Republicans in Congress proposed $270 billion in Medicare cuts.

Now Dole has proposed a $681 billion tax cut. We ask him, all right, spell it out, where are you going to cut spending? We cannot get an answer out of him. And what should the American people expect? They ought to understand those cuts will be coming out of Medicare. If the cuts don't come out of Medicare, they will come out of other domestic programs like education. If he doesn't cut Medicare, the Dole tax cut plan would require massive unspecified cuts in domestic investments. If Bob Dole says no, it is not going to come in Medicare; it is not going to come in defense; it cannot come in interest on the debt; where else can he cut? Domestic investments.

The President is trying to hold harmless the domestic investments, particularly in education and in basic research in health care. He has indicated education, the environment, Medicare were the three priorities.

Here is the difference in this chart, where the President's balanced budget program is. Here is the Republican program for the cuts. If we were to enact the Dole tax cut, and if we were to exclude the Medicare from cuts, exclude defense, exclude the interest on the debt, then all other discretionary domestic spending would be cut from $254 billion down to $158—40 to 45 percent in real cuts. Those are cuts in education, NIH research, the fuel assistance programs for elderly people, and legal service programs.

Next year, the Congress and the President will need to take serious steps to deal with the very real financial problems in Medicare. The choice in this election is clear. A Democratic President and a Democratic Congress will address that challenge in a way that protects senior citizens and improves and strengthens Medicare. A Republican Congress and Republican President will put senior citizens and Medicare at risk. I believe the American people share our Democratic commitment to the Nation's senior citizens, and they will vote accordingly on November 5.

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

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

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. I ask unanimous consent to proceed for 20 minutes without interruption.

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

EMPLOYMENT NONDISCRIMINATION ACT

Mr. KENNEDY. Mr. President, last Friday the Senate began an important debate on legislation to protect the civil rights of gays and lesbians. Senators on both sides of the aisle have expressed strong support for the Employment Nondiscrimination Act. We will vote tomorrow afternoon on that legislation. I am very hopeful that the Senate will support it.

Last Friday, I reviewed the progress we have made as a country and as a society to free ourselves from discrimination. I spent a brief period of time reviewing what I think has been the enormous progress that this country has made to eliminate discrimination—at least to the extent we could eliminate such discrimination through legislation. After all, by including slavery, we enshrined discrimination in the Constitution of the United States. We fought a civil war in the 1860's on this issue but it was not until, I believe, Dr. King led a great movement in the late 1950's and the early 1960's, that the Nation was truly challenged to eradicate discrimination. Dr. King, using the philosophy of nonviolence, drew together Republicans and Democrats, business and labor, as well as church leaders all over the country, to begin a very important antidiscrimination grassroots effort. We made very substantial progress.

On Friday, I pointed out the achievements of the Civil Rights Act of 1957, the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act of 1968. Furthermore, in 1965 we changed the immigration laws, eliminating the national origin quota system that determined which immigrants would be able to come to the United States. We eliminated the Asian-Pacific triangle that restricted Asian immigration to 125 Asians a year, which was really a throwback to the period at the turn of the century known as the ''Great Period of the Yellow Peril.'' A period of great sadness and discrimination.

We made progress on race. We made progress on ethnicity, religion, and national origin during that period of time. We also made progress with regard to issues of gender. We did not pass the equal rights amendment. We did not say there were ''founding mothers'' as well as Founding Fathers, but we took a series of steps that moved us in a very important and significant way toward recognizing the full rights of women in our society. That was enormously important.

Some 6 years ago we passed the Americans With Disability Act to assert that having a disability does not mean a person is unable, even though for the better part of our Nation's history they suffered from discrimination.

Just a few nights ago under the bipartisan leadership of Senator DOMENICI and Senator WELLSTONE, we began to take the first steps to include mental health in American health care considerations. We have long recognized the challenges that cancer, heart disease, diabetes, or other illnesses provide for us, but we have been extremely reluctant as a society to understand

that there are also diseases that affect the mind. Mental health is an area that needs attention, recognition, and respect, for those that are dealing with those challenges. We made a very small step but not an unimportant step to move beyond the types of discrimination confronting those with mental health illnesses.

Tomorrow, we have an opportunity to see whether we as a country are prepared to free ourselves from discrimination toward gay men and lesbian women. I will make the point tomorrow, when we have greater attendance, that I daresay there are no Members in the Senate that would say we should repeal the Civil Rights Act of 1964; or those who will say ''no,'' we should not permit women to play sports; or, ''no,'' we want a retreat on the kinds of rights we have been able to obtain for those with disabilities; or let us go back to the time when we found discrimination on mental health.

On each and every one of these debates and discussions we have heard arguments that we do not need to take action at the Federal level, that if we take action it will be an intrusion by the Federal Government, there will be a proliferation of that will clog the courts, and the legislation will lead to all kinds of unintended consequences.

The fact of the matter is, Mr. President, I think one of the most proud parts of our history has been that we have been willing as a country and as a society—and this has been true by Republicans and Democrats—to make important progress in moving us beyond discrimination.

Tomorrow, when we vote, we will have an opportunity to call the roll again, and hopefully we will continue the march toward progress. I believe it will demonstrate that Republicans and Democrats alike are joining shoulder to shoulder to try and move this country beyond discrimination in the workplace. That is what we are talking about today—discrimination in the workplace. We are talking about skilled men and women that are prepared to play by the rules, to work hard, and to be engaged in the workplace, but confront discrimination far too often. The sole reason they are losing their jobs or being fired is because of their sexual orientation. That is the issue that is before us. This bill is limited to workplace discrimination. It is an issue that we are well familiar with.

Our legislation prohibits job discrimination based on sexual orientation. Some Senators have questioned the need. What I have tried to do this afternoon is respond to some of the questions raised during the course of the debate last week. I know we will have additional points to be responded to on tomorrow.

So, hopefully, if our colleagues review this legislation with open minds, as they responded to a questionnaire when it was sent out to them—I remind the Senate that our colleagues responded to a questionnaire about employment discrimination based on sexual orientation—they will support it. I believe this because 66 Senators and 241 Members of the House of Representatives have agreed with the following principle: ''Sexual orientation of an individual is not a consideration in the hiring, promoting, or termination of an employee in my office.''

If we are able to get that kind of response in the U.S. Senate tomorrow, people will have made a very, very important contribution to making America, America. There are 66 Members of the Senate, some 241 Members of the House that are effectively saying that discrimination based upon sexual orientation is wrong. Here is a clear statement that these Senators know that there is a lot of stereotyping and a lot of exaggeration, and there are a lot of misstatements and misinformation regarding antidiscrimination policies. When they were back in their offices and addressing this issue quietly and deliberately, 66 members were prepared to say there should not be discrimination on the basis of sexual orientation in the consideration of hiring, promoting, or terminating employees. We will find out now whether they are prepared to take that belief, that statement, that comment, and put it into reality by supporting our bipartisan legislation tomorrow.

Mr. President, the main categories of discrimination under the Federal law are race, gender, religion, disability, and age. Classifications not included in Federal law include personal appearance, poverty, and level of education.

In determining whether or not sexual orientation should be added to the list of federally protected classes, I ask my colleagues to determine whether sexual orientation is more like those categories already covered by Federal law or those that have not received Federal protection. I think that is a question on the minds of some of our colleagues. It is a fair question and it needs to be addressed.

My colleagues should consider the question of immutability. Doctors do not know exactly what causes one's sexual orientation, but the leading theorists, including conservatives such as Judge Richard Posner and Prof. John Finnis, agree that sexual orientation is a feature of one's personality or makeup and not a conscious choice. Therefore, in this regard, it is more like national origin or religion.

Similarly, sexual orientation, like race, gender, religion, national origin, disability, and age, is rarely, if ever, relevant to one's ability to perform in the workplace. Passage of the Employment Nondiscrimination Act would signal congressional support for this truism.

Rarely do we see vicious assaults in the workplace against someone because of their weight or because of smoking or some other kind of activity. We are, however, well aware of the vicious assaults, epithets, taunts, and threats directed toward gay people. These cases very closely resemble the pervasive and flagrant discrimination directed toward racial and ethnic minorities, women, and people of various religious creeds. All we would have to do is reference the hate crimes legislation to see that such crimes are increasingly directed toward gay Americans.

Discrimination against gay and lesbian people for characteristics they don't control or reflect their deep personal identity, that are irrelevant to their ability to do their job, and that provoke irrational animus among some of their coworkers is the classic case for Federal intervention.

The current patchwork of protection for gays and lesbians—laws in nine States, executive orders in eight States, and ordinances in various cities and counties—is far from sufficient.

I might mention the various States and point out for the membership the States that do provide protection. We also know that the majority of Americans support this legislation. We have this in a general poll, and opponents will have other types of polls. We will be glad to get into the battle of the polls should that be necessary during the debate tomorrow. An overwhelming majority of Americans do not believe that Americans in the workplace ought to be discriminated against on the basis of their sexual orientation; nine States passed laws prohibiting employment discrimination based on sexual orientation; eight States have executive orders for gays and lesbians—those could be altered or changed easily. And 166 cities and counties have passed laws prohibiting employment discrimination based on sexual orientation. Also, 650 employers have nondiscrimination policies that include sexual orientation; the overwhelming majority of the Fortune 500, large and small companies. That is what is happening across the country. I will come back to how many times these laws have actually been challenged. Do these States have various laws that provide a series of challenges in the courts, and are they loading up the courts? They clearly are not.

Congress has ample power under the commerce clause and 14th amendment of the Constitution to enact civil rights laws such as the Employment Nondiscrimination Act. That has been sustained—with regard to employment discrimination—repeatedly by the courts.

America's workers keep America's commerce moving. Discrimination in the workplace prevents the Nation from reaching its full potential. As Paul Allaire, the CEO of Xerox said:

> We strive to create an atmosphere where all employees are encouraged to contribute to their fullest potential. Fear of reprisals on the basis of sexual orientation serves to undermine that goal. Enhancing our work environment to prohibit discrimination on the basis of sexual orientation has not added any financial cost to our organization. Instead, we believe our philosophy and practice of valuing diversity brings financial benefits to

the workplace by encouraging full and open participation by all employees.

In other words, it is good business for companies to free themselves from discrimination and discriminating against one particular group in a work force. And that particular statement and comment was made by many CEO's.

I think most Americans would feel that we are a stronger economy and, most importantly, a stronger country when we free ourselves from discrimination and bigotry.

Nothing in the Employment Nondiscrimination Act condones unprofessional conduct in the workplace. Employers may enforce evenhanded rules. Dress codes for heterosexuals and homosexuals must be enforced fairly and equally across the board—that meets any available criteria as long as the rules are applied uniformly to both heterosexuals and homosexuals.

We have heard during the course of the debate—what will an employer do if a gay person acts inappropriately. The answer is that there is no problem. A code of conduct can be enforced equally across the board, and should be equally respected by the employees. We are not talking about creating special rights. We are talking about freeing the workplace from discrimination on the basis of sexual orientation. That is it.

Employers may clearly take appropriate action, if employees violate dress codes or other codes of conduct. The Employment Nondiscrimination Act outlaws job discrimination in hiring, firing, promotion, or compensation. As long as employers maintain a discrimination-free workplace and enforce policies that are sexual orientation-neutral, they will not violate the act.

That is it; period. No matter how many times we state it, nor how clear it is in the legislation, there will be those that will misrepresent what this legislation does. That is it, as I have stated earlier.

In addition, the Employment Nondiscrimination Act clearly states that ''the fact that an employment practice has a disparate impact on the basis of sexual orientation does not establish a prima facie violation of the Act.'' The bill cannot be more clear. Employers have nothing to be concerned about on the issue of disparate impact lawsuits.

The Employment Nondiscrimination Act, like the Americans With Disabilities Act, provides that the EEOC shall have the same enforcement powers as it has to enforce title VII. Employers do not have to keep any specific type of records. The EEOC simply requires that any records already kept must be preserved for 1 year. The EEOC will take the same approach under the Employment Nondiscrimination Act.

The EEOC's only private sector reporting requirement is a form that employers of more than 100 workers must file annually. The form only requires information about race, gender, and national origin—not age and not disability. Like age and disability, there is no reason for an employer to know the sexual orientation of an employee, and that information is not required under the Employment Nondiscrimination Act. The act will not require employers to submit information on the sexual orientation of their employees, and the EEOC will not require it either.

Let me repeat that. This act will not require employers to submit information on the sexual orientation of their employees, and the EEOC will not require it either.

Adequate remedies for job discrimination are important in order to deal with violations of the civil rights laws. The remedies under the Employment Nondiscrimination Act are entirely appropriate. The act applies to clear cases of discrimination cases involving a smoking gun. Depending on the circumstances, a successful plaintiff should receive appropriate relief—reinstatement, back pay, compensatory damages, and even punitive damages in the most flagrant cases.

Compensatory damages were capped by the Civil Rights Act of 1991. Punitive damages are awarded only in cases in which the jury finds that the employer acted with ''malice or reckless indifference to a federally protected right.''

You have to be able to prove that there was malice or reckless indifference to a federally protected right in order to be able to collect.

Of the 284 EEOC cases settled by juries since July 1993, compensatory relief was awarded in only 59 cases and punitive relief was awarded in only 14 cases. The highest compensatory award was $450,000 and the average is $38,418.74. The highest punitive award was $255,000 and the average is $30,535.74. These awards include race and national origin discrimination cases, and compensatory awards in those cases, unlike cases settled under the Employment Nondiscrimination Act, are not capped.

Some have expressed reservations about the Employment Nondiscrimination Act because of religious objections to homosexuality. But as Bishop Browning, presiding bishop of the Episcopal Church, has said:

> Since 1976, the Episcopal Church has been committed publicly to the notion of guaranteeing equal protection for all citizens, including homosexual persons, under the law.
>
> Employment Non-Discrimination Act explicitly fulfills that mandate, and I urge Members of Congress to move swiftly to pass this amendment, and the President to sign it into law. . .
>
> My warm embrace of this legislation, of course, reflects more than my standing as Presiding Bishop of the Episcopal Church. It represents my deep, personal belief in the intrinsic dignity of all God's children.
>
> That dignity demands that all citizens have a full and equal claim upon the promise of the American ideal, which includes equal civil rights protection against unfair employment discrimination.

Many other religious leaders support the Employment Nondiscrimination Act. They believe that the religious exemption in the bill appropriately protects religious liberty. The American Jewish Committee, the Union of American Hebrew Congregations, the Evangelical Lutheran Church, the Unitarian Universalist Association, United Methodist Church, the United Church of Christ, the Anti-Defamation League, and the National Council of Churches have written:

> A general civil rights bill should not exempt individuals because those individuals have reasons based on their religious beliefs for discriminating.
>
> There is a substantial difference between a business operating in the arena of commerce and a religious corporation which exists to serve an explicitly religious mission. . . There are profound differences in religious perspectives on th[e subject of homosexuality]. Individuals are, of course, free to believe what they will. But this does not necessarily mean that they are free to discriminate on the basis of those beliefs.

Individuals who share these beliefs, including my Senate colleagues, are not bigots. There is a great deal of misinformation regarding homosexuals and given that information, I recognize that some of my colleagues have concerns about this legislation. I do believe that as we learn from one another and realize that many of our peers, friends, and family members are homosexual, the misinformation will be replaced with greater understanding. Until that time, however, we need legislation like the Employment Nondiscrimination Act. This simple, straightforward bill will address the egregious discrimination faced by so many gays and lesbians in the workplace.

African-Americans, Latinos, Asian-Americans, native Americans, women, the elderly, the disabled, Jews, Catholics, and many other Americans know what we are talking about here. I remember a time when it was said that a Catholic could not be President. I remember ''Help Wanted'' signs in stores when I was growing up saying ''No Irish Need Apply.'' Thankfully, we have made a great deal of progress in ending that kind of racial, religious, and ethnic bigotry. The Employment Nondiscrimination Act is the next great step on the American journey to fulfill opportunity and freedom from discrimination for all our citizens, and I urge the Senate to enact it.

Mr. President, there is a statement that was made by a business when they fired Cheryl Summerville, a former cook. ''This employment is being terminated due to violation of company policy. This employee is gay.''

That says it all. That says it all. I remember this was an employee who had worked hard; an outstanding cook who worked at a Cracker Barrel restaurant for many, many years; highly regarded, respected, and hard working; but, nonetheless, was effectively terminated; lost her job because she was gay and for that reason only.

Here we have the statement by Barry Goldwater. It is an interesting and a

powerful statement and it is a very worthwhile statement of which we should remind ourselves. I will just read it:

It's time America realized that there was no gay exemption in the ''right to life, liberty and the pursuit of happiness'' in the Declaration of Independence. Anybody who cares about real moral values understands that this isn't about granting special rights—it's about protecting basic rights.

That is why Barry Goldwater as well as Coretta Scott King are strongly in support of this legislation.

Finally, Mr. President, as I mentioned before, there are many things this bill does not do. There are no quotas or preferential treatment.

I have addressed the issue about quotas, about maintaining information or statistics. We do not require quotas in this very carefully drafted legislation. We say no quotas and preferential treatment:

A covered entity shall not adopt or implement a quota on the basis of sexual orientation. A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

That is about as clear as you could make it in the English language. We invited others who were concerned about this to propose other language, and there were many who were concerned about it. We feel that the language included in the legislation addresses that issue about as clearly as you possibly could. It is not only our intention but it is included as language in the bill.

We also say:

No cases based merely on disparate impact claims. The fact that an employment practice has a disparate impact, as the term ''disparate impact'' was used under Section 703(k) of the Civil Rights Act of 1964, on the basis of sexual discrimination, does not establish a prima facie violation of this title.

Briefly, Mr. President—I will not take a lot of time on this—what the law generally says with regard to disparate impact cases is, if you have, for example, a 100-man work force and that work force is carrying 150-pound cement bags, the employer may have a policy that employees be able to lift a certain weight. As a result, that employer may not hire many women, even though there exists a pool of women who might want that job. The employer may be able to support the policy resulting in a disparate impact on the pool of women applying for the job. On the other hand, if you have 100 computer experts and you have 100 men and 100 women who have similar qualifications, you are not expecting that particular employer's policy to result in the hiring of 100 men. You can make a case of disparate impact demonstrating that the employer's policy or practice had a disparate impact on the pool of qualified people. At that point, the burden shifts to the employer, who must present evidence supporting their policy. The plaintiff will probably be able to show that there are other, nondiscriminatory policies or practices that the employer may use. That is effectively the way the law goes.

This time we are saying that no disparate impact case will be made, which sustains the position that people do not have to keep statistics on the sexuality of their employees. Even though that has been represented during the early course of the debate on Friday, that is not the case. We have made that very, very clear in the language of the bill. Accordingly, employers do not have to maintain records on the sexual orientation of their employees.

Mr. President, I ask unanimous consent that a written statement from the Equal Employment Opportunity Commission regarding record keeping requirements under the Employment Nondiscrimination Act be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. KENNEDY. There is no coverage for the armed services. There is no coverage for the not-for-profit religious organizations. There were some questions about the for-profit religious organizations. We think they are more involved in the secular activities than nonsecular activities and that they, therefore, would be covered. You may be able to nit-pick this and find a particular individual or a particular location or a job which might be of particular appeal, but nonetheless this is the way that this legislation is crafted for the reasons that we have outlined in the general presentation.

We have pointed out:

Religious organizations are defined as corporations, associations, societies, colleges, schools, universities or educational institutions.

So we have attempted to draft this legislation in a way to be targeted, to be limited, to be focused, in a way that deals with the problem. There is a problem in the American workplace. Discrimination based upon sexual orientation exists. It is taking place today. We referred to the various studies and, if necessary, we will come back into those studies in the more general debate either tonight or tomorrow morning if there is any question about it.

I think any Member of the Senate who reads through the various Department of Justice studies on the hate crimes could not possibly question that animus toward gays and lesbians exists today. Other studies prove that this is taking place in America's work force. It is out there.

Although we know the problem exists, there are no rules, regulations, or laws to protect people. That is the sad fact. There are limited laws in limited States to protect people, but it is not enough that as an American you are free from discrimination in one jurisdiction but are going to be subject to discrimination in another. We should free our country from that type of travesty.

So there is a problem. There are not adequate solutions. Do we have a carefully crafted or targeted program just to deal with this danger? The answer is yes.

Finally, I want to just mention the number of cases filed in State courts in the nine States which have laws, as I mentioned last Friday. We are talking about two or three or four cases. I just mention these. In the nine States, California, since 1992, has had five cases; Connecticut, four cases; Hawaii, since 1991, no cases; Massachusetts, two cases; Minnesota, three cases; New Jersey, zero; Rhode Island, zero; Vermont, one; Wisconsin, one.

So this idea that there is going to be a vast proliferation in the Federal courts just does not stand up. When you look at the EEOC record, as I mentioned earlier, and the whole range of discrimination, on gender, on race, on disability, on religious discrimination, and national origin, we are talking about a very limited number of cases that have taken place. When you look at what is happening in the States, you will find that these laws have not been the problem. When people know what is expected of them and the forms of discrimination, they will respond to it. What is called for is a clear statement about rights and liberties and about bigotry and discrimination. This law does it. I am very hopeful that we will accept this legislation on tomorrow afternoon.

Mr. President, I yield the floor.

EXHIBIT 1

EEOC RECORDKEEPING AND REPORTING REQUIREMENTS

1. ENDA provides that the EEOC shall have the same powers to enforce ENDA as it has to enforce Title VII. This tracks the enforcement structure of the Americans With Disabilities Act.

2. EEOC's recordkeeping requirements under Title VII are set out at 29 C.F.R. §§1602.12–1602.14. In these sections, EEOC provides that it ''has not adopted any requirement, generally applicable to employers, that records be made or kept.'' §1602.12. Rather, EEOC requires that ''[a]ny personnel or employment record made or kept by an employer . . . shall be reserved by the employer for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later'' or until the disposition of a charge of discrimination or lawsuit regarding such action.

3. It is likely that EEOC would take the same approach if ENDA were to be enacted into law, requiring employers to keep for specified time periods whatever records they already keep. There is no reason to believe that EEOC would change its longstanding approach to recordkeeping and require the creation or maintenance of any specified records.

4. EEOC's only reporting requirement applicable to private sector employers is the EEO–1 form. *See* 29 C.F.R. §1602.7. Employers of 100 or more employees are required to file annually a form setting out certain aggregate information about the race, national origin and gender of their employees. The EEO–1 form does not request information regarding age or whether employees have disabilities. Since there is no reason for an employer to know the sexual orientation of an employees in order to comply with ENDA, it is highly unlikely that the EEOC would require employers to gather or submit information regarding the sexual orientation of their employees.

5. The Uniform Guidelines on Employee Selection also include certain recordkeeping requirements. 29 C.F.R. §1607. These guidelines—which address issues of disparate impact discrimination—apply to discrimination on the bases of race, color, religion, sex, and national origin. Since ENDA specifically does not recognize a cause of action for disparate impact discrimination, the Uniform Guidelines would have no applicability.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the time until 5:30 is under control of the distinguished Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, it is my understanding that will be under my control or a designee, is that correct?

The PRESIDING OFFICER. That is correct.

TAX RELIEF AND TAX REFORM

Mr. COVERDELL. Mr. President, a little earlier today, the Senator from Massachusetts was talking about the tax relief proposal of our former colleague, Senator Dole, which, just to sketch it out, calls for replacing the current tax system with a simpler, flatter, fairer system; it cuts the personal income tax rates across the board by 15 percent, it cuts the top capital gains tax rate for individuals in half, to 14 percent; creates the much-debated $500 per child tax credit, and much needed, I might add; and expands individual retirement accounts. It goes on to offer a 1-year tax amnesty during the transition to a new tax system, eliminates tax returns for 40 million low- and middle-income taxpayers, it shifts the burden of proof from individuals to the IRS, which I have long thought should be the case.

We currently have two legal systems in the country. In most cases, you are innocent until you are proven guilty, but not if you are dealing with the IRS; then you are guilty unless you can somehow extract yourself from it. And it ends lifestyle audits, that is just speculation about, ''You are driving sort of an interesting car, maybe we ought to look into that.'' I do not know of any agency in the United States Government—which is a real reach, when you think about it—that shares a lower reputation among the American people than the IRS. Anybody who has visited with Americans anywhere in the country knows it immediately.

I think that lowering the economic pressure on America's working families ought to be among our first priorities in this country. I have said many times here on the Senate floor that an average working family in my State is now forfeiting 53 percent of their earned wages to a government tax. It is absolutely unheard of.

I thought this was an interesting quote from Cal Thomas, in a recent article that appeared in the Washington Times. He says:

> When government wants to spend your money it's doing something noble. When you want to keep more of your money, you are greedy.

I think that perfectly defines what so much of the debate and language and rhetoric we hear here in Washington is. It is almost as if the Government owns all the fruits of your labor and once in a while allows you to keep some of it. I have to tell you, that is absolutely backward from what Thomas Jefferson had in mind. He warned us, time and time again, of governments that consume the fruits of labor and take it away from the laborer for their own purposes.

Recently, there was a story that I think appeared in Readers Digest, and also the Wall Street Journal, that asked every strata of American life what they thought was a fair tax burden, male/female; income groups from $30,000 to $75,000 or more; Republicans, Democrats, independents, conservatives, moderates, liberals—what is a fair tax?

It is almost stunning that it did not matter what their philosophy, what their gender, what their income strata was, they all had an almost identical answer. The appropriate tax burden on American citizens and workers should not exceed 25 percent. In other words, America believes the tax burden today, which is the highest level it has ever been, or the highest percentage of the gross domestic product, should be half what it is today; that the Government ought to be able to fulfill its responsibilities with half of what it is extracting from every working family.

Of course, we are hearing a lot of moans and groans from the other side. ''Oh, my heavens, what is the Government going to do if it is unable to extract all these resources from our working families?'' As though the Government's priorities come ahead of every one of those mothers and fathers who are trying to feed their children, educate them, house them, and give them higher education, prepare them spiritually. It is just amazing to me. You would think it was the other way around, that this money all belonged to the Government and every now and then it passes a little favor out to you.

I read over the weekend a story, the headline, ''France to Cut Taxes $5 Billion in Effort To Reduce Deficit.''

> PARIS, September 5. France will follow Republican Presidential nominee Robert J. Dole's prescription for economic health and cut taxes to the help reduce its budget deficit in the face of a shrinking economy.

That is what happens. When the Government consumes too much it chokes the economy, it causes people to lose jobs, it causes new businesses not to be formed. I never thought the French would be ahead of us on this.

It goes on to say they are adopting Senator Dole's prescription for economic health, cutting taxes to help reduce the budget deficit in the face of the shrinking economy.

> The Prime Minister announced tonight—[that is September 5]—the $5 billion tax cut for next year and further reductions in following years will make France virtually the only nation in Western Europe to reduce taxes so far this decade.

That is quite an amazing turn of events, that France would be following the advice of Senator Dole and we have nothing but rejection from the Senator from Massachusetts. That is a very, very interesting comparison.

Then we see here the Senate minority leader Tom DASCHLE, South Dakota, said, ''* * * he detected very little desire in the Democratic caucus to act on a tax cut bill before this election.'' I guess it is understandable, considering that that caucus is who gave us the highest tax increase in American history, and little wonder—nor should we be surprised—they have very little interest in leaving these dollars in the checking accounts of America's families.

As a matter of fact, this average family I was talking about just a few moments ago now has 2,600 fewer dollars in their checking account since the arrival of this administration in Washington. In just 4 years, they are now consuming over $2,000 more out of these beleaguered working families in our country.

Mr. President, I see we have been joined by my distinguished colleague from Minnesota. I would like, if he is agreeable, to extend up to 10 minutes to the Senator from Minnesota on this very, very important subject of tax relief and tax reform—much, much needed in our American economy. More important, around the kitchen table and in the checking accounts of just the poor average family trying to make it.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. GRAMS. Mr. President, I wanted to add, as my colleague mentioned about the tax cuts that are being proposed for France, I think we note Germany is also proposing tax cuts because of the huge unemployment rate in that country. Again, the same thing, as more government taxes have begun to choke that economy as well as in Sweden, so other nations around the world are looking for ways to encourage economic growth through a reduction in their governments. Like the Senator from Georgia said, it is hard to believe they would be ahead of the United States making those determinations.

But, Mr. President, America's working families, as we have been talking about, face greater hardships now than at any time in the last decade and the

impact of the Clinton Presidency is being felt on all fronts: the economy is flat, taxes are on the rise, while take-home pay is not going anywhere at all.

Despite his administration's claims to the contrary, the economy has merely slogged along since Bill Clinton took office, growing at a barely perceptible 2.4 percent and making this recovery the slowest of the past century. The projected growth for next year is only 1.9 percent. At the same time, the Government's tax collectors are making new demands of working Americans and siphoning away more of their dollars than at any other time in history. In too many cases, workers are actually taking home less in their pay envelopes than they did 4 years ago.

It did not help when Bill Clinton vetoed the balanced budget legislation passed last year by Congress. Without a balanced budget to keep interest rates in line, families are paying significantly more to finance necessary expenditures: an extra $36,000 for a home mortgage, for example, or $1,400 more for a student loan and higher interest fees again because of a vetoed balanced budget by this President. Those are dollars that could have been spent saving for a child's education, or purchasing health care, insurance, and other basic family needs.

If families feel as though they are being squeezed between high taxes, a White House that cannot stop spending, and a stagnant economy, they are right—and it is called the Clinton crunch.

Under economic policies perpetuated by the Clinton administration, our cities are suffering as well. Since 1965, 15 of the 25 largest U.S. cities have together lost over 4 million residents, at the same time the Nation's population has grown by 60 million. As residents bail out in record numbers, America's job creators have joined the flight. Dozens of Fortune 500 companies, once headquartered in New York City have relocated since the 1970's, and the statistics are similarly grim in other major cities such as Cleveland, Detroit, Philadelphia, and St. Louis.

The urban centers in my home State of Minnesota are no exception—according to the U.S. Census Bureau, St. Paul and Minneapolis are shrinking, too. In the 4-year period between 1990 and 1994, the population in my State's two largest cities dropped by nearly 4 percent. A study recently released by the Minnesota Planning Office revealed that even as the rest of the State is experiencing dramatic growth in the 1990's, its metropolitan hubs are not.

Once the job creators are gone and employment opportunities vanish with them, the hearts of our once mighty economic centers wither away. Poverty and crime flourish like weeds in their place.

Consider the alarming murder statistics now rocking the Twin Cities. St. Paul recorded 25 homicides in all of 1995; already this year, 25 murders have been reported. The 71 homicides on the books this year in Minneapolis mean the city may match—or even exceed—last year's record number of killings.

What is driving people away? Why are our cities no longer the powerful economic magnets of the past? Sadly, just as it is responsible for the state of the economy as a whole, the Government itself bears much of the responsibility.

A recent study by the Cato Institute found excessive Government spending and high taxes to be a major cause, not just a consequence, of urban decline.

Researchers have learned that cities that overspend and overtax lose population; cities with low spending and low taxes gain population.

The Federal tax burden continues to rise. Today, a typical, two-income family is paying nearly 40 percent of its income in Federal, State, and local taxes. That is devastating for urban families who struggle every day to keep a job, put food on the table, and make a decent home for themselves and their children—while Government continues to demand more.

We have two workers in most households today. One is working to provide for the family, the other is working to provide for the Government.

Most taxpayers do not realize that in recent years, 15 cents of every tax dollar they have contributed has gone toward paying the interest on our $5.2 trillion national debt.

In 1995, more than $230 billion which could have been put to work meeting the Nation's needs was instead squandered on interest payments—payments amassed because for 40 years, Washington always got whatever it wanted when it visited the candy store, whether it had the money or not.

Until Washington stops spending more than it takes in, the national debt will continue to swell, until we have left our grandchildren a bill even they will be hard pressed to pay off, if they have the ability at all to pay.

America must do better, and so Republicans, along with Bob Dole, have unveiled a plan that will stimulate economic growth and restore opportunity to every American family.

It is a comprehensive blueprint for our future built on three, interwoven themes: First, America's budget must be brought into balance; second, working families deserve tax relief, and third, the IRS, as we know it, must come to an end.

And again Bob Dole, has detailed this plan and what it offers for individuals, for families, and for the country.

Despite the arguments you hear from across the aisle who draw conclusions, irrespective of what is based on these plans, a balanced budget is at the heart of our economic plan. By boarding up the candy store and cutting Federal waste and inefficiency, we will balance the budget by the year 2002 while we protect and preserve Medicare, Medicaid, and other vital Federal programs upon which millions of Americans rely.

At a time when nearly 1 out of every 4 dollars earned by working Americans goes to pay Federal taxes, we believe relief from Washington is long overdue.

Our plan benefits every taxpayer by automatically cutting their taxes by 15 percent. That is a significant change from the policies of the past 4 years, when promises of tax relief were displaced by a 1993 tax increase of historic proportions.

More than any other segment of society, America's middle-class families have borne the brunt of the Government's tax-happy ways. We have recognized their sacrifice by offering them a $500-per-child tax credit.

As the Senate author of the child tax credit, I have long recognized the dramatic results we could achieve by cutting taxes for 24 million working households nationwide and allowing families to control more of the dollars that they work so hard to make. The $500-per-child tax credit is not peanuts—it is real help at a time when more Americans are working extra jobs or taking on overtime hours to keep from sinking under their tax burden.

In my State alone, it means families in Minnesota would keep $500 million in their pockets to spend on their families to decide how to spend rather than turning those dollars over to Washington for Washington to make those decisions.

Our vision for America's economic future will confound those who continue to defend the failed policies of the past. Clinging desperately to their borrow-and-spend ways, they claim that tax relief and deficit reduction cannot go hand in hand. Yet our plan proves these are compatible goals. The tax cuts of the Reagan era ushered in America's longest peacetime expansion, helping to create 20 million new jobs and pushing incomes and living standards to record highs. As more Americans found work and earned higher salaries, they collectively paid more in taxes even though individually they were paying less.

Yes, the deficit rose, but it was in the hands of a Democrat-controlled Congress that failed to match tax cuts with spending cuts of its own and instead a Congress that spent $1.59 for every tax dollar it collected. They say we cannot have tax cuts and balance the budget, but we can if we have a Congress that is willing to cut the spending at the same time. A Congress and President committed to realizing a balanced budget in 6 years would achieve unparalleled growth in the economy and offer Americans unparalleled opportunities for success.

Finally, we must untangle the deeply rooted IRS from the lives of the American people. If the IRS seems omnipresent, well, it is. Today, it is five times as big as the FBI and twice as large as the CIA. Just to comply with the jumble of laws it has imposed on the taxpayers it takes the annual equivalent of 3 million people, working full time, and the IRS continues to grow.

But even as its budget has increased from $2.5 billion in 1979 to $7.5 billion

this year, IRS service to the taxpayers has steadily declined.

An example: Working families have paid billions just to modernize the agency's tax collection system. The results, according to the GAO, have created chaos, and more importantly, the IRS remains hostile to the average American taxpayer.

For example, every day, my State office received complaints from constituents who have been frustrated that they can't even get through to an IRS agent. The have been calling the IRS 1–800 lines. The lines, they say are constantly busy. In some cases, my constituents tried for 3 or 4 days before they were actually able to get through.

Another story I recently encountered was that of one Minnesotan who owes about $24,000 in back taxes because his building business had a few lean years. He said he built a spec house in 1994 and now he finally has a buyer for it.

But here is the problem. He says he will be able to make $18,000 on the house if he sells it, which will all go to the IRS, but the IRS strapped a lien on the house and it will not release it because he can't pay the entire $24,000.

So by holding him hostage and demanding it all, the IRS is shooting itself in the foot when it could have already collected at least 70 percent of the debt and allowed this individual to go on and try to earn more money to pay his back taxes. And this is quite typical.

The abusive power and the arrogance of the IRS must be brought to an end. Fundamental reform of the IRS must be part of any plan to help unleash the American economy—a reinvented IRS, a balanced budget, relief from high taxes, and an economy that frees, not entraps, American families.

Mr. President, finally, that is the difference between another 4 years of what we have called and what you have heard talked about as the Clinton Crunch and our vision for America's future. That is a vision of hope and opportunity, a vision that deserves a closer look by the American taxpayers. I hope they do that in the next couple of weeks. Mr. President, I thank you. I yield the floor.

Mr. COVERDELL. Mr. President, I wonder if the Senator from Minnesota might comment. His discussion about American cities is most interesting. My home city since 1970–75 has lost 125,000 residents. My argument is that if these cities just continue to impose higher and higher financial burdens, the end result is they make the city richer and poorer, because every time they ratchet the tax up, they drive another big segment of the middle class right out of the city. You cannot destabilize the middle class. They are going to find the relief that they want. They vote with their feet. Does the Senator concur with that?

Mr. GRAMS. Very much so. It is kind of a catch-22. Every time the city says they need more programs to encourage people to stay, they have to somehow have the revenues, so they raise taxes. And every time they raise taxes, they have an ever-increasing burden, not only on the people, but the businesses that support them. Once the businesses leave, it leaves a vacuum for crime and other problems. It is a catch-22. The Government says they will put more money into it, so they have to raise taxes and generate more revenue. And it compounds the problem, as the Cato Institute said. The Government is a consequence, not just a contributing factor, but a consequence of this problem.

Mr. COVERDELL. I thank the Senator for his remarks.

In just a moment I am going to turn to our colleague from Alabama. But with regard to the IRS, when I was a youngster, I was always taught Government was our partner. I think some people have gotten confused and they now think it is our boss.

Since 1954, the number of different penalties the IRS imposes on taxpayers has increased from 13 to 150—13 to 150. In 1992, the IRS imposed 33 million penalties on taxpayers. The amount of penalties the IRS assesses has soared from a total of $1.3 billion in 1978 to $12.5 billion in 1992. You think we have a rage of criminality in our country? I think this is just absurd. The over 100 new penalties created in recent decades amounts to a deck of trump cards the Government can play against their own citizens. It is just totally inappropriate.

Since 1980, the number of levies, the IRS seizures of bank accounts and paychecks, has increased fourfold, reaching 3.2 million in 1992. The U.S. General Accounting Office estimated in 1990 that the IRS imposes 50,000 incorrect and unjustified levies on citizens and businesses per year—50,000. GAO estimated that 6 percent of IRS levies on businesses were incorrect. It is time for a major overhaul there.

Mr. President, I am going to yield up to 10 minutes to my colleague from Alabama.

Mr. SHELBY. Thank you.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Alabama is recognized for 10 minutes.

Mr. SHELBY. Mr. President, I wanted to come to the floor today and try to set the record straight on Senator Dole's tax relief plan. Over and over, Mr. President, the media pundits and the liberal Democrats, such as our President, have been telling the American people that Senator Dole's tax relief plan will ''balloon the deficit'' or result in ''extreme'' or ''draconian'' spending cuts which will hurt our children and starve the poor.

Mr. President, I believe these scare tactics are not only wrong, they are shameless, and it is time we start standing up here and telling the American people the truth. I want to briefly lay out in a few minutes today some of the facts to expose the myths put forth by the guardians of Big Government—yes, the guardians of Big Government.

First, Mr. President, President Clinton, I believe, is wrong, wrong to claim that broad-based tax relief will increase the deficit. He often points to the 1980's as proof that cutting taxes results in higher deficits. However, the facts just do not support his claim. For example, when President Reagan, with the help of the Congress, cut the taxes in the early 1980's from a top rate of 70 percent down to 28 percent, total revenues to the Treasury during that time increased by 99.4 percent during the following decade.

What was this due to? It was due to the record rates of economic growth which occurred during the 1980's, an average, Mr. President, as you will recall, of about 4 percent a year. These cuts stimulated the longest peacetime economic expansion in American history. More than 20 million new jobs were created, and more people were paying taxes, increasing Government revenues at that time.

The fact is, Mr. President, that the massive deficits of the 1980's did not result from tax cuts; they resulted from skyrocketing rates of Federal spending. For example, during the 1980's, Federal spending increased by 112 percent; it doubled in just 10 short years. This out-of-control spending is the culprit for the deficits of the 1980's, not President Reagan's tax cuts.

What this means for us today is that we should not hesitate to give the American people long overdue tax relief. History over and over, Mr. President, has proven that lower taxes generate economic growth and will increase every citizen's standard of living. But we need to make sure such relief is accompanied by cuts in spending. Cuts in spending is the issue.

This is where the Democrats have tried to scare people. We have heard over and over that broad-based tax relief will result in extreme cuts in spending. Mr. President, the underlying assumption of this argument is that the Government has cut costs everywhere it can and that all wasteful Government programs have been eliminated and that the only Government programs which are left are ones that, if cut, would hurt children or starve the poor. That, Mr. President, is every bit as extreme as it is ridiculous.

The idea that the Government simply cannot afford to let people keep more of the money that they earn is appalling. Whose money is it anyway, Mr. President?

Since when did the Government have an entitlement to everything people earned? This is an important point here today because, by buying into the argument that the Government cannot afford to give Americans a tax cut, we lose title to our freedom every day, sort of by adverse possession, if you will. Congress should not have to justify broad-based tax relief. Rather, Mr. President, it should justify every single dollar it takes out of the pockets of the American people who work every day to supply it.

The White House should never again say that we cannot afford broad-based tax relief.

Let me give you just a small example of one way we could pay for tax relief. I think it is instructive. Robert Shapiro of the Progressive Policy Institute has identified, Mr. President, more than $100 billion of corporate welfare hidden in the current Tax Code, special interests' Tax Code. We should eliminate all corporate welfare, Mr. President, and enact immediate tax relief for individuals in America.

I have introduced legislation which would do this by scrapping the entire Tax Code, eliminating all deductions and special tax breaks for special interests, and replacing it with a low, flat-rate tax system. The Tax Code should not be a tool, Mr. President, for Washington to maintain control over our citizens' private resources. Washington should not single out certain people or corporations in America to receive special treatment in the form of tax breaks, as they have done over the years.

Everyone—everyone—in America should be on the same playing field. And they are not. The flat tax would rid this town of thousands of lobbyists who spend millions of dollars a year trying to get special tax breaks for corporate America. All in all, the Congressional Budget Office has identified thus far 64 provisions of the Tax Code which can be considered corporate welfare. This is increasing the tax burden of the average taxpayer by hundreds of billions of dollars.

Mr. President, I reject the notion that we cannot afford broad-based tax relief for the American people. That view is simply a smokescreen used by the President and the Democrats to safeguard their sacred social programs and maintain Federal control over the economy. There is plenty of room in the Federal budget, I believe, if we look hard enough, to provide broad-based tax relief and still balance the budget.

Republicans have already done it once and I think we can do it again. I just hope the next time we do, Mr. President, we will have a President who will not protect the status quo and veto our proposal but look to help the working people of America.

I yield the floor.

Mr. COVERDELL. Mr. President, I certainly want to thank and commend the Senator from Alabama for his remarks on the current economic burden on America's working families. We have just been joined by my colleague from Oklahoma. We have been talking about the IRS and the way it almost functions out of a system of fear and as an arrogant bully. I know the Senator has come to speak on that.

I yield up to 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Georgia. I am glad to have an opportunity to talk about this. I certainly agree with the Senator from Alabama when he talks about the situations that come up.

I do not know why it is that people will not read a little history. In three decades in the last 100 years we have dramatically increased our revenues by reducing marginal tax rates. Of course, the last one that was the most obvious, the first one in our lifetime, was John Kennedy when he said we have to have more revenue, and to get more revenues we will reduce the tax rates. It worked. Of course, it happened again in the 1980's.

Again, the problem we have with a number of bureaucracies, and certainly the IRS is probably the best example to use, is they have so much power and they are able to use that power to whip people into submission.

I have several cases I will share with you, Mr. President. An IRS case, one William Pell Thompson, an Air Force captain based in Montana was expecting a modest $104 tax refund for 1995. Instead he was told by the IRS that his $104 had been seized for back child support payments in North Carolina where he was accused of owing $6,700 that soon would be taken from his wages. Captain Thompson has never lived in North Carolina, had only two children by his first and only wife, to which he was still happily married. Captain Thompson was awaiting transfer to Colorado Springs in which he was unable to get the credit to buy a home and a number of things that happened that really were destructive in his life.

Here is a story that was testimony before a Senate subcommittee. Rather than go into the details, I will read the letter, a suicide note that was given by a man named Council. His wife's name was Kay. This is the letter:

MY DEAREST KAY: I have taken my life in order to provide capital for you. The IRS and its liens which have been taken against our property illegally by a runaway agency of our government have dried up all sources of credit for us. So I have made the only decision I can. It is purely a business decision. You will find my body on the lot of the north side of the house.

She eventually won a Federal court ruling and she and her husband owed the IRS nothing.

I got off the phone a few minutes ago and there is a guy in Tulsa, Mr. President, named Iliff. He rebuilds airplanes. In fact, a couple years ago I flew an airplane around the world emulating the flight of Wiley Post. He is the one who rebuilt the aircraft for me that had been previously wrecked.

In 1994—and I know this guy real well, and his family—we were contacted by Chuck Iliff regarding a problem his mother, Edna Faye Iliff, a 90-year-old widow from Muskogee, OK, was having with the IRS. The IRS was pursuing a case against his brother, a self-employed boilermaker.

What had happened here was Mrs. Iliff, who is a widow, had failing health. She had a small savings of some $3,600 she put in her account, but she allowed her two sons to have their names on the account in the event something happened to her so they could get at the money without having serious problems.

The IRS came along and seized her account because they felt they had a case against the son of failing to pay withholding taxes. They actually got that money from Mrs. Iliff, a 90-year-old widow. Later on they found they were wrong, and they were able to get back—at a cost to the Iliffs of $1,600—that $3,600 back, and there is no interest that was paid.

What I can say is there are a lot of people in Government that are very good people. Unfortunately, the more power you give to someone, the greater the propensity to abuse that power. As Lord Acton said, ''absolute power corrupts absolutely.''

It is not just the IRS. We have a case in Tulsa, Jimmy Dunn, Mill Creek Lumber Co., called and said, ''INHOFE, the EPA has put me out of business.'' I said, ''What did you do wrong?'' And he said, ''I don't think I did anything wrong. I have been selling in our small family-owned lumber company, our used crankcase oil to the same contractor for 20 years.'' He said that contractor was licensed by the Federal Government, the State of Oklahoma, the county of Tulsa, and yet they have traced some of that oil from 10 years ago that went to the Double Eagle Superfund site, and now I have a letter in front of me which he read from the Administrator of the EPA that said, ''We are going to come after you for fines of $25,000 a day.''

Now, obviously, they did not do it, but the whole idea is many people in the bureaucracy consider it their job and they seem to enjoy abusing normal, honest, taxpaying citizens. These cases with the IRS just point out that not only are we an overtaxed society, we are paying too much in taxes, the American families are having to pay too much, but the way in which it is collected is also abusive.

I am hoping—and we have made several proposals, Mr. President, the Republican Party, some call it a flat tax, some talk about having a VAT tax to replace income taxes altogether—something will come along and we will be able to propose and pass that. We know if we pass it with this Republican Congress that now the President will veto it. We have heard that over and over again. I am hoping we will be able to be successful in changing the personality in the White House so we can get real tax reform and the abusive practices of many of the bureaucracies off the backs of the honest taxpaying American citizens.

I yield the floor.

Mr. COVERDELL. I thank the Senator from Oklahoma. I, too, had noted the case where the husband committed suicide in order to protect the financial interests.

Another case noted that way, ''The IRS had claimed that my parents Jack and Wanda Biggars owed $90,000 in back taxes. On February 10, 1988, the agency

was going to auction off their home. On the morning of the auction my mother shot my father and then turned the gun on herself.''

Some of these cases are just absolutely beyond belief. One of them I was reading earlier this afternoon, about a day care center. And this woman, Sue Stoya, had gone to Englewood World to pick up her 7-year-old daughter, Katherine. Before they could leave with their children, the parents said they had to sign a form pledging to pay the Government what they owed the day care center, because the day care center was in arrears. They indicated that you could not take your child out of the building—get this—the Federal agent said, ''You cannot have your child until you sign this document.''

This whole thing has gone way too far. We have been joined by the Senator from Wyoming. I would like to yield up to 10 minutes to him for his presentation this afternoon.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator for arranging for time to talk about taxation. It seems to me that it is one of the things that all of us talk about most of the time in various ways, and we need to talk about it. I would like to move away a little bit from the specifics of the amount that we talk about and the specifics of even how it is done and, rather, talk a little more about the philosophy of taxation. I will talk a little bit about the strategy of taxation. I think it is important, over time, that we really take a look at where we want to go, what the choices are with respect to Government, with respect to taxation, where you and I will be, where our kids will be, and where our grandkids will be in terms of the strategy and philosophy of taxation over a period of time. It is a broad question.

The numbers I have seen now, Mr. President, indicate that, on the average, American families pay 38 percent of their income in total taxes. Now, that is a lot of money. That is a lot. Think about how long you work out of the year in order to pay your taxes. I believe in May, or late May, is tax day. So without the detail, I think that is a philosophy of taxes.

Obviously, there have to be taxes paid in a democracy, in a civilized society, to cover those kinds of things that clearly have to be done by Government, whether it be defense, interstate commerce, or whatever. There is no question about that. But it seems to me what we really ought to be thinking about, as we are into an election cycle, and indeed into an election, is the fact that there are choices. There are fairly clear choices as to where we go with Government and where we go with taxes. And there is a direct relationship between the two things. We are not just talking here about numbers, about arithmetic, and we are not just talking about addition; we are talking about Government. Obviously, the more Government that we ask for, the more Government that we want, and if we are going to be fiscally responsible, of course, the more taxes we have to come up with to pay for that. So there are choices. That is what elections ought to be about.

I must tell you that I am a little concerned that over the years—and this campaign is more so than any that I think I have ever seen, where the choices are pretty badly blurred. We don't really have spelled out, as we should have, the clear choices that voters have to make. That is what elections are for—making choices. Taxes, of course, is one of them. But it is really secondary to how much Government you are going to have. And that is a choice that we make.

Some people want more Government; others choose less. I happen to, as you can tell from my comments, be on the less side. But it is choice. You have to talk about the role of government. What do you think the Federal Government ought to be doing? What are the roles? What are the roles of the State and local governments? I have just come back, as most of you have, from my State—in my case, Wyoming—where you get involved in lots of things. Most recently, frankly, was a fundraiser for the museum at the University of Wyoming honoring ALAN and Ann SIMPSON. An effort was made, voluntarily, to do something in our town, in our State, for the museum for the university. I spoke earlier to the emergency medical people in Cheyenne, people who volunteer to do things in their communities. These are very important, life or death matters in small towns. There is no hospital there. So if something happens, you use the emergency medical service. It's done by local government and voluntarism.

It has to do with choices and the role of government. Federal involvement? Obviously, some things are inherently Federal, such as interstate commerce, and many of those things. So I guess I am taking a very difficult topic and trying to make it simple for myself. There is a strategy of where we go, where you want to be in a number of years, and in terms of the size and role of government and, consequently, the taxes that are paid with it. Too often, it seems to me, we get involved with the details—and they are important—of how you tax, who you tax, how you enforce it, and all those kinds of things, which are critical. But overshadowing all that and overriding that is a strategy and a philosophy.

There are different philosophies, and they are legitimate. Unfortunately, they are not altogether clear. There is a gentleman at the University of Wyoming who is very clear. He is a very liberal man, and it is a legitimate view. He thinks there ought to be more Government and there ought to be more taxes. He believes government can spend the money better than you and I can in families. That is a legitimate view. But it is a choice. Quite often, right here, those basic differences are sort of submerged and we begin to talk about details when we really ought to start with the question of philosophy, of where you want to go.

I think it is important to recognize that there are differences. One of the things that we need to think about, strategically, of course, is what is the impact of high taxes? What is the impact on the economy? Clearly, if there is less money taken in taxes, more money is invested in the system, more money is invested in the economy, more money is invested to create jobs, more people are able to earn and take care of themselves. That is inherently clear. It is a very efficient way of allocating funds in the market system.

The other question you have to ask yourself, of course, is whether money is spent better by being collected in taxes and then spent by the Government on behalf of the people, or is it indeed spent better when you and I and our families in this country decide for ourselves where to spend our money?

A further question, of course, is, what are the incentives? This is a system of economic incentives. We work and we invest because there is a chance to be successful, there is a chance to be profitable, there is a chance to do well. That is what the system is about. That is what the incentives are. So taxes seek to take away some of that.

I guess I want to stress again that taxes are a legitimate thing, but we have to decide what it is we want. It is very key, I believe, to where we go in the future. So there will be a great debate around tax relief. I think maybe, in the case of tax relief, it will be fairly clear. The differences are fairly clear and people can make the choice. One of the things, of course, inherent is that, at least to some degree—and I am not a economist and I know it only goes so far—reducing tax levies and tax percentages increases the total taxes that come in, because it encourages the investment and more and more activity.

So, Mr. President, I hope that as we talk about our choices, you and me, as citizens, as we come to making the decisions that are inherent in an election, that we take a look at the philosophy of taxes. Are we better off if we could reduce that 38 percent, have some tax relief, have more money to invest, have more money to spend, and more money to generate for the economy, or not?

Mr. President, I suggest that one of the real issues for us is—and my philosophy obviously is that we ought to have less government—that we ought to do more closer to the people, and more in the States and localities where we can do it more efficiently. Our real task is to look forward to the future as to where we go with young people, where they will be, where they will be paying taxes, and whether they will have the freedom to choose to spend vis-a-vis other questions that we face.

Mr. President, I appreciate the opportunity. I appreciate my friend from

Georgia providing for this debate, this discussion, about an issue that affects all of us and that we will decide in November.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate very much the remarks by the Senator from Wyoming.

In a moment I am going to turn to the Senator from Florida. But just let me say very quickly that we know that virtually every segment of American life deals with the tax burden today, and it is about what they think it should be. You would be hard pressed to find a segment of our country that believes the IRS is not a threatening institution today. That is the majority of American people—the vast majority of American people—think this agency needs an overhaul. By staggering numbers, the American people feel the tax system is utterly too complicated. In fact, it takes the average taxpayer 11 hours to do their taxes. That adds up to 5.4 billion man-hours per year. The statistics are alarming. It is too high. It is too intrusive, and it is too complicated. It ought to be at the core of the work of this Congress and the next Congress to get these things corrected.

I yield the remainder of my time to the distinguished Senator from Florida. That will be about 7 minutes.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, is recognized.

Mr. MACK. I thank the Senator from Georgia for yielding. That should be plenty of time.

Mr. President, I would like to take this opportunity to lay the groundwork about why it is important that the Dole-Kemp economic plan be embraced by the Nation and eventually passed into law.

There are two points that I want to talk about. One has to do with the growth of the economy, and the other has to do with the tax relief that is really needed for the American family.

But I want to start from a premise that the discussion here really is motivated by the opportunity over the years to talk to people in my State about the burden that they feel the Government has imposed on them in the form of taxes. They believe that there is too much Washington interference in their lives, that Washington spends too much, that Washington wastes too much of the money, that Washington taxes them too much, and that they really want Washington off their backs. You have to think about the perspective that they have. If you stop and think about individuals that you know, or individuals that you have met when you have been out to town meetings, or wherever, that have told you stories about their lives, then it becomes real. It becomes something other than a debate about economics. It becomes something other than a debate about Democrats versus Republicans, or conservatives versus liberals. It becomes a debate about what is in their best interest, about what we can do, in essence, to allow America's families to become stronger. As America's families become stronger, the Nation becomes stronger as well.

So the kind of people who I think about are those individuals who come to me and tell me that both husband and wife are working and that they are working long, long hours; that they get up before sunrise, and they probably don't get back to their home until after the sun has set. They get up on Tuesday and do it over again; on Wednesday and do it over again; on Thursday and do it over again; and on Friday and do it over again. Some do it on Saturdays.

I know of a family where the husband works two jobs during the week, goes home Friday night, and the wife begins work for the weekend. He takes care of the children over the weekend, and she works over the weekend. Those are the kinds of people that I am talking about that are paying—as the Senator from Georgia indicated—almost 40 percent of their earnings in taxes. That is, when they pick up their paycheck at the end of the week, or every 2 weeks, or at the end of the month, like everybody else, they immediately look at the deductions. ''How much is being taken out of my pay?'' That number is getting larger and larger every year.

What it means is that they are having to work longer and longer. In fact, I think the tax freedom day is now occurring sometime in May. For those who do not know what tax freedom day is, tax freedom day is the day, when it arrives, where you no longer have to be working to pay your taxes. Everything from that day forward is free of taxes. You paid for the Government in Washington, the government in Tallahassee, or the government in Lee County, or whatever it might happen to be. That tax freedom day is taking each of us individually longer and longer and longer through each year to get to the point where the worker actually is doing it for their families—to be able to see that our children have an opportunity for a better education, that they are better clothed, that their housing is in better condition.

In fact, that brings to mind one of the things that the Dole-Kemp folks are talking about—that today in America the typical family in America is paying more in taxes to Washington, to Tallahassee, to Lee County, Fort Myers—more in taxes than they are spending on food, clothing, and shelter. There is just something fundamentally wrong when government has gotten to that size.

Again, without getting into the debate about liberal versus conservative, I think when people pick up those paychecks and look to see what their deductions are, they are realizing that they are paying for a government, frankly, that they believe is wasting their money. So it is from that premise that I make these remarks.

Again, two points: There is economic growth and the burden of taxes on the American family. There are those who are going to say, ''CONNIE, you know, you are going to be talking about weak economic growth in the country, but President Clinton has told us that this is the strongest economic growth in three decades, I think.'' That is just fundamentally wrong. Yes, we had a good month or a good quarter last quarter. I am delighted about that. We saw the unemployment rate drop, and we saw the growth rate in the country go to 4.8 percent. That is good. But the problem is that every economist, that I am aware of anyway—or I should probably should say almost all economists are predicting that the growth rate in the economy is going to slow down again. The year 1997 is projected by the Federal Reserve, I believe, which is saying 1.75 to 2.25 for 1997. The administration's own forecast is 2.3.

Again, let me put into context where we have been with the Clinton administration. The average growth in the economy now during the Clinton administration is 2.35 percent. How does that compare with other periods of time? For the 10 years preceding President Clinton, the average growth was 3.2 percent; the year immediately preceding President Clinton, 3.7 percent. The five economic expansions since World War II, 4.4 percent. If you take every year since the end of World War II, it is 3.2 percent. I mean the economy is moving along at a snail's pace.

What does that mean to that family I was referring to a minute ago? It means the loss of production in the country that amounts to about $308 billion. If you convert that into what that means to the family, if we had been growing, let us say, at the average of 3.2 over these last 3½ years compared to what we have been, the average family in America would be $3,116 better off; $260 a month better off as a result.

Some of the other statistics that I have developed: The typical household income is about $1,000 less than the average of the decade before President Clinton. Real hourly wages and real weekly wages are both lower now than they were in 1992. After-tax incomes are growing at about roughly half the rate prior to President Clinton. They are growing at a rate now of about 1.8 percent compared to the decade before President Clinton of 3.2 percent. Median family income has declined 4 out of the last 5 years. As I said a moment ago, families are paying more in taxes than they are for food, clothing, and shelter.

The Dole-Kemp—I think it is important that people focus on it as an economic plan, not just as a tax plan, but an economic plan—has a number of components to it.

One is the requirements to pass a balanced budget constitutional amendment which would make it a constitutional requirement that we balance the budget.

What does that mean? Let us say that the critics are right, that the growth, the return, if you will, the recapture that comes as a result of the

lower tax rates is not 27 percent but 20 percent. That means we are going to have to find more spending to make the reductions or we are going to have to put off some tax relief for the American family. I happen to believe that we can do the 15-percent reduction in marginal tax rates and that we can give a $500 per child tax credit and still meet that goal. So, No. 1, balance the budget, constitutional amendment, a balanced budget plan to balance the budget by the year 2002.

The second component—I think the first most important—reduce the taxes, a 15 percent reduction in the marginal tax rate. I would ask people to focus on the marginal tax rate. What we are saying to individuals with these lower rates is you get to keep more of what you save, earn, invest, work for. You get to keep more of it.

Most people believe that if you get to keep more of what you are earning, you are more inclined to try to figure out ways to earn more because you get to keep more of it.

In addition to that, the plan calls for a cutting in half of the capital gains tax rate. I know there are people who say this is just nothing but a giveaway to the wealthy. I adamantly disagree with that. I think there is statistical data which indicates that is not an accurate statement. The issue here is about America's future. Are we going to have the capital necessary to invest in the new technologies of the 21st century?

I give a little bit different perspective. Think of capital gains taxes as a wall that has been built around old investment. If that wall is too high, you are not going to be able to get that capital to move from the old investments to the new investments because people are going to say the rate on that tax is too high; I just will not sell the asset. If it is not sold, A, there is no revenue to the Federal Government and, B, there is no ability to transfer that capital from the old technologies into the technologies of the future. So I think they are right on target in saying we need to find a way to allow this capital to flow.

Third, it is time that we gave American families, middle-income America, a break; that we say to them, yes, there is something in this for them in the sense if we are going to reduce the size, the scope and the involvement of Washington, DC, clearly there ought to be a benefit to the taxpayer and we think that that benefit ought to be directed more at the low income, at the families of America, and that happens as a result of a $500 per child tax cut.

The next element of the plan is to look at areas like litigation and regulation. We all know that the area of too much legal attack on business today has slowed down and reduced our productivity. So we believe that we have to make changes with respect to regulation and litigation.

Equally important, Senator Dole and Jack Kemp have pointed out the importance of education and training. If we do those combinations of things, balancing the budget, reducing the tax burden, providing opportunities for education, training, and changing the laws with respect to litigation and regulation, we can get this economy moving again.

I for one—and I think the American people—believe that accepting the notion that this country can only grow at 2.5 percent is a tragedy. We are taking away the opportunities for American families and for our children.

The last point I mention is that I believe President Clinton's economic policies are robbing America and our families and our children of their economic future, and we have to change that.

I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, all time is expired.

The Senator from California is recognized in morning business.

Mrs. BOXER. I do ask to speak in morning business.

AMERICA'S ECONOMIC FUTURE

Mrs. BOXER. I am going to start off with a few remarks about the budget and tax issues which the Senator from Florida and the Senator from Wyoming have been talking about. I listened to them carefully. When I hear it said that President Clinton is robbing this country of its economic future, I have to ask the question, where were we before President Clinton was elected and before we passed his budget?

Well, we were in a very sad state, indeed. We did not see any jobs being created. Under this President, we have seen 10 million new jobs created. We now have a 5.1-percent unemployment rate which is the lowest in many a year. We have people feeling better about themselves, about their future. And we have seen for 4 years in a row, Mr. President, deficit reduction that has more than cut the deficit in half.

So I say to my friends on the other side of the aisle that this deficit reduction for 4 years in a row is the first time since the Civil War that we have seen that record, and it is not much of a trick to have economic growth when you are priming the pump of Government spending. As a former economics major, I learned that very early on in Economics 101. That is what happened in the early 1980's. That pump was primed and the budget deficit shot up to almost $300 billion, almost $1 billion a day, and yet under the George Bush administration we stagnation.

So we have come very far. And because I really mostly want to talk about the DOMA legislation and the ENDA legislation that is pending, I am going to be very brief, but I feel I must respond to the point about the tax cuts and the Senator from Florida saying I know we get accused of being for tax cuts for the rich. He said he does not agree with that. Well, I want to put the facts out here. Under the Dole plan, if you earn between $1,000 and $10,000 a year, you are the working poor, you do not even get 50 cents back a month from the Dole economic plan and his tax cuts. You get $5 a year. If you earn a little more than that, between $10,000 and $20,000, you would get back $120 a year—a few dollars a month. And I have to tell you that in this country between earning a dollar a year and $30,000 a year, you get 8 percent of the tax cut benefit. You get 8 percent of the tax cut benefit and you are really more than 56 percent of taxpayers.

So why not be honest about where the breaks go. And let me tell you where they go. If you earn approximately $250,000, you get back $25,000 a year. If you earn $1 million a year, the Donald Trumps of the country, you will get back $50,000. So the wealthiest get back $50,000 and the working poor get back $5. And we have statements on this floor that say this Dole plan is fair. The difference between the Clinton plan and the Dole plan is that our President is targeting those tax cuts to the people who need it and the Dole plan again favors the very wealthiest among us. Good people, hard-working people who earn a lot of money, I congratulate them for that. It is the American dream. But if you were to ask them, I think they would candidly say they are not in need of a tax cut because what it means is, if you look at the Dole plan, over $500 billion of cuts—and we have looked at this carefully—it is about a 40-percent cut in education that would be required, a 40-percent cut in the environment that would be required. Since Senator Dole says he will not touch Medicare, that means he has to go in and cut cops on the beat and everything else. Forty percent to do what? To give a tax break to the wealthiest. I mean this is the deja vu all over again theory.

So I am going to move to the legislation that is before us. Tomorrow I am going to make some comments on it. But I really wanted to put some of those numbers out on the record as a member of the Budget Committee because we have looked at them very, very carefully.

EMPLOYMENT NONDISCRIMINATION ACT

Mrs. BOXER. Mr. President, tonight I rise to speak on the Employment Nondiscrimination Act and on the Defense of Marriage Act. The Employment Nondiscrimination Act, known as ENDA, is necessary, and I thank very much Senator KENNEDY for being so tenacious to get it to the floor and Senator LIEBERMAN for his help and Senator JEFFORDS. This is a bipartisan bill and it deserves broad bipartisan support.

ENDA is necessary because gay men and lesbians face discrimination in hiring, promotions, and pay simply by virtue of their sexual orientation. Some

States do offer protection to all the people who are victims of employment discrimination. Unfortunately, 41 States do not. So it seems to me this is a bill we should be proud to support as Republicans and as Democrats.

The reach of ENDA is modest. It exempts small business, religious institutions, and the military and explicitly prohibits the adoption of quotas. It places the burden of proof entirely on the person claiming to be the victim of discrimination.

I think it is quite instructive to note that ENDA has been endorsed by such blue chip companies as Apple Computer, AT&T, Bankers Trust, Bethlehem Steel, Eastman Kodak, Genentech, Merrill Lynch, Microsoft, Nynex, Pacific Gas & Electric, Pacific Telesis, Polaroid, Prudential Insurance, Quaker Oats, RJR Nabisco, Silicon Graphics, and Xerox. Mr. President, among that list there are many, many endorsers from my home State. These excellent companies that understand fairness and justice in the workplace have endorsed ENDA. I hope it will pass.

THE DEFENSE OF MARRIAGE ACT

Mrs. BOXER. Now there is the question of the other bill that will come before us, known as DOMA, the Defense of Marriage Act. When I heard that there was going to be a bill before us called the Defense of Marriage Act, I thought it was going to be about our families and how they cope with the problems and stresses that most married people face. There are financial insecurities with jobs that are ever changing, pension insecurities with corporate raids on pensions and inadequate protections in the law, there is pressure to save enough to afford a home, there is child abuse going on in families, there is alcohol and drug abuse, there is spousal abuse, there are pressures from lack of health care. We have tried to fix some of those in this Congress. There are pressures, worrying, ''Will Grandma and Grandpa be all right? Will they make it? Will their Medicare be cut? Can we function as an extended family in this fast moving world?'' These are some of the pressures.

I thought it was about, perhaps, flexible working schedules so there could be more time off for school and doctor appointments. I thought it maybe addressed the issue of child care. It is called the Defense of Marriage Act. I thought we were going to deal with those issues, the stresses on marriage. So I was looking forward to seeing this legislation.

Then, when I see it, it turns out to be something completely different. It turns out to be about the U.S. Congress getting into the issue of marriage. No State legislature is even suggesting that it recognize gay marriage, not one State in this Union. Not one person in the Senate or the House has introduced legislation to recognize gay marriage—not one. There is no bill pending before us to legalize gay marriage and provide benefits to these couples. Not one group has asked any of us, to my knowledge, to carry such legislation.

We are told by constitutional scholars that even if one State does recognize gay marriage, other States have the option not to recognize it. University of Chicago law professor Cass Sunstein, one of the Nation's most distinguished legal scholars, author of numerous texts and articles on constitutional law, testified before the Senate Judiciary Committee that States are not required to recognize other States' marriages. So why this legislation now? With all the things we could be doing that would make a real difference in people's lives, with all the things we could be doing that would really matter to families, we are taking up this so-called Defense of Marriage Act, which, as I have stated, has nothing to do, in my view, with helping married couples cope with the stress on their marriages.

Does the author of the bill in the House, whom the press says has been married three times, truly believe that the Defense of Marriage Act would have made him a better husband or his wives better wives? I seriously doubt that. I doubt that.

Marriages do run into trouble; one in two ends in divorce and that is tragic. It is tragic for the people involved and it is tragic for the children. There are things we should all do in our relationships and as a community and in our religious institutions to make marriage stronger. But passing this act does nothing to affirm marriage at all.

Many of us in this Chamber, myself included, have been married for many years to the same person, and I truly believe that those of us who are honest about it would never list the possibility of gay marriage looming on the horizon as a reason there may be stress in our marriage. I believe, if we were honest, we would never cite that as a reason for a problem of stress in our marriage. In any event, gay marriage is not looming anywhere. As I said, not one State is considering it, not one State legislature. No one has asked to do it. There is no bill pending.

Yes, the Hawaii courts are looking at the issue, but that final resolution is years away. There is plenty of time for us to have this debate. But this Congress cannot wait to have this debate. The Hawaii case is only now about to go to trial. Legal experts are convinced that given the stakes, the losing side will surely appeal the case all the way to the State supreme court. We are talking about a long time here.

So why are we doing this bill now? No one is asking for it, no one is proposing any of it, no one State is considering recognizing gay marriage.

I have to give my opinion. It is all about the calendar, that is what I think. It is an election-year ploy to get Senate and House Members to cast a tough vote. We know it is a tough vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for another 10 minutes. My understanding is we would not have a 10-minute rule at this point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator has an additional 10 minutes.

Mrs. BOXER. But I think, when we do this, we do lose something. I think we lose our soul. That is what you lose when you scapegoat a group of people, a whole group of people who have never even asked us to legalize gay marriage. Scapegoating is ugly. History has seen it too many times. You know that and I know that. Groups of people who are different are identified. It becomes ''we'' versus ''them.'' Their identity as individuals is lost and they become faceless. Special rules are written for them. They are singled out as a group. Read the history books, my colleagues. You will find it there. We are all Americans in this country, regardless of our differences. We are Americans first. We are God's children, all of us, regardless of our differences. Why do we need to craft a piece of legislation designed to hurt our fellow Americans when there is absolutely no need to do it?

President Clinton, who comes to a different conclusion on this bill than I do, writes in his book ''Between Hope and History'':

> . . . we must make a choice . . . shall we live by our fears and define ourselves by what we are against, or shall we live by our hopes and define ourselves by what we are working for, by our vision of a better future . . . that is a choice we must make every day.

This DOMA bill, in my opinion, is a statement of what we are against. It does nothing, it does not do one thing, to make Americans' lives better. It is a classic example of the politics of division, of a so-called wedge issue to divide us one from another without any reason to do so. I think even if it means you pick up a seat or two in Congress, the better angels of our nature should stop this politics of division and hatred. The Defense of Marriage Act is a preemptive strike against a gay marriage proposal that does not even exist. It is a little bit like bombing a country because you think they are a threat when in reality they want nothing more than to live in peace. We would never do that as a nation, and we should not do this. It hurts people for no reason.

I thank those of my colleagues, in advance, who will vote against this scapegoating measure. There will only be a few of us. It will be a brave vote. I say that because I know what the polls show. But what is leadership about, anyway? It is about the really tough votes.

When I went into politics 20 years ago, I told my constituents then and I tell them now I would not always take the popular side of an issue if I felt it was meanspirited. For me to do that

would be an insult to them and an insult to me. It would diminish all of us.

To me, this vote is not about how I feel about gay marriage. I have always supported the idea of communities deciding these issues without the long arm of the Federal Government.

Many communities recognize domestic partnerships for those who choose to make a long-term commitment. Many communities in California do this, and, Mr. President, it seems to be working. I have not had one phone call or one letter indicating Congress should override these community decisions. Clearly, this is an issue that should be decided in our communities, not in the Senate.

So to me, this vote is not about how Senators feel about marriage, and it certainly is not about defending marriage. To me, it is about scapegoating. It is about dividing us. It is ugly politics. It is a diversion from what we should be doing. For example, we could be using this time to pass President Clinton's college tax breaks to ease the stress on our married couples today. Now that would be defending marriage.

By my no vote on this legislation tomorrow, I am disassociating myself from the politics of negativity and division, from the politics of scapegoating, and I will cast my vote in that spirit.

Mr. President, thank you very much for the time. I yield the floor.

Mr. NICKLES addressed chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 2060 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EMPLOYMENT NONDISCRIMINATION ACT

Mr. NICKLES. Mr. President, I would like to take a moment to respond to some of the statements that were made earlier today by some of our colleagues dealing with a variety of legislation, most important, the legislation that is called ENDA, the Employment Nondiscrimination Act, that Senator KENNEDY and some other people have alluded to.

I heard comments such as, ''If this bill becomes law, employers will not be required to keep any information concerning sexual orientation.'' I totally disagree with this analysis. Granted, there is a section in ENDA that says no quotas, but also if you read the bill, and I encourage my colleagues to read the bill, if you look at section 11(A)(1), it grants to the Equal Employment Opportunity Commission the same powers with respect to sexual orientation it now has with respect to race, religion and sex.

Under current law, employers are required to make, keep, and preserve records on their employment practices and to make reports to EEOC. That is under the United States Code 42, section 2000 e-8c. I read that code last Friday when we had the debate.

I am amused, or interested, when people say, ''Well, that's just not factual. Employers, you won't have to do that.''

I am reading section 11(A) of the bill that says the EEOC has the same authority as currently under the Civil Rights Acts to require such records. So the net result is employers are going to have to find out what people's sexual orientation is. They are going to have to ask questions they never asked before that employers don't want to ask and employees don't want to be asked. They are going to have to ask those kinds of questions.

Plus, people said, ''It is not really required. Disparate impact is not allowed to be considered under this bill. We're not going to allow disparate impact to be used.'' Well, how is an employer to defend himself or herself? If they are sued under the legislation—and sponsors of this bill do not deny they have the right to sue for punitive and compensatory damages—how is an employer able to prove they have not discriminated? They have to show they have employed homosexuals and bisexuals. How do they show that? They have to ask questions. That is their defense. It is the same defense employers have as far as race, as far as sex, as far as disability or age.

They have to be able to show that is not their practice, they have not discriminated; therefore, they have employed people of whatever sexual orientation. So, for that defense, they are going to have to ask people, they are going to have to ask questions: ''What is your sexual orientation? Are you homosexual, are you bisexual, are you heterosexual,'' in order to defend themselves.

Maybe some people don't agree with that, but I don't see any other way. So the net result of this legislation will require employers to ask questions about sexual orientation which are not desired by employees or by employers.

Plus, Mr. President, I have heard people imply, ''Wait a minute, this is not a whole lot different than what several people in the Senate have signed on to, a statement put out by the Human Rights Campaign Fund which says: ''Sexual orientation is not a consideration in the hiring, promoting or terminating of employees in my office.'' And 66 Members of the Senate have signed this statement.

I did not sign that statement, but I guess I could have, because it has never been a consideration in my office. I never asked anybody, I do not want to ask anybody what their sexual orientation is. I didn't sign it because I thought, well, what if a person who is leading a gay activist cause—and there are individuals like that and some are in Congress, and other people—if somebody who had a known propensity to be a very strong advocate of gay rights, I guess, if they came and asked for a job in my office, I don't think they would be compatible and, therefore, I wouldn't hire them. So I didn't sign that pledge. But I can see why Senators would. Basically, I could sign it. It has never, ever been any consideration in any of my employment decisions as a Senator or when I ran a manufacturing company in Oklahoma.

But some people could interpret this language as the same as ''don't ask, don't tell.'' If you don't ask, they can't tell. It is not a consideration, so no big deal. But that is not what is underlying Senator KENNEDY's bill.

Under the bill that we have before us, ENDA would make it law of the land, ENDA would elevate sexual orientation to a protected class under the Civil Rights Act. What it would do is say if the school board, for example, did not want to hire a person who was openly homosexual or a gay activist and have that person be a teacher or a coach or physical education instructor, if they felt like that was an inappropriate type person to have as a role model, they are in trouble under this legislation because that school could be sued. That school board might want to take disciplinary action or might not want to employ a person who had that orientation as a role model or mentor to a grade school class.

So they might say, ''We don't want to make that decision,'' and, frankly, they could be sued under this legislation.

Recently, there was a case in West Virginia where a principal was found dressing in drag and actually soliciting sexual favors in West Virginia. It just happened a couple of days ago. Because the principal asked for money, it was in violation of the State's prostitution act and, therefore, illegal. But if he had not asked for money, you could have a person who would be cross-dressing and soliciting sex—and that might be their sexual orientation—and the school board could not take disciplinary action because of their sexual orientation if it is kept private. My point being, you could have a lot of repercussions that go beyond what individuals have thought about in this legislation.

This legislation is not ''don't ask, don't tell.'' I look at this statement that many Senators signed. I think a lot of people thought, ''Hey, don't ask, don't tell. That's my policy. I'll stick by it.'' That is not what we will ask if this proposed bill became law. ENDA would elevate sexual orientation to a much higher level, giving Federal protection and sanction, almost a Federal acceptance to promiscuity.

You might say, how would that be? The legislation says you cannot discriminate on account of someone's sexual orientation as defined by ''homosexual, bisexual or heterosexual.'' It does not say by individual conduct that is done in monogamous relationships in private. So you might have a homosexual or heterosexual that is very promiscuous, with lots and lots of partners, and a company or an individual

or an organization, maybe with somewhat of a religious orientation or moral commitment, finds that behavior very repulsive. If such individual or organization did not want to hire such a person or continue their employment, they would find themselves subject to suit. If ENDA passes, the Federal Government will say: Wait a minute. You can't make any distinctions no matter what your religious beliefs are. You can't make any distinction on account of a person's sexual orientation.

''Bisexual'' by definition means promiscuous, having relations with both male and female. We are going to give that a Federal preferred protected status under this legislation. I think that is a serious mistake. What about that school board in West Virginia? What about a school board in Montana? What about a school board making decisions like this in Alabama where maybe this small community says we do not think we should have avowed open homosexual leaders, gay activists, as teachers in the fifth grade?

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

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

Mr. NICKLES. If they want to have that policy—right now they are able to choose to have such a policy. If this legislation became law, they could be sued. I think it is important to point that out. Do we want to give that kind of special status to behavior that many Americans find objectionable? Some people have said, ''Well, it's immutable.'' I would debate that or question that. But many, many people feel, because of Biblical orientation, that it is immoral. Do we want to give that special protection and status to ''sexual orientation'' under the Civil Rights Act?

I met with a couple of black ministers who were very offended by the assessment of some that, well, this is just another special class that needs special status, such as race and gender. They are offended because they participated in civil rights demonstrations and they worked to bring about civil rights for minorities. They are very, very offended by this. So, Mr. President, I just make that comment. Plus, I want to make another comment in regard to the military.

The legislation exempts the military. I guess everybody applauds that. This Congress, 3 years ago, voted basically to repeal President Clinton's efforts to say that homosexuals should serve in the military. It was one of President Clinton's first efforts in this Congress. In a bipartisan fashion, we said we do not agree, and we changed the President's policy. He did not like it, but we changed it. And we came up with a policy, ''don't ask, don't tell.'' Most of us basically were comfortable with that result and still are. That is the law of the land today.

It was not what President Clinton wanted. President Clinton wanted to have gays serve in the military, but a lot of us thought, no, that is a mistake. Evidently, the promoters of the legislation agree this is a mistake because they do not try to change this policy in ENDA. They said, OK, we are going to have an exemption for the military. The military is a large Federal employer. We are going to exempt the military from this language.

Wait a minute. We have millions of private companies and employers in this country that we are going to say, wait a minute, for this big Federal employer, the Federal Government, we are going to exempt them from this policy of nondiscrimination based on sexual orientation. But for all other employers, no matter what your religious conscience tells you, no matter what your religious beliefs are, whether it is Christian or Jewish or Moslem—all of those basic religions have very strong tenets and statements that homosexuality is wrong and it is immoral—no matter what your religious belief is, no matter where you are coming from, too bad, that is an irrelevant decision concerning your employment practices.

When we are exempting the military and saying, oh, it does make a difference in the military—and we passed that; that is now the law of the land—but now we are going to say for all other employers, no matter what your convictions are throughout the country, you are not exempt. I think that is a serious mistake, a serious mistake.

Granted, nine States have some type of nondiscrimination based on sexual orientation laws, nine States. That means there are 41 States that do not. I guess a few of those States have done something by executive order. Senator KENNEDY is right, those executive orders can be changed, rescinded, or amended. But why in the world would we think we have to come in and have 41 States be overridden by the Federal Government? I think that would be a serious mistake.

So, Mr. President, I would just urge our colleagues to think about if school boards in some places, maybe, again, Alabama or West Virginia, really find promiscuous conduct unacceptable, and such persons engaging in such conduct not the right type of role models they would like to have for their young people they would be subject to suit under ENDA. Let us not leave them subjected to unbelievable lawsuits. Let us not have the Federal Government tell them that, no, they are not right. Let us not tell organizations such as the Boy Scouts or others that might have a policy that would be contrary to this legislation, let us not tell them they have to change it because we have decided we know better. I think that would be a serious mistake.

The reason why I mention this tonight is we will have 3 hours of debate on the defense of marriage bill tomorrow. But we only have 30 minutes on the legislation dealing with sexual orientation, elevating sexual orientation to special status under the Civil Rights Act. I know my colleague from Massachusetts spoke on this earlier today. I felt like it was important to speak on it because tomorrow we only have 30 minutes, 15 minutes equally divided, for the biggest expansion to the Civil Rights Act since its inception, and in my opinion a serious, serious mistake. So I hope all of our colleagues will look at it very, very closely before they vote, and I hope that they will vote no tomorrow afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina, [Mr. HELMS], is recognized.

Mr. HELMS. I thank the Chair.

First of all, I commend the distinguished assistant majority leader, Mr. NICKLES. He has made some excellent points that have floated like a ship passing in the night by a lot of Senators. I hope Senators who did not hear him by way of television in their offices will have the Senator's remarks called to their attention by their assistants tomorrow morning.

THE DEFENSE OF MARRIAGE ACT

Mr. HELMS. Mr. President, during my years in the Senate I have been privileged on many occasions to work with a substantial number of ministers whose Washington churches today are referred to as ''African-American.''

These fine ministers have almost unanimously supported efforts by myself and Joe Gibbs and others to restore school prayer to the Nation's classrooms. They are, in the main, opposed to abortion. In fact, I do not recall even one of these ministers ever describing himself or herself as ''prochoice.'' But that perhaps is neither here nor there in terms of what I am here this evening to speak about.

The day before the Senate adjourned for the August recess, I ran into one of these fine ministers over in the Russell Building. His church is Baptist. He has a booming, cheerful voice. And when I heard that voice, I knew who it was. He was saying, ''Are you going home tomorrow?'' And I told him I thought I was since the Senate probably would recess for the month of August.

I asked him, Mr. President, if he had a message for the folks back home. And he said, ''I sure do. Tell them that God created Adam and Eve—not Adam and Steve.''

Some may chuckle at this good-natured minister's humor. But he meant exactly what he was saying. In fact, it was a sort of sermonette. The truth is, he was hitting the nail on the head, if you want to use that cliche, or telling it like it is. However one may choose to describe this minister's getting down to the nitty-gritty, it was no mere cliche, Mr. President. There could not have been, as a matter of fact, a better way to begin this debate in favor of the Defense of Marriage Act, which is H.R. 3396. The formal debate will begin tomorrow morning in this Chamber, the U.S. Senate.

Now then, let there be no mistake about it, this bill in no way, to any degree, is the kind of legislation which homosexual and lesbian leaders have disdainfully described as a, to use their words, ''hate-driven bill.''

In fact, it is precisely the critics of H.R. 3396 who are demanding that homosexuality be considered as just another lifestyle—these are the people who seek to force their agenda upon the vast majority of Americans who reject the homosexual lifestyle.

Indeed, Mr. President, the pending bill—the Defense of Marriage Act—will safeguard the sacred institutions of marriage and the family from those who seek to destroy them and who are willing to tear apart America's moral fabric in the process.

Isn't it disheartening, Mr. President, that Congress must clarify the traditional definition of marriage? But inch by inch, little by little, the homosexual lobby has chipped away at the moral stamina of some of America's courts and some legislators, in order to create the shaky ground that exists today that prompts this legislation being the subject of debate tomorrow morning in the U.S. Senate.

Just think, the prospect of a sovereign State's being compelled to recognize same-sex marriages sanctioned in another State is incredibly stark. If Hawaii's supreme court legalizes same-sex marriages in Hawaii, does the full faith and credit clause of the Constitution compel the other 49 States to recognize the new marriage law within their jurisdictions? I say no.

Such a suggestion, Mr. President, is a cockeyed interpretation of the Constitution; and this is one of so many times that I have wished the late, great Senator Sam J. Ervin, Jr., were here to cut it down to size. Homosexuals and lesbians boast that they are close to realizing their goal—legitimizing their behavior.

Mr. President, Bill Bennett has championed the cause of preserving America's culture; he contends that we are already reaping the consequences of the devaluation of marriage. And he warns that ''it is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization.''

Bill Bennett is everlastingly right, and I believe the American people in the majority understand that the Defense of Marriage Act is vitally important. It will establish a simple, clear Federal definition of marriage as the legal union of one man and one woman, and it will exempt sovereign States from being compelled by a half-baked interpretation of the U.S. Constitution to recognize same-sex marriages wrongfully legalized in another State.

If the Senate, tomorrow, makes the mistake of approving the Employment Nondiscrimination Act proposed by the Senator from Massachusetts, it will pave the way for liberal judges to threaten the business policies of countless American employers, and, in the long run, put in question the legality of the Defense of Marriage Act. The homosexual lobby knows this and that is why there is such a clamor favoring adoption of the Kennedy bill.

Mr. President, at the heart of this debate is the moral and spiritual survival of this Nation. Alexis de Tocqueville said a century and a half ago that America had grown great because America was good. Mr. de Tocqueville also warned that if America made the mistake of ceasing to be good, America would cease to be great.

So, we must confront the question posed long ago: ''Quo Vadis, America?''

The Senate is about to answer that question. We will decide whither goeth America. It is solely up to us.

EMPLOYMENT NONDISCRIMINATION ACT

Mr. KENNEDY. Mr. President, I addressed the Senate earlier today, but I just take a very few moments to respond to some of the points that have been made earlier by those who are opposed to the Employment Nondiscrimination Act.

First of all, on the question of disparate impact and disparate treatment of individuals, I want to make it clear again this evening, as we tried to make it clear earlier in the day—this is an issue that keeps coming up and I think it is important that we address—the Employment Nondiscrimination Act covers a showing of discrimination based on disparate treatment, not disparate impact. That means the person must do the following, first, prove that he or she is covered by ENDA.

Second, a person must show that he or she was qualified for the employment opportunity at issue and that the employer's adverse treatment was based on the person's sexual orientation.

Third, the employer must then present evidence to show that the adverse treatment was taken because of some legitimate nondiscriminatory reason, not sexual orientation, and then the individual making the claim bears the ultimate burden of proving that discrimination based on sexual orientation actually occurred.

Now, the Employment Nondiscrimination Act is not violated merely because an employment practice has a disparate impact on gay men and lesbian women. Therefore, statistics are not needed to enforce the Employment Nondiscrimination Act and employers are not required to ask whether an employee is gay. Despite this provision in the Employment Nondiscrimination Act, my colleagues are concerned that the Equal Employment Opportunity Commission will require employers to keep statistics regarding the sexual orientation of their employees.

The Employment Nondiscrimination Act grants the EEOC the same enforcement powers that it has under title VII. This enforcement structure parallels the ADA—under which employers do not have to ask if an employee has a disability or keep statistics—and the EEOC says that it will undoubtedly enforce ENDA in the same way that it enforces the ADA. Therefore, there will not be any additional reporting requirements.

Finally, the EEOC says that because ENDA does not recognize a cause of action for disparate impact discrimination, there are no requirements pursuant to the Uniform Guidelines on Employee Selection. That has been an issue that has been brought up several times and raised again this evening. I hope I have responded to any of the concerns that people have on this issue, and I have included information from the EEOC in the record earlier today.

Second, Mr. President, this legislation is not a license for bizarre behavior—we heard that referenced earlier this evening. Like other civil rights laws, the Employment Nondiscrimination Act does not protect bizarre behavior. Employers can still enforce workplace rules as long as they apply them uniformly to heterosexuals and homosexuals. This legislation allows employers to discipline homosexuals and heterosexuals whose behavior is illegal or unsafe or that compromises their ability to perform their job—the examples given earlier this evening would clearly fall under those standards. These policies must simply be applied to all employees—heterosexual and homosexual.

For example, my colleagues expressed concern about dress conveying explicit sexual messages or that is otherwise inappropriate. There is no need for concern. An employer can enforce a dress code. It must simply apply to all employees. An employer may also enforce a code of conduct. School systems can discipline teachers who appear in pornographic movies or other kinds of activities, but they must discipline both homosexuals and heterosexuals similarly.

That is all we are looking for, similar treatment. Employers can establish codes of conduct. All they have to do is make sure that they apply to both groups.

I say to my colleagues who feel they do not understand this legislation, the Employment Nondiscrimination Act is not a license to illegal behavior. It is legislation that allows homosexuals and heterosexuals to work without being the subject of discrimination. Once again, the legislation simply says that employees, whether heterosexual or homosexual, must be treated fairly and equally.

Finally, there is some question about where all of this would lead. I think we can look to the nine States that have laws at the present time. They can be the best answers to many of the questions posed by those opposed to the bill. We know, that these laws are not, and they have not been problematic. I

have pointed out that in the 9 States, if you added all the cases together, over the period of the last 5 years, you would be lucky if there are 15 cases, in the last 4 to 5 years.

In fact, when the people of California faced a referendum in 1978 to exclude gay people from teaching or mentoring, that referendum was defeated with the help of Ronald Reagan, who did television spots in opposition. He understands, and I think most understand, that we should not be stereotyping individuals. But stereotypes have been used against gay men and lesbians in the past and in this debate, as well.

This is what former President Reagan said in 1978:

> As to the role model argument, a woman writing to the editor of a Southern California newspaper said it all: ''If teachers had such power over children, I would have been a nun years ago.'' Whatever else it is, homosexuality is not a contagious disease like the measles. Prevailing scientific opinion is that a child's teachers do not really influence this.

Although I have not always agreed with former President Reagan, in this case, I think he is right on target, just as Senator Barry Goldwater.

This legislation deals with the unfair stereotypes. Homosexuals are not strangers, or pedophiles, or child molesters. They are people we know, respect, and care about. They are people of integrity. They have a sense of right and wrong, an understanding of justice and fair play, and a willingness to work hard. They are American citizens, and they don't deserve to be subjected to discrimination on the job.

We have fought against similar stereotypes regarding women, minorities, the disabled, the elderly, and religious believers.

In the past, we thought women were too weak to compete in the board room or on the playing field. Today, we celebrate their business acumen and gold medal-winning athletic achievements. In the past, people in this Chamber have questioned the intelligence and tenacity of minorities. We still fight some of those battles, but we are not where we used to be. In the past, the Nation questioned whether a Catholic should be President. I remember when our country pushed bigotry aside and put such a man in the White House.

We have become a better country because we rose above the discrimination that divides us and nurtures bigotry.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I am pleased that the Senate, tomorrow, will be voting on the Employment Nondiscrimination Act. Every worker in this country should be judged solely on the basis of valid work-related criteria: The worker's job performance and his or her ability to perform the job. People who work hard and perform well should not be kept from leading productive and responsible lives because of sexual orientation any more than they should be kept from employment or discriminated against because of race, religion, gender, national origin, age, or disability.

Unfortunately, workplace discrimination on the basis of sexual orientation remains a real problem in many communities. In case after documented case, highly qualified individuals have been dismissed, or otherwise discriminated against in their jobs for no other reason than their sexual orientation.

Such discrimination is intolerable in America. We are better than that. A recent poll in Newsweek indicates that this measure is supported by over 80 percent of the American people. It has been endorsed by a wide array of religious organizations, including the United Methodist Church, the Presbyterian Church (USA), the Episcopal Church, the Evangelical Lutheran Church in America, the American Jewish Congress, the National Council of the Churches of Christ in the U.S.A., the Religious Action Center of Reform Judaism, and the United Church of Christ, to mention some.

As the presiding bishop of the Episcopal Church, Edmund L. BROWNing, wrote in a letter, dated July 30, 1996:

> Since 1967, the Episcopal church has been committed publicly to the notion of guaranteeing equal protection for all citizens, including the homosexual persons, under the law. In that year, the General Convention of the Episcopal Church, the Church's highest policymaking body, expressed its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens and called upon society to ensure that such protection is provided in actuality. The Employment Nondiscrimination Act explicitly fulfills that mandate. . .
>
> My warm embrace of this legislation, of course, reflects more than my standing as Presiding Bishop of the Episcopal Church. It represents my deep, personal belief in the intrinsic dignity of all God's children. That dignity demands that all citizens have a full and equal claim upon the promise of the American ideal, which includes equal civil rights protection against unfair employment discrimination. For far too long, our civil rights laws look the other way with respect to discrimination based on race, gender, religion, national origin, age, or disability. Fighting to right those wrongs taught us that the cause of civil rights protection for one is the cause of such protection for all. Today, so long as some of us remain subject to employment discrimination on the basis of sexual orientation, our system of civil rights protection for all Americans remains an unfulfilled ideal. The long overdue protection embodied in this legislation brings that ideal one significant step closer to reality.

Mr. President, the opponents of this legislation have argued that the Employment Nondiscrimination Act will cause practical problems in the workplace. But we know that this is not true, because similar legislation is already in place, as the Senator from Massachusetts pointed out, in nine States. As Michael P. Morely, the president of Eastman Kodak Co., testified on July 17 of this year:

> It is our belief that ENDA is good for American business, large or small. The bill is in step with trends in the Nation's most successful businesses, and is in tune with the fundamental sense of fairness valued by Americans. If we at Kodak felt that this bill were intrusive, expensive, or otherwise inappropriate for American business, we would not support it. But after a thorough analysis of its provisions, we are convinced that the Employment Nondiscrimination Act will have a positive impact on our country's ability to compete.

Mr. President, this legislation is carefully drafted to prohibit any preferential treatment, including quotas, and to prohibit disparate impact suits based on sexual orientation, as the Senator from Massachusetts has pointed out. It exempts small businesses with fewer than 15 employees, and it exempts religious organizations, including educational institutions substantially controlled or supported by religious organizations.

Mr. President, for too long, many Americans have suffered employment discrimination. In recent decades, we have done much to eliminate this blot on our history. It is time for us to enact this legislation and extend the principle of fairness embodied in the Nation's civil rights laws to all Americans, regardless of sexual orientation.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, under a previous unanimous-consent agreement entered on June 28, 1996, the Senate is scheduled to consider the Chemical Weapons Convention by the end of this week. There has been much written and much said about the convention, whether it is the right thing to do or not; is it verifiable?

On the other side, there are those who say it would affect the overall atmosphere with regard to these chemical weapons. There is very legitimate debate about whether or not this convention should be ratified or not. It is my intention to go forward with the consideration of this Chemical Weapons Convention beginning probably on Thursday. We are scheduled to have votes on Friday.

But as we near consideration of that convention, I wanted to share with my colleagues some of the correspondence that I have recently received. Late on Friday of last week, I received a letter of opposition to the convention signed by more than 50 defense and foreign policy experts, including two former Secretaries of Defense, former members of the Joint Chiefs of Staff, and many others. The letter made four fundamental points: The Chemical Weapons Convention is not global, it is not effective, and is not verifiable, but it will have significant costs to American security.

Their letter concludes by stating that ''The national security benefits of the Chemical Weapons Convention clearly do not outweigh its considerable costs. Consequently, we respectfully urge you to reject ratification of the CWC unless and until it is made genuinely global, effective, and verifiable.''

This is not my judgment. It is the judgment, however, of Caspar Weinberger, William Clark, Dr. Jeane Kirkpatrick, Ed Meese, Dick Cheney, and many others who served with distinction under Presidents Reagan and Bush. I think their views deserve serious consideration from every Member.

As you will note, two of those names that I read are former Secretaries of Defense and certainly highly respected. Our colleague from the House of Representatives, Dick Cheney, is one that I really had not known exactly what his position was, so it was of great interest to me to see what his thoughts might be.

I have two other letters that I encourage Members to review. First, the National Federation of Independent Business wrote to me today expressing serious concern about the impact of the CWC on the more than 600,000 members of the NFIB. The letter notes that under the CWC, for the first time small businesses would be subject to a foreign entity inspecting their businesses. The concerns that are expressed concerning increased regulatory burden of the Chemical Weapons Convention on American small business I think should be weighed very carefully before coming to a decision about his or her attitude and what the position would be of that Senator on the convention. I know my colleagues do not want to vote first and ask questions later when it comes to small business, which already bears a disproportionate share of the regulatory burden from the Federal Government.

I also received a letter today from retired Gen. James A. Williams, former head of the Defense Intelligence Agency with almost four decades of experience in intelligence. General Williams raises very serious concerns over the potential of CWC being used to gain proprietary information from American business.

He concludes that ''there is potential for the loss of untold billions of dollars of trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and to steal U.S. market share.''

Many businesses have contacted my office and the offices of other Senators expressing these and similar concerns about Senate action on this convention.

Last week I wrote to the President expressing my concern that the Clinton administration was less than fully forthcoming in responding to the Senate's request for information and documents. I requested specific documents previously requested by other Senators. Senator HELMS, the chairman of the committee with jurisdiction, has been very active in trying to have questions answered, to get information provided, to get intelligence information available to Senators, and in many instances that information was late in coming or has not been provided at all. As a matter of fact, much of it has been described as being classified; therefore, it could not be provided.

In view of that, I am very seriously considering and probably will seek a closed session to consider this matter so that Senators can be made aware of intelligence information that is classified, if that is necessary. In order to avoid that, I have asked that some of this documentation be declassified by the administration so that all Senators can have access to it without our having to go into closed session.

I wanted to call to the Senate's attention this correspondence that I have outlined because it is very important that a range of views be made available to all Senators. The administration has been making its case for quite some time, but opponents of the convention have just begun the serious examination the convention really deserves.

There were some Members who have been involved in this issue —I believe Senator STEVENS arranged for a briefing this very afternoon that was sponsored by the Arms Control Observer Group. We did have some people testifying, stating they had opposition to the convention, others that were supportive of it. We are trying to get a balance in what is presented to the Senators, both privately and publicly.

My own personal greatest concern is the question of verification. What do we do about Iraq? If we pass a convention like this, that would be applicable to us, sort of the law-abiding citizens of the world, how do we make sure what is happening in Iraq, North Korea, and Libya, the renegade countries of the world? Is this going to be a situation where we go forward with this convention, this Chemical Weapons Convention, yet those who are the real threat do not participate, or deny that they are involved, or we are not in a position where we can verify what they are actually doing?

So, I ask unanimous consent the three letters I received and the letter I wrote to the President last week be printed in the RECORD so all Senators will have access to these letters and to this information, much of which had not been made available prior to tonight.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, September 9, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER, On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I want to express serious concern regarding the regulatory requirements and burdens that would be placed on small businesses who ''produce, process, consume, export or import'' certain regulated chemicals with ratification of the Chemical Weapons Convention Treaty (CWC) and its implementing legislation.

This Congress has begun to address the serious problems of paperwork burdens and red tape which are strangling small businesses in this country. The passage of the Paperwork Reduction Act and the Small Business Regulatory Enforcement Fairness Act were positive first steps in reducing the excessive regulatory burden which consistently ranks in the top five problems small business face in NFIB surveys.

The CWC reverses the trend of reducing the growing regulatory burden on small business. According to the Congressional Office of Technology inspections of businesses required under CWC will cost small business $10,000–$20,000. The typical small business owner takes home only $40,000 per year. The Department of Commerce has estimated that a business will spend from 2.5–9 hours on paperwork for each chemical used depending on its classification.

There is a great deal of disagreement on the number of businesses which would be affected by the CWC. Numbers have ranged from 3,000 to 10,000. The regulatory burden of the CWC will hit small businesses harder than big business. A 1995 Small Business Administration study stated that while small business employs 53 percent of the workforce, they bear 67 percent of business' total regulatory expense. Even if the number of small businesses in the initial list of affected companies is limited to a specific list, the fact that additional businesses might be regulated by CWC without approval by the U.S. Congress will leave small business powerless to have any input as it does under the U.S. regulatory system. For the first time, small businesses would be subject to a foreign entity inspecting their business.

The CWC will continue to bury small businesses in paperwork and regulations. Therefore, NFIB urges your serious consideration of the affect of this Treaty on the small businesses in this country.

Sincerely,

DAN DANNER,
Vice President,
Federal Government Relations.

SEPTEMBER 9, 1996.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As you weigh the benefits and costs of the Chemical Weapons Convention (CWC) I would like to offer some insight gained during my 28 years at every level of Military Intelligence and my subsequent ten years in competitive intelligence and counterintelligence for some of the premier companies in this country. The need for international mechanisms to control or eliminate the potential use of chemical weapons cannot be denied but the mechanisms must not be adopted in haste or under pressure. I ask only that you delay consideration long enough for an informed debate to take place, and I stress informed.

My foremost concern is that the CWC adds little to the ability of this country, or any other for that matter, to be assured that chemical weapons are not being manufactured by specific nations. Experience in Iraq has amply demonstrated the ease with which inspections can be thwarted and sanctions evaded. With all of the effort put into the inspection program the United States is still unable to say whether Iraq retains a capability to manufacture chemical weapons. We are unable to state publicly the chemical weapons production capabilities of nations

such as Libya, Iran, Syria, China or Korea. Many nations possess a production capability or are thought to possess such capabilities. Nations that are likely to produce chemical weapons for use by terrorists or for limited battlefield deployment can produce sufficient quantities in laboratories small enough that they can be temporarily closed or relocated to avoid inspections. The exiting treaty on chemical weapons is already so weak on this point that no effort has been made to enforce it and provisions of the CWC are even weaker. Let's discuss objectively what information is required to verify such a treaty, the capabilities required to collect the information, the cost of doing so, and the likelihood of making such collection.

Furthermore, the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy, even gleeful. It is likely to cause the counterintelligence sections of the FBI and the Defense Investigative Service major problems for the foreseeable future. The inspection procedures which apply to ALL industries constitute unprecedented access to our manufacturing base, not just those thought likely to be engaged in proscribed activities! My experience in protecting patents and intellectual property over the past ten years leads me to conclude that there is the potential for the loss of untold billions of dollars in trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and to steal US market share. To allow the invasion of private property without probable cause or a search warrant could undermine every industrial security standard established under government regulations or by private firms seeking to protect industrial processes or other proprietary information. Under the inspection and reporting practices specified in the CWC I see no prohibition against the exchanging of lucrative information among the nations conducting a given inspection. This country, for valid reasons, does not permit its intelligence agencies to conduct industrial espionage but we may be the only nation in the world to hold to such a standard.

The CWC constitutes a significant departure from the way this country conducts business and the way our society has elected to protect its very fabric. It seems to me that the CWC has been put together as a placebo measure to make people feel good but without considering the overall long term impact on our industry, our society and our legal system. The Congress bears the responsibility of assuring our citizenry that the advantages and disadvantages have been carefully considered and balanced.

We look to you to insure that those safeguards are built into the process.

Sincerely,

JAMES A. WILLIAMS,
LTG U.S. Army (Ret.)

SEPTEMBER 6, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As you know, the Senate is currently scheduled to take final action on the Chemical Weapons Convention (CWC) on or before September 14th. This treaty has been presented as a global, effective and verifiable ban on chemical weapons. As individuals with considerable experience in national security matters, we would all support such a ban. We have, however, concluded that the present Convention is seriously deficient on each of these scores, among others.

The CWC is not global since many dangerous nations (for example, Iran, Syria, North Korea, and Libya) have not agreed to join the treaty regime. Russia is among those who have signed the Convention but is unlikely to ratify—especially without a commitment of billions in U.S. aid to pay for the destruction of Russia's vast arsenal. Even then, given our experience with the Kremlin's treaty violations and its repeated refusal to implement the 1900 Bilateral Destruction Agreement on chemical weapons, future CWC violations must be expected.

The CWC is not effective because it does not ban or control possession of all chemicals that could be used for lethal weapons purposes. For example, it does not prohibit two chemical agents that were employed with deadly effect in World War I—phosgene and hydrogen cyanide. The reason speaks volumes about this treaty's impractical nature: they are too widely used for commercial purposes to be banned.

The CWC is not verifiable as the U.S. intelligence community has repeatedly acknowledged in congressional testimony. Authoritarian regimes can be confident that their violations will be undetectable. Now, some argue that the treaty's intrusive inspections regime will help us know more than we would otherwise. The relevant test, however, is whether any additional information thus gleaned will translate into convincing evidence of cheating and result in the collective imposition of sanctions or other enforcement measures. In practice, this test is unlikely to be satisfied since governments tend to look the other way at evidence of non-compliance rather than jeopardize a treaty regime.

What the CWC will do, however, is quite troubling: It will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as $200 million per year). It will jeopardize U.S. citizens' constitutional rights by requiring the U.S. government to permit searches without either warrants or probable cause. It will impose a costly and complex regulatory burden on U.S. industry. As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs of between thousands to hundreds-of-thousands of dollars per year to comply. Most of these American companies have no idea that they will be affected. And perhaps worst of all, the CWC will determine the standard of verifiability that has been a key national security principle for the United States.

Under these circumstances, the national security benefits of the Chemical Weapons Convention clearly do not outweigh its considerable costs. Consequently, we respectfully urge you to reject ratification of the CWC unless and until it is made genuinely global, effective and verifiable.

WILLIAM P. CLARK.
DICK CHENEY.
CAP WEINBERGER.
JEANE KIRKPATRICK.
EDWIN MEESE III.

SIGNATORIES ON LETTER TO SENATOR TRENT LOTT REGARDING THE CHEMICAL WEAPONS CONVENTION

(As of September 9, 1996; 9:30 a.m.)

Signatures on letter:

William P. Clark, former National Security Advisor to the President.

Casper Weinberger, former Secretary of Defense.

Richard B. Cheney, former Secretary of Defense.

Jeane J. Kirkpatrick, former U.S. Ambassador to the United Nations.

Edwin Meese III, former U.S. Attorney General.

Additional Signatories (retired military):

General John W. Foss, U.S. Army (Retired), former Commanding General, Training and Doctrine Command.

Vice Admiral William Houser, U.S. Navy (Retired), former Deputy Chief of Naval Operations for Aviation.

Admiral Wesley McDonald, U.S. Navy (Retired), former Supreme Allied Commander, Atlantic.

Admiral Kinnaird McKee, U.S. Navy (Retired), former Director, Naval Nuclear Propulsion.

General Merrill A. McPeak, U.S. Air Force (Retired), former Chief of Staff, U.S. Air Force.

Lieutenant General T.H. Miller, U.S. Marine Corps (Retired), former Fleet Marine Force, Commander/Head, Marine Aviation.

General John L. Piotrowski, U.S. Air Force (Retired), former Member of the Joint Chiefs of Staff as Vice Chief, U.S. Air Force.

General Bernard Schriever, U.S. Air Force (Retired), former Commander, Air Research and Development and Air Force Systems Command.

Lieutenant General James Williams, U.S. Army (Retired), former Director, Defense Intelligence Agency.

Additional Signatories (non-military):

Mark Albrecht, former Executive Secretary, National Space Council.

Kathleen Bailey, former Assistant Director of the Arms Control and Disarmament Agency.

Robert B. Barker, former Assistant to the Secretary of Defense for Nuclear and Chemical Weapon Matters.

Henry Cooper, former Director, Strategic Defense Initiative Organization.

J.D. Crouch, former Principal Deputy Assistant Secretary of Defense.

Midge Decter, former President, Committee for Free World.

Kenneth deGraffenreid, former Senior Director of Intelligence Programs, National Security Council.

Diana Denman, former Co-Chair, U.S. Peace Corps Advisory Council.

Elaine Donnelly, former Commissioner, Presidential Commission on the Assignment of Women in the Armed Services.

David M. Evans, former Senior Advisor to the Congressional Commission on Security and Cooperation in Europe.

Charles Fairbanks, former Deputy Assistant Secretary of State.

Douglas J. Feith, former Deputy Assistant Secretary of Defense.

Rand H. Fishbein, former Professional Staff member, Senate Defense Appropriations Subcommittee.

Frank J. Gaffney, Jr., former Acting Assistant Secretary of Defense.

William R. Graham, former Science Advisor to the President.

James T. Hackett, former Acting Director of the Arms Control and Disarmament Agency.

Charles A. Hamilton, former Deputy Director, Strategic Trade Policy, U.S. Department of Defense.

Amoretta M. Hoeber, former Deputy Under Secretary, U.S. Army.

Charles Horner, former Deputy Assistant Secretary of State for Science and Technology.

Fred Ikle, former Under Secretary of Defense for Policy.

Sven F. Kraemer, former Director for Arms Control, National Security Council.

Charles M. Kupperman, former Special Assistant to the President.

John Lenczowski, former Director for Soviet Affairs, National Security Council.

Bruce Merrifield, former Assistant Secretary for Technology Policy, Department of Commerce.

Taffy Gould McCallum, columnist and freelance writer.

Laurie Mylroie, best-selling author and Mideast expert specializing in Iraqi affairs.

Richard Perle, former Assistant Secretary of Defense.

Norman Podhoretz, former editor, Commentary Magazine.

Roger W. Robinson, Jr., former Chief Executive Economist, National Security Council.

Peter W. Rodman, former Deputy Assistant to the President for National Security Affairs and former Director of the Policy Planning Staff, Department of State.

Edward Rowny, former Advisor to the President and Secretary of State for Arms Control.

Jacqueline Tillman, former Staff member, National Security Council.

Michelle Van Cleave, former Associate Director, Office of Science and Technology.

William Van Cleave, former Senior Defense Advisor and Defense Policy Coordinator to the President.

Malcolm Wallop, former United States Senator.

Deborah L. Wince-Smith, former Assistant Secretary for Technology Policy, Department of Commerce.

Curtin Winsor, Jr., former U.S. Ambassador to Costa Rica.

Dov S. Zakheim, former Deputy Under Secretary of Defense.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 6, 1996.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to ask your cooperation and support for Senate efforts to obtain information and documents directly relevant to our consideration of the Chemical Weapons Convention.

As you know, the Senate is currently scheduled to consider the Convention on or before September 14, 1996 under a unanimous consent agreement reached on June 28, 1996. Immediately prior to the Senate agreement on the Convention, I stated, ''With respect to the Chemical Weapons Convention, the Majority Leader and the Democratic Leader will make every effort to obtain from the administration such facts and documents as requested by the Chairman and ranking member of the Foreign Relations Committee, in order to pursue its work and hearings needed to develop a complete record for the Senate . . .''

I regret to inform you that your administration has not been fully cooperative in Senate efforts to obtain critical information. Chairman Helms wrote to you on June 21, 1996—prior to the Senate setting a date for a vote on the Convention—and asked eight specific questions. Chairman Helms also requested the provision and declassification of documents and a cable relating to critical issues of Russian compliance with existing chemical weapons arms control agreements and with the Chemical Weapons Convention.

On July 26, 1996, having received no response to his earlier letter, Chairman Helms reiterated his earlier request and asked additional questions concerning the apparent Russian decision to unilaterally end implementation of the 1990 U.S.-Russian Bilateral Destruction Agreement on chemical weapons. Chairman Helms also asked for specific information and documents concerning Russian conditions for ratification of the Chemical Weapons Convention, as well as other information important to our consideration of the Convention. While Chairman Helms did receive responses to his letters on July 31 and on August 13, his request for declassification of documents was refused and the answers to many of his questions were incomplete.

During a Senate Select Committee on Intelligence hearing on June 17, 1996, Senator Kyl asked for a specific document—a cable written in Bonn, Germany by Arms Control and Disarmament Agency (ACDA) Director Holum concerning current Russian government positions on the Bilateral Destruction Agreement, ratification of the Chemical Weapons Convention and on U.S. assistance for the destruction of Russian chemical weapons. On numerous occasions, Senator Kyl was told the document did not exist. Finally, on July 26, Senator Kyl was able to see a redacted version of the document under tightly controlled circumstances but the document has not been made available to Chairman Helms or other Senators.

Mr. President, the unanimous consent agreement of June 28, 1996, was entered into in good faith, and based on our understanding that the administration could and would be fully forthcoming in the provision of information and documents to enable the Senate to fulfill its constitutional responsibilities. Numerous judgements of the United States intelligence community deserve as wide a circulation as possible—particularly since they are distinctly different than some public statements made by officials of your Administration concerning the Convention.

Accordingly, I respectfully request that you reconsider your refusal to declassify critical documents and consider the declassification of important intelligence community judgments—consistent with the need to protect intelligence sources and methods. Specifically, I request that you act immediately to declassify the May 21, 1996, cable written by ACDA Director Holum and the July 8, 1996, letter from Russian Prime Minister Chernomyrdin to Vice-President Gore, and consider immediate declassification of the paragraphs from which the attached statements are excerpted—all drawn from documents produced by the Central Intelligence Agency and the Defense Intelligence Agency on the Russian chemical weapons program, the verifiability of the Chemical Weapons Convention, the effect of the Convention on the chemical weapons arsenals of rogue states, and the relevance of the Convention to acts of terrorism committed with chemical weapons.

I make these requests to enable the Senate to fully prepare for its consideration of the Chemical Weapons Convention. I am certain you would agree it is necessary for the Senate to have complete and usable information in order to fulfill our constitutional obligations and to responsibly meet the terms of the current unanimous consent agreement. Because the unanimous consent agreement calls for the Senate to vote on the Chemical Weapons Convention by September 14, 1996, I respectfully request that you respond to my declassification requests no later than the close of business on Tuesday, September 10, 1996. With best wishes, I am

Sincerely,

TRENT LOTT.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 12:32 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 amendments of the Senate to the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

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–3919. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, two rules including a rule entitled ''Airworthiness Directives,'' (RIN2120-A64, 2120-AF36) received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3920. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, three rules including a rule entitled ''Safety Zone,'' (RIN2115-AA97, 2115-AE46) received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3921. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, four rules including a rule entitled ''Pilot State Highway Program,'' (RIN2127-AF94, 2127-AF17, 2115-AE94, 2115-AA97) received on September 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3922. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twenty-two rules including a rule entitled ''Airworthiness Directives,'' (RIN2120-AA64, 2120-AA65, 2120-AA66) received on September 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3923. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Table of Allotments, FM Broadcast Stations'' (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3924. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Table of Allotments, FM Broadcast Stations'' (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3925. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Table of Allotments, FM Broadcast Stations'' (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3926. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Table of Allotments, FM Broadcast Stations'' (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3927. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report of a rule under the Telecommunications Act of 1996 (received on August 29, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3928. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report of a rule relative to the GHz Frequency Band (received on August 28, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3929. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report with respect to a rule entitled ''Loans in Areas Having Special Flood Hazards,'' received on August 27, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3930. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report concerning a rule entitled ''Risk Based Capital Standards: Market Risk,'' received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3931. A communication from the Assistant Chief Counsel of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report concerning the rule entitled ''Loans in Areas Having Special Flood Hazards,'' (RIN 3064–AB66) received on August 28, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3932. A communication from Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a report relative to foreign assets control regulations received on August 22, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3933. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report relative to the rule entitled ''Order Execution Obligations,'' (RIN3235–AG66) received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3934. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3935. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, six rules including one entitled ''Certificate and voucher Conforming,'' (FR–4119, 4090, 4033, 4031, 3322, 2880) received on August 29, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3936. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a rule regarding the requirements of the National Flood Insurance Reform Act of 1994 (RIN 1557–AB47) received on August 27, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3937. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report relative to the rule entitled ''Order Execution Obligations,'' (RIN 3235–AG66) received on September 9, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3938. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report on low income housing and community development activities of the Federal Home Loan Bank System for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3939. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3940. A communication from the Comptroller of the Currency Administrator of National Banks (Legislative and Regulatory Activities Division), transmitting, pursuant to law, a report relative to a rule entitled ''Loans in Areas Having Special Flood Hazards,'' received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3941. A communication from the Comptroller of the Currency Administrator of National Banks (Legislative and Regulatory Activities Division), transmitting, pursuant to law, a report relative to a rule entitled ''Risk-Based Capital Standards: Market Risk,'' received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

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

POM–659. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

''SENATE JOINT RESOLUTION 36

''Whereas, cotton is an important agricultural commodity in California, as well as in other states in the American Southwest; and

''Whereas, the value of the cotton crop in California in 1994 exceeded $1 billion; and

''Whereas, the cotton crop in California is threatened by insect pests including the cotton pink bollworm, the boll weevil, and the silverleaf whitefly; and

''Whereas, the International Cotton Pest Work Committee is an informal organization of volunteers established approximately 35 years ago for the purpose of coordinating research and pest control measures between the United States and Mexico; and

''Whereas, since 1967, the United States Department of Agriculture (USDA), in conjunction with the International Cotton Pest Work Committee, has funded and conducted a quarantine program to control and eradicate the cotton pink bollworm; and

''Whereas, the USDA, together with the International Cotton Pest Work Committee, also has coordinated a program to develop Integrated Pest Management (IPM) techniques for eventual eradication of the cotton pink bollworm; and

''Whereas, due to successful IPM and quarantine programs in California and Arizona, the boll weevil has been eradicated in those states; and

''Whereas, eradication of the boll weevil in other southwestern states and in Mexico is necessary to ensure that the boll weevil will not be reintroduced into California and Arizona; and

''Whereas, the State of California needs the help of the USDA in coordinating programs for the eradication of the boll weevil with New Mexico and Texas and with Mexico; and

''Whereas, infestations of the silverleaf whitefly in recent years have had a devastating effect on not only cotton, but on alfalfa, vegetable, and melon crops in California and the other southwestern states and in Mexico; and

''Whereas, the USDA, in conjunction with the International Cotton Pest Work Committee, has been conducting IPM research with the goal of controlling and eradicating the silverleaf whitefly; and

''Whereas, it is essential that the USDA continue to coordinate these efforts and to provide the scientific resources necessary to control and eradicate the silverleaf whitefly, which can only be successful if conducted on an international scale: Now, therefore, be it

''*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to do all of the following:

''(1) Continue to staff the position of Project Coordinator with Mexico within the Animal and Plant Health Inspection Services (APHIS) branch of the USDA for international cotton pest programs.

''(2) Make eradication of the cotton pink bollworm one of the USDA's highest priorities and appropriate an additional $3.5 million per year for the program.

''(3) Coordinate, through the International Cotton Pest Work Committee, the project to eradicate the cotton pink bollworm with the government of Mexico, and the States of California, Arizona, Texas, and New Mexico.

''(4) Make completion of the USDA Boll Weevil Eradication Program in the southwestern United States and in Mexico one of USDA's highest priorities, and continue to appropriate $1 million per year for that purpose.

''(5) Make development of IPM strategies for controlling and ultimately eradicating the silverleaf whitefly one of the USDA's highest priorities and continue to appropriate $7 million per year for that purpose.

''(6) Require the USDA to jointly coordinate with the International Cotton Pest Work Committee the development of an areawide, binational, IPM program for the management of the silverleaf whitefly; and be it further

''*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–660. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

''SENATE JOINT RESOLUTION 48

''Whereas, the Congress and President of the United States ratified and signed the North American Free Trade Agreement (NAFTA); and

''Whereas, NAFTA is a sovereign-to-sovereign accord that took effect on January 1, 1994; and

''Whereas, NAFTA has benefited, and continues to benefit, every state in the nation with import and export trade that has increased national employment, offset trade deficits, and expanded commercial activity; and

''Whereas, California and the other border states are required to address NAFTA-related infrastructure needs in the border region and serve as the nation's first line of defense against unsafe and undocumented commercial vehicles and operators; and

''Whereas, the President and Congress have provided no federal assistance to California for critically needed border infrastructure; and

''Whereas, the State of California has already spent twenty-five million dollars ($25,000,000) for two commercial vehicle enforcement facilities and remains ready to inspect commercial vehicles from Mexico; and

''Whereas, the state is faced with diverting from other critical spending demands more than two hundred million dollars ($200,000,000) for highway facilities in the border region; and

''Whereas, because the standard percentage for federal-state cost sharing for similar

projects is 80 percent federal funding and 20 percent state funding, standard federal reimbursement would be twenty million dollars ($20,000,000) for the commercial vehicle enforcement facilities and one hundred sixty million dollars ($160,000,000) for the highway facilities: Now, therefore, be it

''*Resolved, by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress to recognize the unfunded mandate placed on the border states by the implementation of NAFTA; and be it further

''*Resolved,* That the Legislature of the State of California further memorializes the President, congressional leadership, and the members of California's congressional delegation, to speedily adopt legislation that would provide direct financial assistance to border states specifically for the purpose of improving border infrastructure needed to accommodate the demands of NAFTA; and be it further

''*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–661. A resolution adopted by the Council of the City and County of Honolulu, Hawaii, relative to the Community Development Block Grant Program; to the Committee on Appropriations.

POM–662. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

''SENATE RESOLUTION

''*Whereas,* the Massachusetts General Court has passed legislation to ban the sounding of train whistles at grade level railway/highway crossings, which have in place other adequate forms of safety devices located in the communities which we represent; and

''*Whereas,* the Federal Railway Administration recommendations of standards for grade level railway/highway crossings include the removal of such bans which have been placed at the request of the citizens of the respective communities; and

''*Whereas,* the safety of those citizens who abide by the laws and signals when traveling through these crossings are in no way jeopardized by the ban placed on train whistles at crossings with adequate forms of safety devices in place; and

''*Whereas,* the sounding of train whistles at such crossings has been deemed a health hazard, in addition to being a disturbance of the peace, to those citizens who live in close proximity to the train crossings; and

''*Whereas,* the Massachusetts General Court supports the indefinite postponement of a ruling by the Federal Railway Administration relative to whistle bans in accordance with the Swift Rail Development Act; Now therefore be it

''*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States to require the Federal Railway Administration to postpone the ruling to remove bans placed on the sounding of train whistles at such crossings; and be it further

''*Resolved,* That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officers of each branch of Congress and to the Members thereof from this commonwealth.''

POM–663. A resolution adopted by the Council of the City of Satellite Beach, Florida, relative to the proposed ''Shore Protection Act of 1996''; to the Committee on Environment and Public Works.

POM–664. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

''SENATE JOINT RESOLUTION 37

''Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have established veterans' home loan programs; and

''Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have authority in the Internal Revenue Code to issue qualified veteran mortgage bonds to finance their respective veteran home loan programs; and

''Whereas, veterans' eligibility under current federal tax law restricts the eligibility to veterans who served on active duty prior to January 1, 1977; and

''Whereas, the Directors of Veterans Affairs of the States of Alaska, California, Oregon, Texas, and Wisconsin are desirous of extending their respective veteran home loan programs to include the men and women of the United States of America who are dispatched to participate in any conflict that occurred or occurs on or after January 1, 1977; and

''Whereas, veterans of these aforementioned conflicts should receive benefits consistent with the benefits available to veterans of previous armed conflicts; and

''Whereas, those veterans have been qualified for eligibility into congressionally chartered veterans' organizations by prior acts of the Congress of the United States; Now therefore, be it

''*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143(*l*) of the Internal Revenue Code of 1986 to read: ''Qualified veteran—For the purpose of this subsection, the term 'qualified veteran' means any veteran who meets such requirements as may be imposed by the state law pursuant to which qualified veterans' mortgage bonds are issued''; and be it further

''*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States.''

POM–665. A resolution adopted by the Southern Governers' Association, relative to the National Gambling Commission; to the Committee on Governmental Affairs.

POM–666. A resolution adopted by the Southern Governers Association, relative to condemning the burning of churches throughout the southern United States; to the Committee on the Judiciary.

POM–667. A concurent resolution adopted by the Senate of the Legislature of the State of California; to the Committee on the Judiciary.

''SENATE CONCURRENT RESOLUTION 46

''Whereas, home should be a place of warmth, unconditional love, tranquility, and security; however, for many Americans, home is tainted with violence and fear; and

''Whereas, domestic violence is more than the occasional family dispute; and

''Whereas, according to the United States Department of Health and Human Services, domestic violence is the single largest cause of injury to American women, affecting six million women of all racial, cultural, and economic backgrounds; and

''Whereas, according to data published in 1993 by the Commonwealth Fund and a 1994 survey report by the United States Department of Justice, in the United States, a woman is battered every 15 seconds; 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends; and

''Whereas, according to the United States Department of Labor, one million people are assaulted and injured every year as a result of workplace violence, 1,000 people are killed every year due to workplace violence, and 20 percent of battered women lose their jobs due to harassment at work by abusive husbands or boyfriends; and

''Whereas, more than one-half of the number of women in need of shelter from an abusive environment may be turned away from a shelter due to lack of space; and

''Whereas, women are not the only targets of domestic violence; young children, elderly persons, and men are also victims in their own homes; and

''Whereas, emotional scars are often permanent; and

''Whereas, a coalition of organizations has emerged to confront this crisis directly. Law enforcement agencies, domestic violence hotlines, battered women and children's shelters, health care providers, churches, and the volunteers that serve those entitles are helping the effort to end domestic violence; and

''Whereas, it is important to recognize the compassion and dedication of the individuals involved in that effort, applaud their commitment, and increase public understanding of this significant problem; and

''Whereas, the first Day of Unity was celebrated in October 1981 and was sponsored by the National Coalition Against Domestic Violence (N.C.A.D.V.) for the purpose of uniting battered women's advocates across the nation in an effort to end domestic violence; and

''Whereas, that one day has grown into a month of activities at all levels of government, aimed at creating awareness about the problem and presenting solutions; and

''Whereas, the first Domestic Violence Awareness Month was proclaimed in October 1987: Now, therefore, be it

''*Resolved by the Senate of the State of California, the Assembly thereof concurring:* That the Legislature hereby proclaims the month of October 1996 as Domestic Violence Awareness Month; and be it further

''*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.''

POM–668. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

''SENATE JOINT RESOLUTION 39

''Whereas, there is a continuing need for economic revitalization in California; and

''Whereas, Capital investment from new immigrants is a vital aspect of local and statewide economic revitalization; and

''Whereas, an increasing number of affluent immigrants have the desire to reside in California and to invest their financial resources into business ventures here; and

''Whereas, the current United States Investor Visa Program inhibits California's ability to attract foreign business investors; and

''Whereas, the Immigration and Naturalization Service indicates the full enrollment in the investor visa program would generate $1.6 billion of new investment and 20,000 jobs annually in California; and

''Whereas, in the first two years of implementation only 825 petitions were filed out

of the 10,000 visa available under the United States Investor Visa Program; and

''Whereas, other countries, such as Canada have tailored their investor visa programs to attract significant capital investment; and

''Whereas, the California Policy Seminar Brief, Volume 7, Number 13, reported that Canada has attracted over $3 billion in investment through their Business Migration Program between 1986 and 1990; and

''Whereas, immigrant business investment in Canada resulted in a 30 percent increase in employment in the manufacturing firms that were invested in: Now, therefore, be it

''*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to reduce the current investment threshold under the United States Investor Visa Program to five hundred thousand dollars ($500,000) minimum investment and five employees to allow states greater flexibility in focusing investment funds to address specific economic needs; and be it further

''*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the United States Immigration and Naturalization Service.''

POM–669. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

''SENATE JOINT RESOLUTION 49

''Whereas, California, with 3.3 million veterans, has the largest concentration of veterans in the United States and the number continues to grow as up to 50,000 newly separated service members per year select California as their residence; and

''Whereas, California has historically been underrepresented by the United States Department of Veterans Affairs (USDVA) in that California has only one USDVA employee for each 8,000 veterans while the rest of the nation averages one USDVA employee for each 6,000 veterans; and

''Whereas, this inequity means less staff to revolve the more complex claims of the veterans of this state; and

''Whereas, this inequity is aggravated by the fact that the mix of claims causes California to have a larger compensation share and a smaller pension share than the rest of the nation; and

''Whereas, despite this large population of veterans and their families, the proposed USDVA Field Restructuring Plan would transfer veterans' disability pension benefits processing services from California to Phoenix, Arizona and other states; and

''Whereas, the restructuring proposal will not, under any circumstances, provide a reasonable level of service to California veterans; and

''Whereas, the transfer of disability pension processing activities from the Los Angeles and Oakland USDVA offices to Phoenix reflects restructuring that is driven by budget concerns, and not by concern for veterans' service; and

''Whereas, it is estimated that the servicing of disability pension claims for those veterans whose files will not be in Phoenix reduces the case management effectiveness of not only the county veterans service offices but also the national service organizations, the Department of Veterans Affairs, and the Employment Development Department of California, and will have a significant impact on cost-avoiding state Medi-Cal (medicaid) appropriations as they apply to our aging veteran population due to reduced levels of service, timeliness factors, and the required ongoing training that is currently shared by county veterans service officers and the Los Angeles and Oakland regional USDVA offices; and

''Whereas, it is the understanding of the Legislature that the proposed USDVA Field Restructuring Plan is based on old and unreliable data that attacks California's regional USDVA offices as inefficient and overmanaged and these assumptions are not valid today; and

''Whereas, reducing the size of the offices or moving the offices to Phoenix, Arizona or any other state, or otherwise attempting to effectuate the ''smaller is better'' doctrine in this case will not solve the increasing problems of California more than 3.3 million veterans and their dependents: Now, therefore, be it

''*Resolved by the Senate and the Assembly of the State of California, jointly*,'' That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the United States Department of Veterans Affairs to maintain the status quo, and to reconsider the decision to adopt the proposed USDVA Field Restructuring Plan; and be it further

''*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Veterans Affairs.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes (Rept. No. 104–362).

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1973. A bill to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes (Rept. No. 104–363).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with amendments:

S. 1897. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes (Rept. No. 104–364).

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

S. 1317. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1935, and for other purposes (Rept. No. 104–365).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes (Rept. No. 104–366).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment and an amendment to the title:

S. 1791. A bill to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes (Rept. No. 104–367).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN):

S. 2059. A bill to amend title 11, United States Code, with respect to executory contracts and unexpired leases, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

WELFARE LEGISLATION

Mr. NICKLES. Mr. President, today, I am introducing legislation that would reverse President Clinton's recent District of Columbia welfare waiver which exempts the District of Columbia from the 5-year time limit for 10 years. It may shock our colleagues. President Clinton signed the welfare reform bill with a great deal of fanfare and said, ''We have ended welfare as we know it.'' What most people don't know is on the day he signed it, he signed a 10-year waiver for the District of Columbia, so it does not apply. The waiver will apply for 10 years.

I am just amazed that he had the audacity to do that. I am somewhat amazed that a lot of people in the press, and maybe we in Congress, have not said much about it.

Think of that. The cornerstone of the welfare reform bill was a bill with real time limits. I am quoting President Clinton. President Clinton said, ''We need to have real welfare reform, we need to end welfare as we know it, we need a bill with real teeth, a bill that has real time limits.'' What does he do on the same day? He signs the welfare bill. He gives a 10-year waiver, a 10-year exemption to the District of Columbia.

It is interesting to note, he was able to grant the waiver within 14 days to the District of Columbia. He has had over 103 days to grant the waiver that was requested by the State of Wisconsin, which he mentioned in a political address on one of his Saturday morning addresses. He said, ''We need welfare reform like the State of Wisconsin. They have real workfare. They have time limits. We need to do it.''

It is interesting to note he has not granted that waiver yet. Maybe he made a speech and got some points for it, but the fact is, by his granting the DC waiver, maybe he is trying to placate some liberal people who did not like him signing the welfare reform bill. I do not know. But today, I am introducing legislation to reverse the 10-year exemption, or welfare waiver, that he granted to the District of Columbia.

It basically says that any other waiver that would come forward must comply with the 5-year time limit on cash benefits that passed by an overwhelming majority in both the House and the Senate.

Mr. President, I send that to the desk, and ask unanimous consent that the text of the bill be printed in the RECORD. It is my hope and it is my plan to pass this legislation before we go out of session this year.

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

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR THE DISTRICT OF COLUMBIA TO COMPLY WITH 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall rescind approval of the waiver described in subsection (b). Upon such rescission, the Secretary shall immediately approve such waiver in accordance with subsection (c).

(b) WAIVER DESCRIBED.—The waiver described in this subsection is the approval by the Secretary on August 19, 1996, of the District of Columbia's Welfare Reform Demonstration Special Application for waivers, which was submitted under section 1115 of the Social Security Act, and entitled the District of Columbia's Project on Work, Employment, and Responsibility (POWER).

(c) CONDITION FOR WAIVER APPROVAL.—The Secretary of Health and Human Services shall not approve any part of the waiver described in subsection (b) that relates to a waiver of the requirement under section 408(a)(7) of the Social Security Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

SEC. 2. NO WAIVER OF 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

Beginning on and after the date of the enactment of this Act, the Secretary shall not approve any application submitted under section 1115 of the Social Security Act, or under any other provision of law, for a waiver of the requirement under section 408(a)(7) of such Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

ADDITIONAL COSPONSORS

S. 1556

At the request of Mr. KOHL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1556, a bill to prohibit economic espionage, to provide for the protection of United States proprietary economic information in interstate and foreign commerce, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1967

At the request of Mr. BROWN, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 2052

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2052, a bill to provide for disposal of certain public lands in support of the Manzanar National Historic Site in the State of California, and for other purposes.

AMENDMENTS SUBMITTED

THE ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5205

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1324) to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; as follows:

Beginning on page 41, strike line 23, and all that follows through line 4 on page 42, and insert the following:

''(i) in clause (i)—''

On page 43, between lines 6 and 7, insert the following:

''(i) in clause (ii), by inserting ', administrative functions of the organ procurement organization,' after 'organ'; and

''(iii) in clause (iii), to read as follows:

'(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.';''

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to hold a briefing during the session of the Senate on Monday, September 9, 1996, at 1 p.m.

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

ADDITIONAL STATEMENTS

DEFENSE OF MARRIAGE ACT

● Mr. HATCH. Mr. President, I ask that written testimony from Rabbi David Saperstein, director and counsel for the Religious Action Center of Reform Judaism, and a letter from Herman Hill Kay concerning S. 1740, the Defense of Marriage Act, be printed in the RECORD. Both Rabbi Saperstein and Mr. Kay submitted these materials to be included in the transcript of the hearing held before the Senate Judiciary Committee on July 11, 1996. Unfortunately, their statements were received too late to be included, and for that reason, I ask that they be printed in the CONGRESSIONAL RECORD.

The material follows:

TESTIMONY OF RABBI DAVID SAPERSTEIN

I. INTRODUCTION

Mr. Chairman, members of the committee, thank you for this opportunity to comment on the ''Defense of Marriage Act'' (S. 1740). My name is Rabbi David Saperstein, and I am Director and Counsel of the Religious Action Center of Reform Judaism (RAC). The RAC represents the Union of American Hebrew Congregations and the Central Conference of American Rabbis, the lay and clerical bodies of Reform Judaism, with membership of over 1.5 million Reform Jews and 1700 Reform rabbis in 850 congregations nationwide. In recent years, both the parent bodies of the RAC have passed formal resolutions supporting gay civil marriage, and I have included copies of those statements as appendices to my testimony this morning.

I am also an attorney who teaches advanced Constitutional Law, especially on the First Amendment's religion clauses at the Georgetown University Law Center. Over the years, I have written a number of books and articles addressing church-state and constitutional legal issues.

This bill is woefully ill-advised and is morally wrong. Let me first address the legal concerns, lay out why this bill would likely fail to pass even the most forgiving constitutional test and why, under the current legal system, it is, unnecessary. I will then turn to some of the broader political and moral issues the bill raises.

II. LEGAL OBSERVATIONS ON THE DEFENSE OF MARRIAGE ACT

There are two key legal issues at stake in this legislation. The first is that the legislation is almost certain to be found unconstitutional both for its violation of the Full Faith and Credit clause and for its denigration of states rights as protected in the Tenth Amendment. The second issue is that it is, in all likelihood,—and from the perspective of my organizations, sadly—legally unnecessary since many of its key aims would be accomplished under the ''public policy exception'' to the conflict of laws rules, i.e. states would be able to avoid being forced to recognize same sex marriages if they determine such marriages to be in violation of fundamental public policy interests.

A. Why Federal Government Intrusion in this Area is Unconstitutional

The key issue in this regard is whether Congress has the power to abridge in any fashion the full faith and credit accorded sister states' judgments. While it will be offered by the proponents of the legislation that the measure does not restrict states' ability to offer full faith and credit, the plain face of the Constitution does not speak of a state's right to recognize sister states' judgments, rather, it is a mandate.

As a doctrinal matter, while the proponents purport to be protecting states' rights and interests, they are, in fact, diluting those rights and interests. The clear expression in this legislation that the Congress has a role in determining when a state may not offer full faith and credit creates a standard of Federal control antithetical to the Tenth Amendment (and, ironically, to conservative political philosophy): that powers not enumerated for the Federal Government are reserved to the States. This legislation enumerates a Federal power, namely the power to deny sister states recognition, grants that power to the state, and therefore dangerously pronounces, expressio unius est exclusio alterius, that the Federal government in fact retains the power to limit full faith and credit and, for that matter, to regulate marital law more broadly. And it only need express that power substantive issue by substantive issue. This is an arrogation of power to the federal government which one would have assumed heretical to the expressed philosophy of conservative legislating. Under the guise of protecting states' interests, the proposed statutes would infringe upon state sovereignty and effectively transfer broad power to the federal government.

Further, without exception, domestic relations has been a matter of state, not federal, concern and control since the founding of the Republic. *Ankenbrandt* v. *Richards*, 112 SCT 2206 (1992) (no subject matter jurisdiction in federal courts for domestic relations cases). There is simply ''no federal law of domestic relations.'' *De Sylva* v. *Ballentine*, 351 U.S. 570, 580 (1956). ''[T]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the U.S.'' *In re Burrus*, 136 U.S. 586, 593–4(1890). As a result, Congress has never before passed legislation dealing purely with domestic relations issues, especially marriage.

As to the second prong of the Full Faith and Credit Clause, only rarely has Congress exercised the implementing authority that the Clause grants to it, and never in ways that limited application of the clause. The first, passed in 1790, 28 U.S.C.A. Sec. 1738, provides for ways to authenticate acts, records and judicial proceedings, and repeats the constitutional injunction that such acts, records and judicial proceedings of the states are entitled to full faith and credit in other states, as well as by the federal government. The second, dating from 1804, provides methods of authenticating non-judicial records. 28 U.S.C.A. Sec. 1739.

Since 1804 these provisions have been amended only twice: the Parental Kidnapping Prevention Act of 1980, 28 U.S.C.A. Sec. 1739A, which provides that custody determinations of a state shall be enforced in different states, and 28 U.S.C.A. Sec. 1738B, ''Full Faith and Credit for Child Support Orders'' (1994). Neither of these statutes purported to limit full faith and credit; to the contrary, each of these statutes reinforced or expanded the faith and credit given to states.

While the Supreme Court has not yet passed explicitly on the manner in which marriages *per se* are entitled to full faith and credit, it would appear from the face of the clause they should be afforded full faith and credit as either ''Acts'' or ''Records.'' In the absence of an express constitutional protection under full faith and credit, the general rule for determining the validity of a marriage legally created and recognized in another jurisdiction is to apply the law of the state in which the Marriage was performed. Albert A. Ehrenzweig, A Treatise on the Conflict of Laws, Sec. 138 (1961).

Both Restatements support this general rule. Commentators to the Restatement urge that a choice of law rule that validates out-of-state marriages provides stability and predictability in questions of marriage, ensures the legitimization of children, protects party expectations, and promotes interstate comity. See, e.g., Hovermill. 53 Md.L.Rev. 450, 453 (1994).

B. Why the Public Policy Exception Makes this Legislation Unnecessary

There is, however, a recognized exception to this choice of law rule: a court will refuse to recognize a valid foreign marriage if the recognition of that marriage would violate a strongly held public policy of the forum state. Restatement (Second) Conflict of Laws Sec. 283 (1971).

While we believe strongly that states should not invoke this power in this situation, that such a stance would be morally wrong and we will, accordingly, vigorously oppose all such efforts, until the Court makes a Constitutional ruling upholding same sex marriages within the rubric of a fundamental right (in which case the proposed legislation would clearly be useless), states will have a stronger argument under the public policy exception than they will under this legislation.

Those states which desire to avoid the general rule favoring lex celebri will rely on an enumerated public policy exception to the rule through state statute, common law, or practice, and will make a showing that honoring a sister state's celebration of marriage ''would be the approval of a transaction which is inherently vicious, wicked, or immoral, and shocking to the prevailing moral sense.'' *Intercontinental Hotels Corp.* v. *Golden,* 203 N.E. 2d 210, 212 (N.Y. 1964). The rhetoric notwithstanding, the public policy exception will provide a means for states to withhold full faith and credit, (subject to the limitations of other constitutional provisions, i.e. equal protection, substantive due process, etc.) States will express their public policy exception to recognize same-sex marriages in other states by offering such legislation as gender specific marriage laws, and anti-sodomy statutes.

Different courts have required different levels of clarity in their own state's expression of public policy before that exception could be sustained in that stat's court. Some have required explicit statutory expressions, *Etheridge* v. *Shaddock,* 706 S.W.2d 396 (AR 1986), while others much less clearly so, *Condado Aruba Caribbean Hotel* v. *Tickel*, 561 P.2d 23, 24 (CO Ct App 1977).

Courts have considered a marriage offensive to a state's public policy either because it is contrary to natural law or because it violates a positive law enacted by the state legislature. Courts have invalidated foreign marriages that are incestuous, polygamous, and interracial, or marriages with a minor on the ground that they violate natural law, e.g., *Earle* v. *Earle,* 126 N.Y.S. 317, 319 (1910). For invalidation based on positive law, some courts have required clear statutory expressions that the marriages prohibited are void regardless of where they are performed, *State* v. *Graves,* 307 S.W. 2d 545 (AR 1957), and sometimes a clear intent to preempt the general rule of validation. E.g., *Estate of Loughmiller,* 629 P.2d 156 (KS 1981). Other courts create not so high a hurdle, such that a statutory enactment against the substantive issue was sufficient. *Catalano* v. *Catalano,* 170 A.2d 726 (Ct 1961) (finding express prohibition in a marriage statute and the criminalization of incestuous marriages sufficient to invalidate an out-of-state marriage). Those states that are enacting anti-same sex marriage statutes will likely find they have satisfied the first exception to the choice of law rule validating a marriage where celebrated, *lex celebri.*

Interracial marriages were, before *Loving* v. *Virginia*, treated with the above choice of law analysis, and courts frequently determined the validity of interracial marriages based on an analysis of the public policy exception. ''Early decisions treated such marriages as contrary to natural law, but later courts considered the question one of positive law interpretation.'' 53 Md LRev at 464.

How do these rules, then, apply to the question at hand? First, it would seem that states do have the ability to check the impact of the conflict of laws recognition as described above. However, it should be noted that where there have been such limitations those that have held up over time are those that have been aimed at protecting parties involved in marriage (i.e. spouses and potential children) such as prohibitions against incestuous relations, marriages involving a minor, polygamy. The ban on interracial marriages—the argument most analogous to this situation—was aimed at protecting the society's perception of public mores and public morals at a given moment. That shifted from a natural law argument to a positive law argument to its rejection based on Constitutional doctrine. I suggest that this is the very direction laws related to same sex marriages are moving—a direction we wholeheartedly approve of, but, under current law, the public exception doctrine would probably prevail in most states.

It should be noted, however, that in 17 states, the status of the public policy exception is called into question by the Uniform Marriage and Divorce Act, which provides that ''[a]ll marriages contracted within this State prior to the effective date of the act, or outside this State, that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties, are valid in this State.'' 9A U.L.A. Sec. 210 (1979). The Act specifically drops the public policy exceptions; ''the section expressly fails to incorporate the 'strong public policy' exception to the Restatement and thus may change the law in some jurisdictions. This section will preclude invalidation of many marriages which would have been invalidated in the past.'' Id., official comment. Of course, any state that wants to reassert a public policy exception for same sex marriages retains the right to so legislate, or not. The proposed federal bill has no effect on that.

C. Constitutional Restraints

There are several possible Constitutional limits on a state's ability to invoke a public policy exception to the general rule of validating foreign marriages under the Full Faith and Credit Clause, the Due Process Clause, Equal Protection or Substantive Due Process.

As to due process, the second state must, before it can apply its own law, satisfy that it has ''significant contact or a significant aggregation of contacts'' with the parties and the occurrence or transaction to which it is applying its own law. *Allstate Ins Co* v. *Hague,* 449 U.S. 302 (1981). The contacts necessary to survive a due process challenge have been characterized as ''incidental,'' 53 Md L Rev at 467, and the fact that the same sex couple is probably a domiciliary of the

second state would be enough to satisfy the *Hague* test.

Substantive due process and equal protection can bar a state's application of the public policy exception as well. For the former, a court would have to find that there is a fundamental right for gay couples to marry. There is complete agreement that there is a fundamental right to marry, Zablocki, v. Redhail, 434 U.S. 374 (1978), and the argument will be pursued that this incorporates marriage of gay men and lesbians to each other.

Turning to an Equal Protection analysis, a state's anti-same sex marriage statute could be subjected to one of three levels of scrutiny. *City of Cleburne* v. *Cleburne Living Center,* 473 U.S. 432 (1985). If it is viewed as almost all statutory enactments, it will receive rational basis review, and will, in almost all circumstances, survive challenge. If an argument can be persuasive that the anti same sex marriage statute is discrimination based on gender, it may well receive intermediate scrutiny. No court has yet been persuaded that anti-same sex marriage laws are gender-based discrimination, e.g., *Baker* v. *Nelson,* 191 N.W. 2d 185 (MN 1971). For strict scrutiny, the court would have to elevate, for the first time, classifications based on sexual orientation to that of strict scrutiny—a level which we believe is appropriate in theory, but nowhere operative.

The key point here is that if our view on the standard should prevail and becomes the standard adopted by the federal courts, then the legislation before you would be invalidated just as the public policy exception would be validated. So, again, the legislation would accomplish nothing.

D. Conclusion

Whatever the result of this proposed legislation, a legal quagmire awaits us. If under any of these scenarios the Full Faith and Credit Clause does not compel states to honor each other's marriages, there is virtually universal argument that it does operate to compel recognition of each other's adoption judgments, divorce decrees, and final custody determinations. We could someday find ourselves in legal situations in which a couple, considered married in one state and unmarried in another, seeks divorce in the first state and recognition of a divorce decree in a state which did not ever consider them married. This is not the uniformity one would desire from the plain language of the Full Faith and Credit clause, but the proposed legislation has no bearings on the situation anyway. Congress simply cannot change the core application of the Full Faith and Credit Clause no matter how it legislates. Until a court determines that marriage is entitled to the same full faith and credit accorded divorce or other judgments, the anomalies will remain.

III. MORAL AND POLITICAL CONCERNS

If the legislation is unconstitutional and unnecessary, why we are here today at all?

We all know that same-sex civil marriage is not an issue of overwhelming importance to the average citizen. From our perspective, of course, we wish more people did care about this issue, about according gays and lesbians this fundamental right. Sadly, that is not yet the case,—but someday it will be. But the reality as we sit here today, discussing this specious proposal, is that our cities are mired in poverty, violence is on the rise, the middle class is shrinking and losing ground economically, talented, educated young people cannot find jobs; and incivility and divisiveness abounds in our public and culture life. Does anyone here doubt that if we left the dignified solemnity of this room and ventured onto the streets outside the Capitol—or onto the streets of your home states—to ask people what most troubles them, very few, if any, would say ''same-sex civil marriage.''

This bill is not about protecting families. Certainly my family and your families will not be hurt by giving states the freedom to recognize the committed relationship of two loving adults. This bill is about politics, and whether it is your intent or not, this bill will surely turn out to be about gay bashing and scapegoating.

Who gives us this bill? The same people who elsewhere complain of big, intrusive government; who believe that the Federal Government overregulates; who stand on ideological principle for the rights of State and local governments. These same people now want to weaken States' rights by enacting a dubious and discriminatory exemption to the ''Full Faith and Credit'' Clause. How strange.

How odd that politicians who elsewhere wax eloquent about the sanctity of marriage and the wisdom of small government would now have the Federal Government massively moved into an arena effecting the most intimate aspects of people's lives shattering the Constitution's protections of States' rights and legitimizing the invalidation of civil marriages of committed, loving adult couples simply because they happen to be of the same sex.

Mr. Chairman, my mind keeps returning to one question: How can two living adults coming together to form a family harm family values? Are our families and marriages and communities so fragile and shallow that they are threatened by the love between two adults of the same sex?

Proponents of this legislation argue that families are the cornerstone of our society, and that, today, families are threatened. I agree. But what truly threatens families?

Poverty threatens families, yet we face assaults on all types of programs aimed at supporting families in economic distress.

Unemployment, underemployment and stagnant wages threaten families, yet this Congress has been tragically silent as corporations cut jobs and employees in a myopic obsession with short-term profits.

Efforts to thwart a livable minimum wage, quality child care, and lack of education threatens families, yet almost every vital part of this country's public education infrastructure, from the Department of Education to Head Start is under attack today.

Polluted air and drinking water threaten families, yet the vital environmental laws that keep our water and our air and our communities clean are similarly under attack.

And that, sadly, is what this bill is all about. It is about saying to the American people, ''Pay no attention to these truly anit-family policies; gay men and lesbians are the real threats to the security and sanctity of your marriages, your homes, and your communities.''

This bill is about targeting scapegoats; and as a people who have been the quintessential scapegoats of Western civilization, we stand with our gay and lesbian brothers and sisters in saying that this bill is immoral and unjust. A national debate over this unnecessary and unconstitutional bill will only distract America from finding real solutions to real problems.

Above all, the bill will only serve to codify bigotry. It has been proposed for no other reason than because some States and localities have properly interpreted the spirit, if not the letter, of the Fourteenth Amendment to the Constitution to require them to treat gays and lesbians no different under the law than heterosexuals.

Mr. Chairman, the stamp of the divine is found in the souls of all God's children—gay, lesbian and straight. The love that God calls us to, the love that binds two people together in a loving and devoted commitment, is accessible to all God's children. Let the State acknowledge that. This legislation betrays those values. This Congress deserves a better legacy; the American people deserve a better, and more loving, vision.

Thank you for your consideration.

APPENDIX A

Adopted by the General Assembly Union of American Hebrew Congregations, October 21–October 25, 1993—San Francisco

RECOGNITION FOR LESBIAN AND GAY PARTNERSHIPS

Background: The Union of American Hebrew Congregations has been in the vanguard of support for the full recognition of equality for lesbians and gays in society. This has been clearly articulated in UAHC resolutions dating back to 1977. But far more remains to be accomplished. Today, committed lesbian and gay couples are denied the benefits routinely accorded to married heterosexual couples: they cannot share in their partner's health programs; they do not have spousal survivor rights; and, as seen in recent court rulings, individual lesbian or gay parents have been adjudged unfit to raise their own children because they are lesbian or gay and/or living with a lesbian or gay partner, even though they meet the ''parenting'' standards required of heterosexual couples.

It is heartening to note the steps being made toward recognition of the legitimacy of lesbian and gay relationships. Adoption of Domestic Partnership registration in cities such as San Francisco and New York and extension of spousal benefits to partners of lesbian and gay employees by companies such as Levi Strauss, Lotus, Maimonides Hospital in New York City, are models for adoption by other governmental authorities and corporations.

Therefore the Union of American Hebrew Congregations resolves to:

1. call upon our Federal, Provincial, State and local governments to adopt legislation that will:

(a) afford partners in committed lesbian and gay partnerships spousal benefits, that include participation in health care plans and survivor benefits:

(b) ensure that lesbians and gay men are not ajudged unfit to raise children because of their sexual orientation; and

(c) afford partners in committed lesbian and gay relationships the means of legally acknowledged such relationships; and

2. call upon our congregations, the Central Conference of American Rabbis and the Hebrew Union College-Jewish Institute of Religion to join with us in seeking to extend the same benefits that are extended to the spouses of married staff members and employees to the partners of all staff members and employees living in committed lesbian and gay partnerships.

ON GAY AND LESBIAN MARRIAGE

Adopted by the 107th Annual Convention of the Central Conference of American Rabbis, March, 1996

Background: Consistent with our Jewish commitment to the fundamental principle that we are all created in the divine image, the Reform Movement has ''been in the vanguard of the support for the full recognition of equality for lesbians and gays in society.'' In 1977, the CCAR adopted a resolution encouraging legislation which decriminalizes homosexual acts between consenting adults; and prohibits discrimination against them as persons, followed by its adoption in 1990 of a substantial position paper on homosexuality and the rabbinsic. Then, in 1993, the Union of American Hebrew Congregation observed that ''committed lesbian and gay couples are

denied the benefit routinely accorded to married heterosexual couples.'' The UAHC resolved that full equality under the law for lesbian and gay people requires legal recognition of lesbian and gay relationships.

In light of this background,

Be it resolved, That the Central Conference of American Rabbis support the right of gay and lesbian couples to share fully and equally in the rights of civil marriage, and

Be it further resolved, That the CCAR oppose governmental efforts to ban bay and lesbian marriage.

Be it further resolved, That this is a matter of civil law, and is separate from the question of rabbinic officiation at such marriages.

UNIVERSITY OF CALIFORNIA,
SCHOOL OF LAW
Berkeley, CA, June 14, 1996.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR DIANNE: Thank you for inviting me to give you my views on the Defense of Marriage Act, I do so from the perspective of a law professor who has taught both in the areas of family law and the conflict of laws.

As I said to you on the telephone, I think that the Act is ill-advised regardless of what one's attitudes may be toward the legalization of same-sex marriage.

The Act, as presently drafted in H.R. 3396, contains two substantive provisions. Section Two exempts sister states from any obligation imposed by the Full Faith and Credit Clause of the United States Constitution or its implementing statute ''to give effect to any public act, record, or judicial proceeding of any other State . . . respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, . . . or a right or claim arising from such relationship.'' Section Three defines the terms ''marriage'' and ''spouse'' for the purpose of federal law, including eligibility for federal benefit programs, as follows: ''the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.''

Section Three changes a uniform and long-standing federal practice of deferring to state law on questions affecting the family. Eligibility for federal entitlement programs, such as social security, Medicare, and veteran's benefits traditionally have been measured by state, not federal law. Similarly, marital status for the purpose of applying federal statutes such as tax codes and immigration laws has been defined by state law. This long-standing practice appropriately recognizes the prerogative of state legislatures to regulate the family as a matter of local policy, and the greater experience of state court judges, charged with implementing the state laws governing family dissolution as well as matrimony, in determining marital status. The Defense of Marriage Act would reverse that wholesome tradition by creating a federal law of marriage for purposes of the federal code. As Professor Laurence H. Tribe observed, in the New York Times on May 26, 1996, ''[i]t is ironic . . . that such a measure should be defended in the name of states' rights.''

Moreover, despite the claims of proponents who assert that the Act does not prohibit states from legalizing same-sex marriage, Section Three would make even-handed administration of such a state's family law impossible. Take, for example, the ability of married couples to split their income for purposes of the federal income tax laws. Single-earner opposite-sex married couples could take advantages of the lower tax burden made available by this provision, while similarly situated same-sex married couples could not. This difference would arise, not from the state law defining marriage, but from the federal policy against same-sex marriage. Same-sex couples would thus have less available assets for the support of their families, perhaps placing a burden on the state. This outcome might influence a state in deciding whether to permit same-sex marriage in the first place. The impact of Section Three on other federal benefit programs is open to a similar analysis.

Section Two is designed to excuse states that do not wish to legalize same-sex marriage from any supposed obligation imposed by the Full Faith and Credit Clause to recognize such marriages that may be validly performed in other states. This section is both unnecessary to achieve its desired end and pernicious as a matter of sister state relations.

The usual conflict of laws doctrine governing the recognition of a marriage performed in another state is that the state where recognition is sought need not recognize a marriage that would violate its public policy. A state with a clear prohibition against same-sex marriage could, if it chose to do so, invoke that prohibition as declaratory of its public policy and as a justification for refusing recognition. The provisions of Section Two merely confirm what such a state may already do for itself, and are therefore superfluous.

Finally, Section Two does not facilitate sister state relations: rather it intrudes federal authority into a state's decision whether to extend voluntary recognition to another state's action. This is contrary to prior congressional action, which has been confined to requiring recognition of one state's action by other states, and thus has acted as a unifying force. By stating instead that recognition is unnecessary, Congress would be approving dissention among the states.

I hope these comments are helpful. If you have any questions, please feel free to let me know.

Sincerely,

HERMA HILL KAY,
Dean.●

THE FIREMAN'S MUTUAL BENEFIT ASSOCIATION'S 100TH ANNUAL CONVENTION

● Mr. LAUTENBERG. Mr. President, today I rise to salute one of New Jersey's finest enduring examples of public service. On September 10, 1996, the New Jersey Firemen's Mutual Benevolent Association will meet for the 100th time at its annual convention in Atlantic City.

Since it was established on December 11, 1897, the New Jersey Fireman's Mutual Benevolent Association has had a tremendously positive impact on its members, their families and the general public. For the past century NJFMBA has conducted fire safety programs in our schools. They have worked tirelessly for burn victims through their fund raising efforts, and they have helped to establish state of the art burn centers in several New Jersey hospitals.

Mr. President, the life of a firefighter is among the most demanding of professions. They answer every alarm and risk their lives to protect our communities. They hold the line against our most devastating natural enemy, uncontrolled fire. We live and work every day under the security and safety that firefighters provide.

Mr. President, it is with great pleasure and gratitude that I acknowledge the efforts, accomplishments and heroism of the 5,000 members of the New Jersey Fireman's Mutual Benefit Association.●

AN EXCEPTIONAL PRESS SECRETARY

● Mr. SIMON. Mr. President, Bob Estill, an experienced and distinguished columnist in the Washington Bureau of the Copley News Service, recently wrote a column paying tribute to my departing press secretary, David Carle.

Since the 1960's Mr. Estill has covered Illinois politics and worked closely with the Illinois congressional delegation. Press secretaries, especially the very good ones like David, rarely are mentioned in the media. But David's outstanding work, his honesty, and his loyalty and commitment to family and friends truly merits special mention, so I submit this column for the RECORD.

The column follows:

LONGTIME SIMON AIDE EXITS TO KUDOS

(By Bob Estill)

WASHINGTON.—Retiring Sen. Paul Simon's highly regarded press secretary, David Carle, is leaving the cornfields and gently rolling hills of the ''Prairie State'' for the Green Mountains of verdant Vermont.

The longtime spokesman for the Illinois Democrat will begin work after Labor Day as press secretary for Sen. Patrick Leahy, D-Vt., a four-term veteran from a state so sparsely populated it has only one congressional district.

Spending most of his adult life as Simon's spokesman, the 44-year-old Carle has worked with reporters from small weekly newspapers to metropolitan dailies, from rural radio stations to the major television networks.

''It was an exhilarating ride that included two Senate campaigns and a presidential campaign,'' noted Carle, who had planned to return to graduate school in his native Utah if he hadn't landed the job with Simon in January, 1981.

Usually, the comings and goings of congressional press secretaries are frequent, routine, and scarcely noteworthy.

But the soft-spoken, unassuming Carle is exceptional in longevity, dedication and performance, creating a model congressional press operation that mirrors Simon's reputation for integrity.

Simon extols Carle as a ''fine human being'' and an ''incredibly hard worker'' who is on the job before Simon shows up at 8 a.m. and, even on weekends, keeps Simon posted on any news breaking anywhere.

The Senator, a onetime newspaper owner and longtime columnist, said Carle's philosophy on dealing with reporters meshes with his own.

''Sometimes you have to say 'no comment' or sometimes you duck a question by giving an evasive answer,'' Simon noted. ''But you never lie to anyone.''

Carle also has earned the respect of Republican and Democratic staffers and lawmakers, as well as reporters covering the Illinois congressional delegation.

As Major League Baseball's lobbyist, Springfield native Gene Callahan knows a ''most valuable player'' when he sees one.

''There's none better than David Carle,'' said Callahan, a former newspaper political columnist, longtime aide to former Sen. Alan Dixon, and Simon's press secretary when he was lieutenant governor.

''He's completely honest and effective in his role as press secretary,'' continued Callahan, who's dealt with myriad press aides over the last four decades. ''He's timely in returning telephone calls and would never think of misleading a reporter.''

Doug Booth, press secretary for Rep. Dennis Hastert, R-Yorkville, has known Carle since 1984 when Booth was a newsman for a radio station in Marion and Simon represented the state's southernmost House district.

''Dave always has been extremely effective in the job he has done for Paul Simon,'' Booth said. ''Pat Leahy is lucky to get him on board.''

Similar kudos come from Terri Moreland, who heads Republican Gov. Jim Edgar's office here. Moreland said Carle has been ''great to work with'' on Illinois matters.

''He's absolutely professional, and he is so highly regarded on 'the Hill,' '' Moreland said of Carle.

Indeed, Carle's ability, credibility and workaholic habits resulted in his being drafted for the thankless-but-sensitive job of spokesman for Democrats on Senate panels probing the financial dealings of President Clinton and the First Lady when Clinton was governor of Arkansas.

Although seemingly shy, Carle is the master of the soft sell. A believer in preparation, he always has been ready, responsive and reliable when reporters hit him with questions on almost any subject.

If a reporter showed even the faintest interest in a Simon issue, Carle would bombard him before day's end with a raft of material which not only supported Simon's viewpoint but also provided opposing arguments and sources.

Simon and Carle fit like hand-and-glove. Simon has kept his press secretary well posted on his activities and is comfortable talking with reporters.

Carle said he considers himself very fortunate to have worked for ''one of the finest politicians of this era or, I think, any era.''

He tends to speak of Simon as if the senator could walk on water. But Carle also would be honest enough to disclose the water-walking only happens when the pond behind Simon's rural Makanda home is frozen.●

INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected Members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 377, S. 1324.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1324) to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Organ and Bone Marrow Transplant Program Reauthorization Act of 1995''.

TITLE I—SOLID-ORGAN TRANSPLANT PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Solid-Organ Transplant Program Reauthorization Act of 1995''.

SEC. 102. ORGAN PROCUREMENT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

''(a)(1) The Secretary may enter into cooperative agreements and contracts with qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through approaches such as—

''(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

''(B) the training of individuals in requesting such donations;

''(C) the provision of technical assistance to organ procurement organizations and other entities that can contribute to organ donation;

''(D) the performance of research and the performance of demonstration programs by organ procurement organizations and other entities that may increase organ donation;

''(E) the voluntary consolidation of organ procurement organizations and tissue banks; or

''(F) increasing organ donation and access to transplantation with respect to populations for which there is a greater degree of organ shortages relative to the general population.

''(2)(A) In entering into cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (1), the Secretary shall give priority to increasing donations and improving consent rates for the purpose described in such paragraph.

''(B) In entering into cooperative agreements and contracts under paragraph (1)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to increasing donations from both organ procurement organizations and hospitals.''.

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''for which grants may be made under subsection (a)'' and inserting ''described in this section''; and

(ii) by striking ''paragraph (2)'' and inserting ''Paragraph (3)'';

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in the matter preceding clause (i), by striking ''directors or an advisory board'' and inserting ''directors (or an advisory board, in the case of a hospital-based organ procurement organization established prior to September 1, 1993)''; and

(ii) in clause (i)—

(I) by striking ''composed of'' in the matter preceding subclause (I) and inserting ''composed of a reasonable balance of'';

(II) by inserting before the comma in subclause (II) the following: '', including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated or received an organ or who is a transplant candidate'';

(III) by striking subclause (IV) and inserting the following new subclause:

''(IV) physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, or trauma surgery''; and

(IV) in subclause (V), by striking ''a member'' and all that follows through the comma and insert the following: ''a member who is a surgeon or physician who has privileges to practice in such centers and who is actively and directly involved in caring for transplant patients,'';

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A)—

(i) by striking ''a substantial majority'' and inserting ''all'';

(ii) by striking ''donations,'' and inserting ''donation, unless they have been previously granted by the Secretary a waiver from paragraph (1)(A) or have waivers pending under section 1138 of the Social Security Act''; and

(iii) by adding at the end thereof the following: ''except that the Secretary may waive the requirements of this subparagraph upon the request of the organ procurement organization if the Secretary determines that such an agreement would not be helpful in promoting organ donation,'';

(B) by redesignating subparagraphs (B) through (K) as subparagraphs (D) through (M), respectively,

(C) by inserting after subparagraph (A) the following new subparagraphs:

''(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors, including populations for which there is a greater degree of organ shortage than that of the general population,

''(C) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (referred to in this part as the 'Network') established under section 372,'';

(D) by inserting before the comma in subparagraph (G) (as so redesignated) the following: '', which system shall, at a minimum, allocate each type of organ on the basis of—

''(i) a single list encompassing the entire service area;

''(ii) a list that encompasses at least an entire State;

''(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (3)) that is approved by the Network and the Secretary, or

''(iv) a list that encompasses another allocation system which has been approved by the Network and the Secretary,

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained and had been placed on an organ specific waiting list;'';

(E) by inserting before the comma in subparagraph (I) (as so redesignated) the following: ''and work with local transplant centers to ensure that such centers are actively involved with organ donation efforts''; and

(F) by inserting after ''evaluate annually'' in subparagraph (L) (as so redesignated) the following ''and submit data to the Network contractor on'' the effectiveness of the organization,''; and

(5) by adding at the end thereof the following new paragraph:

''(3)(A) As used in paragraph (2)(G), the term 'alternative local unit' means—

''(i) a unit composed of two or more organ procurement organizations; or

''(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or population concerns but that is not composed of any subunit of a metropolitan statistical area.

''(B) The Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

''(C) The Secretary shall approve or deny any alternative local unit designation recommended by the Network. The Secretary shall have 60 days, beginning on the date on which the application is submitted to the Secretary, to approve or deny the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit.''.

(c) AFFECT OF AMENDMENTS.—The amendments made by subsection (b) shall not be construed to affect the provisions of section 1138(a) of the Social Security Act (42 U.S.C. 1320b-8(a)).

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to organ procurement organizations and the Organ Procurement and Transplantation Network beginning January 1, 1996.

SEC. 103. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) OPERATION.—Subsection (a) of section 372 of the Public Health Service Act (42 U.S.C. 274(a)) is amended to read as follows:

''(a)(1) Congress finds that—

''(A) it is in the public interest to maintain and improve a durable system for promoting and supporting a central network to assist organ procurement organizations in the nationwide distribution of organs among transplant patients;

''(B) it is desirable to continue the partnership between public and private enterprise, by continuing to provide Federal Government oversight and assistance for services performed by the Network; and

''(C) the Federal Government should actively oversee Network activities to ensure that the policies and procedures of the Network for serving patient and donor families and procuring and distributing organs are fair, efficient and in compliance with all applicable legal rules and standards; however, the initiative and primary responsibility for establishing medical criteria and standards for organ procurement and transplantation stills resides with the Network.

''(2) The Secretary shall provide by contract for the operation of the Network which shall meet the requirements of subsection (b).

''(3) The Network shall be recognized as a private entity that has an expertise in organ procurement and transplantation with the primary purposes of encouraging organ donation, maintaining a 'wait list', and operating and monitoring an equitable and effective system for allocating organs to transplant recipients, and shall report to the Secretary instances of continuing noncompliance with policies (or when promulgated, rules) and requirements of the Network.

''(4) The Network may assess a fee (to be known as the 'patient registration fee'), to be collected by the contractor for listing each potential transplant recipient on its national organ matching system, in an amount which is reasonable and customary and determined by the Network and approved as such by the Secretary. The patient registration fee shall be calculated so as to be sufficient to cover the Network's reasonable costs of operation in accordance with this section. The Secretary shall have 60 days, beginning on the date on which the written application justifying the proposed fee as reasonable is submitted to the Secretary, to provide the Network with a written determination and rationale for such determination that the proposed increase is not reasonable and customary and that the Secretary disapproves the recommendation of the Network under this paragraph with respect to the change in fee for listing each potential transplant recipient.

''(5) Any increase in the patient registration fee shall be limited to an increase that is reasonably required as a result of—

''(A) increases in the level or cost of contract tasks and other activities related to organ procurement and transplantation; or

''(B) decreases in expected revenue from patient registration fees available to the contractor.

The patient registration fees shall not be increased more than once during each year.

''(6) All fees collected by the Network contractor under paragraph (4) shall be available to the Network without fiscal year limitation. The contract with the Network contractor shall provide that expenditures of such funds (including patient registration fees collected by the contractor and or contract funds) are subject to annual audit under the provisions of the Office of Management and Budget Circular No. A–133 entitled 'Audits of Institutions of Higher Learning and Other Nonprofit Institutions'. A report concerning the audit and recommendations regarding expenditures shall be submitted to the Network, the contractor, and the Secretary.

''(7) The Secretary may institute and collect a data management fee from transplant hospitals and organ procurement organizations. Such fees shall be directed to and shall be sufficient to cover—

''(A) the costs of the operation and administration of the Scientific Registry in accordance with the contract under section 373; and

''(B) the costs of contracts and cooperative agreements to support efforts to increase organ donation under section 371.

Such data management fee shall be set annually by the Network in an amount determined by the Network, in consultation with the Secretary, and approved by the Secretary. Such data management fee shall be calculated based on the number of transplants performed or facilitated by each transplant hospital or center, or organ procurement organization. The per transplant data management fee shall be divided so that the patient specific transplant center will pay 80 percent and the procuring organ procurement organization will pay 20 percent of the per transplant data management fee. Such fees shall be available to the Secretary and the contractor operating the Scientific Registry without fiscal year limitation. The expenditure (including fees or contract funds) of such fees by the contractor shall be subject to an annual independent audit (performed by the Secretary or an authorized auditor at the discretion of the Secretary) and reported along with recommendations regarding such expenditures, to the Network, the contractor and the Secretary.

''(8) The Secretary and the Comptroller General shall have access to all data collected by the contractor or contractors in carrying out its responsibilities under the contract under this section and section 373.''.

(b) REQUIREMENTS.—Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking ''(including organizations that have received grants under section 371)''; and

(ii) by striking ''; and'' at the end thereof and inserting ''(including both individuals who have received a transplant of an organ (or transplant candidates), individuals who are part of the family of individuals who have donated or received an organ, the number of whom shall make up a reasonable portion of the total number of board members), and the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) shall be represented at all meetings except for those pertaining to the Network contractor's internal business;'';

(B) in clause (ii)—

(i) by inserting ''including a patient affairs committee and a minority affairs committee'' after ''committees,''; and

(ii) by striking the period; and

(C) by adding at the end thereof the following new clauses:

''(iii) that shall include representation by a member of the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) as a representative at all meetings (except for those portions of committee meetings pertaining to the Network contractor's internal business) of all committees (including the executive committee, finance committee, nominating committee, and membership and professional standards committee) under clause (ii);

''(iv) that may include a member from an organ procurement organization on all committees under clause (ii); and

''(v) that may include physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, and trauma surgery on all committees under clause (ii).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''or through regional centers'' and inserting ''and at each Organ Procurement Organization''; and

(ii) by striking clause (i) and inserting the following new clause:

''(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(G)), and'';

(B) in subparagraph (B), by inserting '', including requirements under section 371(b),'' after ''membership criteria'';

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

''(E) assist and monitor organ procurement organizations in the equitable distribution of organs among transplant patients,'';

(E) in subparagraph (K) (as so redesignated), by striking ''and'' at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting '', including making recommendations to organ procurements organizations and the Secretary based on data submitted to the Network under section 371(b)(2)(L),'';

(G) in subparagraph (M) (as so redesignated)—

(i) by striking ''annual'' and inserting ''biennial'';

(ii) by striking ''the comparative costs and'';

(iii) by striking the period and inserting the following: '', including survival information, waiting list information, and information pertaining to the qualifications and experience of transplant surgeons and physicians affiliated with the specific Network programs,''; and

(H) by adding at the end thereof the following new subparagraphs:

''(N) submit to the Secretary for approval a written notice containing a justification, as reasonable and customary, of any proposed increase in the patient registration fees as maintained under subparagraph (A)(i), such change

to be considered as so approved if the Secretary does not provide written notification otherwise prior to the expiration of the 60-day period beginning on the date on which the notice of proposed change is submitted to the Secretary,

''(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

''(P) submit to the Secretary, in a manner prescribed by the Secretary, an annual report concerning the scientific and clinical status of organ donation and transplantation, and

''(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.''.

(c) PROCEDURES.—Section 372(c) of the Public Health Service Act (42 U.S.C. 274(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

''(3) working through and with, the Network contractor to define priorities; and

''(4) working through, working with, and directing the Network contractor to respond to new emerging issues and problems.''.

(d) EXPANSION OF ACCESS.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended by adding at the end thereof the following new subsection:

''(d) EXPANSION OF ACCESS TO COMMITTEES AND BOARD OF DIRECTORS.—Not later than 1 year after the completion of the Institute of Medicine report required under section 377, the Network contractor, in consultation with the Network and the Secretary, shall present to the Secretary and the appropriate committees of Congress, a plan to implement the study recommendations relating to the access of all interested constituencies and organizations to membership on the Network Board of Directors and all of its committees. Ensuring the reasonable mix of all populations shall be a priority of the plan for implementation.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final rule to establish the regulations for criteria under part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the Network.

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) prior to the expiration of the period referred to in such paragraph, the Secretary shall, not later than 30 days after the expiration of such period, prepare and submit to the appropriate committees of Congress a report describing the reasons why the Secretary is not in compliance with paragraph (1) and the plans that will be implemented to provide for the issuance of the final rule under such paragraph.

SEC. 104. TERMS AND CONDITIONS OF CONTRACTS.

Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in subsection (b)(2), by striking ''two years'' and inserting ''(three years)'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) The Secretary shall annually withhold not to exceed $250,000 or 10 percent of the amount of the data management fees collected under section 372 (whichever is greater) to be used to fund contracts as described in section 371.'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by adding at the end thereof the following new subsection:

''(d) No contract in excess of $25,000 may be made under this part using funds withheld under subsection (c)(1) unless an application for such contract has been submitted to the Secretary, recommended by the Network and approved by the Secretary. Such an application shall be in such form and be submitted in such a manner as the Secretary shall prescribe.''.

SEC. 105. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended—

(1) in section 375 (42 U.S.C. 274c), by inserting before the dash the following: ''oversee the Network, the Scientific Registry and to'';

(2) in paragraph (3)—

(A) by striking ''in the health care system''; and

(B) by striking ''and'' at the end thereof;

(3) in paragraph (4), by striking the period and inserting ''; and''; and

(4) by adding at the end thereof the following new paragraph:

''(5) through contract, prepare a triennial organ procurement organization specific data report (the initial report to be completed not later than 18 months after the date of enactment of this paragraph) that includes—

''(A) data concerning the effectiveness of each organ procurement organization in acquiring potentially available organs, particularly among minority populations;

''(B) data concerning the variation of procurement across hospitals within the organ procurement organization region;

''(C) a plan to increase procurement, particularly among populations for which there is a greater degree of organ shortages relative to the general population; and

''(D) a plan to increase procurement at hospitals with low rates of procurement.''.

SEC. 106. STUDY AND REPORT.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

''SEC. 377. STUDY AND REPORT.

''(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

''(A) the role of and the impact of the Federal Government in the oversight and support of solid-organ transplantation, the Network (which on the date of enactment of this section carries out its functions by government contract) and the solid organ transplantation scientific registry; and

''(B) the access of all interested constituencies and organizations to membership on the Network board of directors and all Network committees;

''(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under subsection (a)(1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.''.

SEC. 107. GENERAL PROVISIONS.

(a) CONTRACTS.—Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in the section heading, by striking ''GRANTS AND'';

(2) in subsection (a), by striking ''grant may be made under this part or contract'' and inserting ''contract may be'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''grant'' and inserting ''contract''; and

(ii) by striking ''and may not exceed $100,000'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2) (as so redesignated)—

(i) by striking ''Grants or contracts'' and inserting ''Contracts''; and

(ii) by striking ''371(a)(3)'' and inserting ''371(a)(2)'';

(4) in subsection (c)—

(A) by striking ''grant or'' each place that such appears; and

(B) in paragraph (1), by striking ''grants and''; and

(5) in subsection (d)(2), by striking ''and for purposes of section 373, such term includes bone marrow''.

(b) REPEAL.—Sections 376 and 378 of the Public Health Service Act (42 U.S.C. 274d and 274g) are repealed.

SEC. 108. AUTHORIZATION OF APPROPRIATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 371, 372, 375 and 377, $1,950,000 for fiscal year 1997, and $1,100,000 for fiscal year 1998, and to carry out section 371, $250,000 for each of the fiscal years 1999 through 2001.''.

SEC. 109. EFFECTIVE DATES.

The amendments made by this title shall become effective on the date of enactment of this Act.

TITLE II—BONE MARROW DONOR PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bone Marrow Transplantation Program Reauthorization Act of 1995''.

SEC. 202. REAUTHORIZATION.

(a) ESTABLISHMENT OF DONOR REGISTRY.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended—

(1) by striking '''Registry''' and inserting '''Donor Registry''';

(2) by inserting after the end parenthesis the following: ''the primary purpose of which shall be increasing unrelated donor marrow transplants,''; and

(3) by adding at the end thereof the following: ''With respect to the board of directors—

''(1) each member of the board shall serve for a term of 2 years, and each such member may serve as many as three consecutive 2-year terms;

''(2) a member of the board may continue to serve after the expiration of the term of such member until a successor is appointed;

''(3) to ensure the continuity of the board, not more than one-third of the board shall be composed of members newly appointed each year;

''(4) all appointed and elected positions within committees established by the board shall be for 2-year periods;

''(5) the terms of approximately one-third of the members of each such committee will be subject each year to reappointment or replacement;

''(6) no individual shall serve more than three consecutive 2-year terms on any such committee; and

''(7) the board and committees shall be composed of a reasonable balance of representatives of donor centers, transplant centers, blood banks, marrow transplant recipients, individuals who are family members of an individual who has required, received, or is registered with the Donor Registry to become a recipient of a transplant from a biologically unrelated marrow donor, with nonvoting representatives from the Naval Medical Research and Development Command and the Division of Organ Transplantation of the Bureau of Health Resources Development (of the Health Resources and Services Administration).''.

(b) PROGRAM FOR UNRELATED MARROW TRANSPLANTS.—Section 379(b) of such Act (42 U.S.C. 274k(b)) is amended—

(1) in paragraph (4) to read as follows:

''(4) provide information to physicians, other health care professionals, and the public regarding the availability of unrelated marrow transplantation as a potential treatment option;'';

(2) in paragraph (5) to read as follows:

''(5) establish a program for the recruitment of new bone marrow donors that includes—

''(A) the priority to increase potential marrow donors for which there is a greater degree of marrow donor shortage than that of the general population; and

''(B) the compilation and distribution of informational materials to educate and update potential donors;'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(4) by inserting after paragraph (5), the following new paragraphs:

''(6) annually update the Donor Registry to account for changes in potential donor status;

''(7) not later than 1 year after the date on which the 'Bone Marrow Program Inspection' (hereafter referred to in this part as the 'Inspection') that is being conducted by the Office of the Inspector General on the date of enactment of this paragraph is completed, in consultation with the Secretary, and based on the findings and recommendations of the Inspection, the marrow donor program shall develop, evaluate, and implement a plan to streamline and make more efficient the relationship between the Donor Registry and donor centers;''.

(c) INFORMATION AND EDUCATION PROGRAM.—Section 379 of such Act (42 U.S.C. 274k) is amended by striking subsection (j), and inserting the following new subsection:

''(j) INFORMATION AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may enter into contracts with, public or nonprofit private entities for the purpose of increasing unrelated allogeneic marrow transplants, by enabling such entities to—

''(A) plan and conduct programs to provide information and education to the professional health care community on the availability of unrelated allogeneic marrow transplants as a potential treatment option;

''(B) plan and conduct programs to provide information and education to the public on the availability of unrelated donor marrow transplants and the need for donations of bone marrow;

''(C) train individuals in requesting bone marrow donations; and

''(D) recruit, test and enroll marrow donors with the priority being groups for which there is a greater degree of marrow donor shortage than that of the general population.

''(2) PRIORITIES.—In awarding contracts under paragraph (1), the Secretary shall give priority to carrying out the purposes described in such paragraph with respect to population groups with such shortages.''.

(d) PATIENT ADVOCACY AND CASE MANAGEMENT.—

(1) IN GENERAL.—Section 379 of such Act (42 U.S.C. 274k), as amended by subsection (c), is amended by adding at the end thereof the following new subsection:

''(k) PATIENT ADVOCACY AND CASE MANAGEMENT.—

''(1) ESTABLISHMENT.—The Donor Registry shall establish and maintain an office of patient advocacy and case management that meets the requirements of this subsection.

''(2) FUNCTIONS.—The office established under paragraph (1) shall—

''(A) be headed by a director who shall serve as an advocate on behalf of—

''(i) individuals who are registered with the Donor Registry to search for a biologically unrelated bone marrow donor;

''(ii) the physicians involved; and

''(iii) individuals who are included in the Donor Registry as potential marrow donors.

''(B) establish and maintain a system for patient advocacy that directly assists patients, their families, and their physicians in a search for an unrelated donor;

''(C) provide individual case management services as appropriate to directly assist individuals and physicians referred to in subparagraph (A), including—

''(i) individualized case assessment and tracking of preliminary search through activation (including when the search process is interrupted or discontinued);

''(ii) informing individuals and physicians on regular intervals of progress made in searching for appropriate donors; and

''(iii) identifying and resolving individual search problems or concerns;

''(D) collect and analyze data concerning the number and percentage of individuals proceeding from preliminary to formal search, formal search to transplantation, the number and percentage of patients unable to complete the search process, and the comparative costs incurred by patients prior to transplant;

''(E) survey patients to evaluate how well such patients are being served and make recommendations for expediting the search process; and

''(F) provide individual case management services to individual marrow donors.

''(3) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the system established under paragraph (1) and make recommendations concerning the success or failure of such system in improving patient satisfaction, and any impact the system has had on assisting individuals in proceeding to transplant.

''(B) REPORT.—Not later than April 1, 1996, the Secretary shall prepare and make available a report concerning the evaluation conducted under subparagraph (A), including the recommendations developed under such subparagraph.''.

(2) DONOR REGISTRY FUNCTIONS.—Section 379(b)(2) of such Act (42 U.S.C. 274k(b)(2)) is amended by striking ''establish'' and all that follows through ''directly assists'' and inserting ''integrate the activities of the patient advocacy and case management office established under subsection (k) with the remaining Donor Registry functions by making available information on (A) the resources available through the Donor Registry Program, (B) the comparative costs incurred by patients prior to transplant, and (C) the marrow donor registries that meet the standards described in paragraphs (3) and (4) of subsection (c), to assist''.

(e) STUDY AND REPORTS.—Section 379A of such Act (42 U.S.C. 274l) is amended to read as follows:

''SEC. 379A. STUDIES, EVALUATIONS AND REPORTS.

''(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

''(A) the role of a national bone marrow transplant program supported by the Federal Government in facilitating the maximum number of unrelated marrow donor transplants; and

''(B) other possible clinical or scientific uses of the potential donor pool or accompanying information maintained by the Donor Registry or the unrelated marrow donor scientific registry.

''(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

''(3) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under paragraph (1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

''(b) BONE MARROW CONSOLIDATION.—

''(1) IN GENERAL.—The Secretary shall conduct—

''(A) an evaluation of the feasibility of integrating or consolidating all federally funded bone marrow transplantation scientific registries, regardless of the type of marrow reconstitution utilized; and

''(B) an evaluation of all federally funded bone marrow transplantation research to be conducted under the direction and administration of the peer review system of the National Institutes of Health.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate a report concerning the evaluations conducted under paragraph (1).

''(3) DEFINITION.—As used in paragraph (1), the term 'marrow reconstitution' shall encompass all sources of hematopoietic cells including marrow (autologous, related or unrelated allogeneic, syngeneic), autologous marrow, allogeneic marrow (biologically related or unrelated), umbilical cord blood cells, peripheral blood progenitor cells, or other approaches that may be utilized.''.

(f) BONE MARROW TRANSPLANTATION SCIENTIFIC REGISTRY.—Part I of title III of such Act (42 U.S.C. 274k et seq.) is amended by adding at the end thereof the following new section:

''SEC. 379B. BONE MARROW SCIENTIFIC REGISTRY.

''(a) ESTABLISHMENT.—The Secretary, acting through the Donor Registry, shall establish and maintain a bone marrow scientific registry of all recipients of biologic unrelated allogeneic marrow donors.

''(b) INFORMATION.—The bone marrow transplantation scientific registry established under subsection (a) shall include information with respect to patients who have received biologic unrelated allogeneic marrow transplant, transplant procedures, pretransplant and transplant costs, and other information the Secretary determines to be necessary to conduct an ongoing evaluation of the scientific and clinic status of unrelated allogeneic marrow transplantation.

''(c) REPORT.—The Donor Registry shall submit to the Secretary on an annual basis a report using data collected and maintained by the bone marrow transplantation scientific registry established under subsection (a) concerning patient outcomes with respect to each transplant center and the pretransplant comparative costs involved at such transplant centers.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Part I of title III of such Act (42 U.S.C. 274k et seq.) as amended by subsection (f), is further amended by adding at the end thereof the following new section:

''SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out section 379, $13,500,000 for fiscal year 1997, $12,150,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.''.

AMENDMENT NO. 5205

(Purpose: To restore and modify certain qualified organ procurement organization board of director provisions)

Mr. LOTT. Mr. President, I understand Senator KASSEBAUM has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mrs. KASSEBAUM, proposes an amendment numbered 5205.

The amendment is as follows:

Beginning on page 41, strike line 23, and all that follows through line 4 on page 42, and insert the following:

''(i) in clause (i)—''.

On page 43, between lines 6 and 7, insert the following:

''(ii) in clause (ii), by inserting ', administrative functions of the organ procurement organization, ' after 'organs'; and

''(iii) in clause (iii), to read as follows:

'(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.';''.

Mr. LOTT. Mr. President, I ask unanimous that the amendment be considered read and agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The amendment (No. 5205) was agreed to.

The bill (S. 1324) was deemed read for a third time and passed, as follows:

S. 1324

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 ''Organ and Bone Marrow Transplant Program Reauthorization Act of 1996''.

TITLE I—SOLID-ORGAN TRANSPLANT PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Solid-Organ Transplant Program Reauthorization Act of 1996''.

SEC. 102. ORGAN PROCUREMENT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

''(a)(1) The Secretary may enter into cooperative agreements and contracts with qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through approaches such as—

''(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

''(B) the training of individuals in requesting such donations;

''(C) the provision of technical assistance to organ procurement organizations and other entities that can contribute to organ donation;

''(D) the performance of research and the performance of demonstration programs by organ procurement organizations and other entities that may increase organ donation;

''(E) the voluntary consolidation of organ procurement organizations and tissue banks; or

''(F) increasing organ donation and access to transplantation with respect to populations for which there is a greater degree of organ shortages relative to the general population.

''(2)(A) In entering into cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (1), the Secretary shall give priority to increasing donations and improving consent rates for the purpose described in such paragraph.

''(B) In entering into cooperative agreements and contracts under paragraph (1)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to increasing donations from both organ procurement organizations and hospitals.''.

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''for which grants may be made under subsection (a)'' and inserting ''described in this section''; and

(ii) by striking ''paragraph (2)'' and inserting ''Paragraph (3)'';

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in clause (i)—

(I) by striking ''composed of'' in the matter preceding subclause (I) and inserting ''composed of a reasonable balance of'';

(II) by inserting before the comma in subclause (II) the following: '', including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated or received an organ or who is a transplant candidate'';

(III) by striking subclause (IV) and inserting the following new subclause:

''(IV) physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, or trauma surgery''; and

(IV) in subclause (V), by striking ''a member'' and all that follows through the comma and insert the following: ''a member who is a surgeon or physician who has privileges to practice in such centers and who is actively and directly involved in caring for transplant patients,'';

(ii) in clause (ii), by inserting '', administrative functions of the organ procurement organization,'' after ''organs''; and

(iii) in clause (iii), to read as follows:

''(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.'';

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A)—

(i) by striking ''a substantial majority'' and inserting ''all'';

(ii) by striking ''donations,'' and inserting ''donation, unless they have been previously granted by the Secretary a waiver from paragraph (1)(A) or have waivers pending under section 1138 of the Social Security Act''; and

(iii) by adding at the end thereof the following: ''except that the Secretary may waive the requirements of this subparagraph upon the request of the organ procurement organization if the Secretary determines that such an agreement would not be helpful in promoting organ donation,'';

(B) by redesignating subparagraphs (B) through (K) as subparagraphs (D) through (M), respectively,

(C) by inserting after subparagraph (A) the following new subparagraphs:

''(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors, including populations for which there is a greater degree of organ shortage than that of the general population,

''(C) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (referred to in this part as the 'Network') established under section 372,'';

(D) by inserting before the comma in subparagraph (G) (as so redesignated) the following: '', which system shall, at a minimum, allocate each type of organ on the basis of—

''(i) a single list encompassing the entire service area;

''(ii) a list that encompasses at least an entire State;

''(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (3)) that is approved by the Network and the Secretary, or

''(iv) a list that encompasses another allocation system which has been approved by the Network and the Secretary,

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained and had been placed on an organ specific waiting list;'';

(E) by inserting before the comma in subparagraph (I) (as so redesignated) the following: ''and work with local transplant centers to ensure that such centers are actively involved with organ donation efforts''; and

(F) by inserting after ''evaluate annually'' in subparagraph (L) (as so redesignated) the following ''and submit data to the Network contractor on'' the effectiveness of the organization,''; and

(5) by adding at the end thereof the following new paragraph:

''(3)(A) As used in paragraph (2)(G), the term 'alternative local unit' means—

''(i) a unit composed of two or more organ procurement organizations; or

''(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or population concerns but that is not composed of any subunit of a metropolitan statistical area.

''(B) The Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

''(C) The Secretary shall approve or deny any alternative local unit designation recommended by the Network. The Secretary shall have 60 days, beginning on the date on which the application is submitted to the Secretary, to approve or deny the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit.''.

(c) AFFECT OF AMENDMENTS.—The amendments made by subsection (b) shall not be construed to affect the provisions of section 1138(a) of the Social Security Act (42 U.S.C. 1320b-8(a)).

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to organ procurement organizations and the Organ Procurement and Transplantation Network beginning January 1, 1996.

SEC. 103. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) OPERATION.—Subsection (a) of section 372 of the Public Health Service Act (42 U.S.C. 274(a)) is amended to read as follows:

''(a)(1) Congress finds that—

''(A) it is in the public interest to maintain and improve a durable system for promoting and supporting a central network to assist organ procurement organizations in the nationwide distribution of organs among transplant patients;

''(B) it is desirable to continue the partnership between public and private enterprise, by continuing to provide Federal Government oversight and assistance for services performed by the Network; and

''(C) the Federal Government should actively oversee Network activities to ensure that the policies and procedures of the Network for serving patient and donor families and procuring and distributing organs are fair, efficient and in compliance with all applicable legal rules and standards; however, the initiative and primary responsibility for establishing medical criteria and standards for organ procurement and transplantation stills resides with the Network.

''(2) The Secretary shall provide by contract for the operation of the Network which shall meet the requirements of subsection (b).

''(3) The Network shall be recognized as a private entity that has an expertise in organ procurement and transplantation with the primary purposes of encouraging organ donation, maintaining a 'wait list', and operating and monitoring an equitable and effective system for allocating organs to transplant recipients, and shall report to the Secretary instances of continuing noncompliance with policies (or when promulgated, rules) and requirements of the Network.

''(4) The Network may assess a fee (to be known as the 'patient registration fee'), to be collected by the contractor for listing each potential transplant recipient on its national organ matching system, in an amount which is reasonable and customary and determined by the Network and approved as such by the Secretary. The patient registration fee shall be calculated so as to be sufficient to cover the Network's reasonable costs of operation in accordance with this section. The Secretary shall have 60 days, beginning on the date on which the written application justifying the proposed fee as reasonable is submitted to the Secretary, to provide the Network with a written determination and rationale for such determination that the proposed increase is not reasonable and customary and that the Secretary disapproves the recommendation of the Network under this paragraph with respect to the change in fee for listing each potential transplant recipient.

''(5) Any increase in the patient registration fee shall be limited to an increase that is reasonably required as a result of—

''(A) increases in the level or cost of contract tasks and other activities related to organ procurement and transplantation; or

''(B) decreases in expected revenue from patient registration fees available to the contractor.

The patient registration fees shall not be increased more than once during each year.

''(6) All fees collected by the Network contractor under paragraph (4) shall be available to the Network without fiscal year limitation. The contract with the Network contractor shall provide that expenditures of such funds (including patient registration fees collected by the contractor and or contract funds) are subject to annual audit under the provisions of the Office of Management and Budget Circular No. A–133 entitled 'Audits of Institutions of Higher Learning and Other Nonprofit Institutions'. A report concerning the audit and recommendations regarding expenditures shall be submitted to the Network, the contractor, and the Secretary.

''(7) The Secretary may institute and collect a data management fee from transplant hospitals and organ procurement organizations. Such fees shall be directed to and shall be sufficient to cover—

''(A) the costs of the operation and administration of the Scientific Registry in accordance with the contract under section 373; and

''(B) the costs of contracts and cooperative agreements to support efforts to increase organ donation under section 371.

Such data management fee shall be set annually by the Network in an amount determined by the Network, in consultation with the Secretary, and approved by the Secretary. Such data management fee shall be calculated based on the number of transplants performed or facilitated by each transplant hospital or center, or organ procurement organization. The per transplant data management fee shall be divided so that the patient specific transplant center will pay 80 percent and the procuring organ procurement organization will pay 20 percent of the per transplant data management fee. Such fees shall be available to the Secretary and the contractor operating the Scientific Registry without fiscal year limitation. The expenditure (including fees or contract funds) of such fees by the contractor shall be subject to an annual independent audit (performed by the Secretary or an authorized auditor at the discretion of the Secretary) and reported along with recommendations regarding such expenditures, to the Network, the contractor and the Secretary.

''(8) The Secretary and the Comptroller General shall have access to all data collected by the contractor or contractors in carrying out its responsibilities under the contract under this section and section 373.''.

(b) REQUIREMENTS.—Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking ''(including organizations that have received grants under section 371)''; and

(ii) by striking ''; and'' at the end thereof and inserting ''(including both individuals who have received a transplant of an organ (or transplant candidates), individuals who are part of the family of individuals who have donated or received an organ, the number of whom shall make up a reasonable portion of the total number of board members), and the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) shall be represented at all meetings except for those pertaining to the Network contractor's internal business;'';

(B) in clause (ii)—

(i) by inserting ''including a patient affairs committee and a minority affairs committee'' after ''committees,''; and

(ii) by striking the period; and

(C) by adding at the end thereof the following new clauses:

''(iii) that shall include representation by a member of the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) as a representative at all meetings (except for those portions of committee meetings pertaining to the Network contractor's internal business) of all committees (including the executive committee, finance committee, nominating committee, and membership and professional standards committee) under clause (ii);

''(iv) that may include a member from an organ procurement organization on all committees under clause (ii); and

''(v) that may include physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, and trauma surgery on all committees under clause (ii).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''or through regional centers'' and inserting ''and at each Organ Procurement Organization''; and

(ii) by striking clause (i) and inserting the following new clause:

''(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(G)), and'';

(B) in subparagraph (B), by inserting '', including requirements under section 371(b),'' after ''membership criteria'';

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

''(E) assist and monitor organ procurement organizations in the equitable distribution of organs among transplant patients,'';

(E) in subparagraph (K) (as so redesignated), by striking ''and'' at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting '', including making recommendations to organ procurements organizations and the Secretary based on data submitted to the Network under section 371(b)(2)(L),'';

(G) in subparagraph (M) (as so redesignated)—

(i) by striking ''annual'' and inserting ''biennial'';

(ii) by striking ''the comparative costs and'';

(iii) by striking the period and inserting the following: '', including survival information, waiting list information, and information pertaining to the qualifications and experience of transplant surgeons and physicians affiliated with the specific Network programs,''; and

(H) by adding at the end thereof the following new subparagraphs:

''(N) submit to the Secretary for approval a written notice containing a justification, as reasonable and customary, of any proposed increase in the patient registration fees as maintained under subparagraph (A)(i), such change to be considered as so approved if the Secretary does not provide written notification otherwise prior to the expiration of the 60-day period beginning on the date on which the notice of proposed change is submitted to the Secretary,

''(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

''(P) submit to the Secretary, in a manner prescribed by the Secretary, an annual report concerning the scientific and clinical status of organ donation and transplantation, and

''(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.''.

(c) PROCEDURES.—Section 372(c) of the Public Health Service Act (42 U.S.C. 274(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

''(3) working through and with, the Network contractor to define priorities; and

''(4) working through, working with, and directing the Network contractor to respond to new emerging issues and problems.''.

(d) EXPANSION OF ACCESS.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended by adding at the end thereof the following new subsection:

''(d) EXPANSION OF ACCESS TO COMMITTEES AND BOARD OF DIRECTORS.—Not later than 1

year after the completion of the Institute of Medicine report required under section 377, the Network contractor, in consultation with the Network and the Secretary, shall present to the Secretary and the appropriate committees of Congress, a plan to implement the study recommendations relating to the access of all interested constituencies and organizations to membership on the Network Board of Directors and all of its committees. Ensuring the reasonable mix of all populations shall be a priority of the plan for implementation.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final rule to establish the regulations for criteria under part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the Network.

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) prior to the expiration of the period referred to in such paragraph, the Secretary shall, not later than 30 days after the expiration of such period, prepare and submit to the appropriate committees of Congress a report describing the reasons why the Secretary is not in compliance with paragraph (1) and the plans that will be implemented to provide for the issuance of the final rule under such paragraph.

SEC. 104. TERMS AND CONDITIONS OF CONTRACTS.

Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in subsection (b)(2), by striking ''two years'' and inserting ''(three years)'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) The Secretary shall annually withhold not to exceed $250,000 or 10 percent of the amount of the data management fees collected under section 372 (whichever is greater) to be used to fund contracts as described in section 371.'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by adding at the end thereof the following new subsection:

''(d) No contract in excess of $25,000 may be made under this part using funds withheld under subsection (c)(1) unless an application for such contract has been submitted to the Secretary, recommended by the Network and approved by the Secretary. Such an application shall be in such form and be submitted in such a manner as the Secretary shall prescribe.''.

SEC. 105. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended—

(1) in section 375 (42 U.S.C. 274c), by inserting before the dash the following: ''oversee the Network, the Scientific Registry and to'';

(2) in paragraph (3)—

(A) by striking ''in the health care system''; and

(B) by striking ''and'' at the end thereof;

(3) in paragraph (4), by striking the period and inserting ''; and''; and

(4) by adding at the end thereof the following new paragraph:

''(5) through contract, prepare a triennial organ procurement organization specific data report (the initial report to be completed not later than 18 months after the date of enactment of this paragraph) that includes—

''(A) data concerning the effectiveness of each organ procurement organization in acquiring potentially available organs, particularly among minority populations;

''(B) data concerning the variation of procurement across hospitals within the organ procurement organization region;

''(C) a plan to increase procurement, particularly among populations for which there is a greater degree of organ shortages relative to the general population; and

''(D) a plan to increase procurement at hospitals with low rates of procurement.''.

SEC. 106. STUDY AND REPORT.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

''SEC. 377. STUDY AND REPORT.

''(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

''(A) the role of and the impact of the Federal Government in the oversight and support of solid-organ transplantation, the Network (which on the date of enactment of this section carries out its functions by government contract) and the solid organ transplantation scientific registry; and

''(B) the access of all interested constituencies and organizations to membership on the Network board of directors and all Network committees;

''(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under subsection (a)(1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.''.

SEC. 107. GENERAL PROVISIONS.

(a) CONTRACTS.—Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in the section heading, by striking ''GRANTS AND'';

(2) in subsection (a), by striking ''grant may be made under this part or contract'' and inserting ''contract may be'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''grant'' and inserting ''contract''; and

(ii) by striking ''and may not exceed $100,000'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2) (as so redesignated)—

(i) by striking ''Grants or contracts'' and inserting ''Contracts''; and

(ii) by striking ''371(a)(3)'' and inserting ''371(a)(2)'';

(4) in subsection (c)—

(A) by striking ''grant or'' each place that such appears; and

(B) in paragraph (1), by striking ''grants and''; and

(5) in subsection (d)(2), by striking ''and for purposes of section 373, such term includes bone marrow''.

(b) REPEAL.—Sections 376 and 378 of the Public Health Service Act (42 U.S.C. 274d and 274g) are repealed.

SEC. 108. AUTHORIZATION OF APPROPRIATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 371, 372, 375 and 377, $1,950,000 for fiscal year 1997, and $1,100,000 for fiscal year 1998, and to carry out section 371, $250,000 for each of the fiscal years 1999 through 2001.''.

SEC. 109. EFFECTIVE DATES.

The amendments made by this title shall become effective on the date of enactment of this Act.

TITLE II—BONE MARROW DONOR PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bone Marrow Transplantation Program Reauthorization Act of 1996''.

SEC. 202. REAUTHORIZATION.

(a) ESTABLISHMENT OF DONOR REGISTRY.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended—

(1) by striking '' 'Registry' '' and inserting '' 'Donor Registry' '';

(2) by inserting after the end parenthesis the following: ''the primary purpose of which shall be increasing unrelated donor marrow transplants,''; and

(3) by adding at the end thereof the following: ''With respect to the board of directors—

''(1) each member of the board shall serve for a term of 2 years, and each such member may serve as many as three consecutive 2-year terms;

''(2) a member of the board may continue to serve after the expiration of the term of such member until a successor is appointed;

''(3) to ensure the continuity of the board, not more than one-third of the board shall be composed of members newly appointed each year;

''(4) all appointed and elected positions within committees established by the board shall be for 2-year periods;

''(5) the terms of approximately one-third of the members of each such committee will be subject each year to reappointment or replacement;

''(6) no individual shall serve more than three consecutive 2-year terms on any such committee; and

''(7) the board and committees shall be composed of a reasonable balance of representatives of donor centers, transplant centers, blood banks, marrow transplant recipients, individuals who are family members of an individual who has required, received, or is registered with the Donor Registry to become a recipient of a transplant from a biologically unrelated marrow donor, with nonvoting representatives from the Naval Medical Research and Development Command and the Division of Organ Transplantation of the Bureau of Health Resources Development (of the Health Resources and Services Administration).''.

(b) PROGRAM FOR UNRELATED MARROW TRANSPLANTS.—Section 379(b) of such Act (42 U.S.C. 274k(b)) is amended—

(1) in paragraph (4) to read as follows:

''(4) provide information to physicians, other health care professionals, and the public regarding the availability of unrelated marrow transplantation as a potential treatment option;'';

(2) in paragraph (5) to read as follows:

''(5) establish a program for the recruitment of new bone marrow donors that includes—

''(A) the priority to increase potential marrow donors for which there is a greater degree of marrow donor shortage than that of the general population; and

''(B) the compilation and distribution of informational materials to educate and update potential donors;'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(4) by inserting after paragraph (5), the following new paragraphs:

''(6) annually update the Donor Registry to account for changes in potential donor status;

''(7) not later than 1 year after the date on which the 'Bone Marrow Program Inspection' (hereafter referred to in this part as the 'Inspection') that is being conducted by the Office of the Inspector General on the date of enactment of this paragraph is completed, in consultation with the Secretary, and based on the findings and recommendations of the Inspection, the marrow donor program shall develop, evaluate, and implement a plan to streamline and make more efficient the relationship between the Donor Registry and donor centers;''.

(c) INFORMATION AND EDUCATION PROGRAM.—Section 379 of such Act (42 U.S.C. 274k) is amended by striking subsection (j), and inserting the following new subsection:

''(j) INFORMATION AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may enter into contracts with, public or nonprofit private entities for the purpose of increasing unrelated allogeneic marrow transplants, by enabling such entities to—

''(A) plan and conduct programs to provide information and education to the professional health care community on the availability of unrelated allogeneic marrow transplants as a potential treatment option;

''(B) plan and conduct programs to provide information and education to the public on the availability of unrelated donor marrow transplants and the need for donations of bone marrow;

''(C) train individuals in requesting bone marrow donations; and

''(D) recruit, test and enroll marrow donors with the priority being groups for which there is a greater degree of marrow donor shortage than that of the general population.

''(2) PRIORITIES.—In awarding contracts under paragraph (1), the Secretary shall give priority to carrying out the purposes described in such paragraph with respect to population groups with such shortages.''.

(d) PATIENT ADVOCACY AND CASE MANAGEMENT.—

(1) IN GENERAL.—Section 379 of such Act (42 U.S.C. 274k), as amended by subsection (c), is amended by adding at the end thereof the following new subsection:

''(k) PATIENT ADVOCACY AND CASE MANAGEMENT.—

''(1) ESTABLISHMENT.—The Donor Registry shall establish and maintain an office of patient advocacy and case management that meets the requirements of this subsection.

''(2) FUNCTIONS.—The office established under paragraph (1) shall—

''(A) be headed by a director who shall serve as an advocate on behalf of—

''(i) individuals who are registered with the Donor Registry to search for a biologically unrelated bone marrow donor;

''(ii) the physicians involved; and

''(iii) individuals who are included in the Donor Registry as potential marrow donors.

''(B) establish and maintain a system for patient advocacy that directly assists patients, their families, and their physicians in a search for an unrelated donor;

''(C) provide individual case management services as appropriate to directly assist individuals and physicians referred to in subparagraph (A), including—

''(i) individualized case assessment and tracking of preliminary search through activation (including when the search process is interrupted or discontinued);

''(ii) informing individuals and physicians on regular intervals of progress made in searching for appropriate donors; and

''(iii) identifying and resolving individual search problems or concerns;

''(D) collect and analyze data concerning the number and percentage of individuals proceeding from preliminary to formal search, formal search to transplantation, the number and percentage of patients unable to complete the search process, and the comparative costs incurred by patients prior to transplant;

''(E) survey patients to evaluate how well such patients are being served and make recommendations for expediting the search process; and

''(F) provide individual case management services to individual marrow donors.

''(3) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the system established under paragraph (1) and make recommendations concerning the success or failure of such system in improving patient satisfaction, and any impact the system has had on assisting individuals in proceeding to transplant.

''(B) REPORT.—Not later than April 1, 1996, the Secretary shall prepare and make available a report concerning the evaluation conducted under subparagraph (A), including the recommendations developed under such subparagraph.''.

(2) DONOR REGISTRY FUNCTIONS.—Section 379(b)(2) of such Act (42 U.S.C. 274k(b)(2)) is amended by striking ''establish'' and all that follows through ''directly assists'' and inserting ''integrate the activities of the patient advocacy and case management office established under subsection (k) with the remaining Donor Registry functions by making available information on (A) the resources available through the Donor Registry Program, (B) the comparative costs incurred by patients prior to transplant, and (C) the marrow donor registries that meet the standards described in paragraphs (3) and (4) of subsection (c), to assist''.

(e) STUDY AND REPORTS.—Section 379A of such Act (42 U.S.C. 274l) is amended to read as follows:

''SEC. 379A. STUDIES, EVALUATIONS AND REPORTS.

''(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

''(A) the role of a national bone marrow transplant program supported by the Federal Government in facilitating the maximum number of unrelated marrow donor transplants; and

''(B) other possible clinical or scientific uses of the potential donor pool or accompanying information maintained by the Donor Registry or the unrelated marrow donor scientific registry.

''(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

''(3) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under paragraph (1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

''(b) BONE MARROW CONSOLIDATION.—

''(1) IN GENERAL.—The Secretary shall conduct—

''(A) an evaluation of the feasibility of integrating or consolidating all federally funded bone marrow transplantation scientific registries, regardless of the type of marrow reconstitution utilized; and

''(B) an evaluation of all federally funded bone marrow transplantation research to be conducted under the direction and administration of the peer review system of the National Institutes of Health.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate a report concerning the evaluations conducted under paragraph (1).

''(3) DEFINITION.—As used in paragraph (1), the term 'marrow reconstitution' shall encompass all sources of hematopoietic cells including marrow (autologous, related or unrelated allogeneic, syngeneic), autologous marrow, allogeneic marrow (biologically related or unrelated), umbilical cord blood cells, peripheral blood progenitor cells, or other approaches that may be utilized.''.

(f) BONE MARROW TRANSPLANTATION SCIENTIFIC REGISTRY.—Part I of title III of such Act (42 U.S.C. 274k et seq.) is amended by adding at the end thereof the following new section:

''SEC. 379B. BONE MARROW SCIENTIFIC REGISTRY.

''(a) ESTABLISHMENT.—The Secretary, acting through the Donor Registry, shall establish and maintain a bone marrow scientific registry of all recipients of biologic unrelated allogeneic marrow donors.

''(b) INFORMATION.—The bone marrow transplantation scientific registry established under subsection (a) shall include information with respect to patients who have received biologic unrelated allogeneic marrow transplant, transplant procedures, pretransplant and transplant costs, and other information the Secretary determines to be necessary to conduct an ongoing evaluation of the scientific and clinic status of unrelated allogeneic marrow transplantation.

''(c) REPORT.—The Donor Registry shall submit to the Secretary on an annual basis a report using data collected and maintained by the bone marrow transplantation scientific registry established under subsection (a) concerning patient outcomes with respect to each transplant center and the pretransplant comparative costs involved at such transplant centers.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Part I of title III of such Act (42 U.S.C. 274k et seq.) as amended by subsection (f), is further amended by adding at the end thereof the following new section:

''SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out section 379, $13,500,000 for fiscal year 1997, $12,150,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.''.

MAKING TECHNICAL CORRECTIONS IN THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4018.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4018) to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 4018) was deemed read for a third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 10, 1996

Mr. LOTT. Mr. President, now, the closing information, at the end of which I will note that Senator MURRAY is here, and following her remarks the Senate will stand in adjournment. I wanted her to know we would close that way so she would not have concerns that we would close without her having a opportunity to speak.

I ask unanimous consent when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, September 10; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately turn to the consideration of H.R. 3396, the Defense of Marriage Act, as under a previous order.

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

SCHEDULE

Mr. LOTT. Tomorrow morning the Senate will be debating the Defense of Marriage Act for 3 hours, until the hour of 12:30.

I now ask unanimous consent the Senate recess between the hours of 12:30 to 2:15 for the weekly policy conferences.

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

Mr. LOTT. When the Senate reconvenes at 2:15, there will be two consecutive rollcall votes, the first on the adoption of the Defense authorization conference report to be followed by a vote on the passage of H.R. 3396, the Defense of Marriage Act. There will then be 30 minutes of debate, and a vote on S. 2056, the employment discrimination bill. This 30 minutes, of course, will be equally divided.

Following those votes on Tuesday, the Senate will turn to the consideration of the Treasury/Postal Service appropriations bill. Therefore, additional votes can be expected during tomorrow's session. Also, as a reminder to all Senators, at 10 a.m. on Wednesday of this week there will be a joint meeting of Congress to hear the address of Prime Minister Bruton of Ireland. Members are asked to be in the Senate Chamber at 9:40 a.m., so we may proceed to the House of Representatives.

That is on Wednesday. That was just a reminder for the Members to make plans to be here for that special occasion.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate now stand in adjournment under the previous order, following the remarks of Senator MURRAY.

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

The Senator from Washington is recognized.

THE EMPLOYMENT NONDISCRIMINATION ACT

Mrs. MURRAY. Mr. President, I rise today as an original cosponsor of the Employment Nondiscrimination Act, to express my strong support for this important legislation. I do so in the belief that every single American deserves fair treatment under the law, no matter their gender, race, religion, or sexual orientation. As one of the few women ever to serve in the U.S. Senate, I bring a different perspective to this issue. As a mother and as the ninth woman ever elected to the Senate and the first ever from my home State of Washington, I understand very clearly what it means to be part of a group who seeks fairness and equal opportunity.

Not so long ago, many thought it impossible for women to serve in the Senate, much less elected office of any other kind. Today, I am confident none of my colleagues would deny the contributions women have made here, in the House, in the State and local governments, and at every level of public service.

Mr. President, I am proud, not only that I was elected to one of the highest offices in the land, but also because I know now that my daughter will have the same opportunity.

The point is this: She will have choices and she will have the opportunity, because these are the values of the American people.

I do not believe elected leaders serve our country well if they deny any of our citizens these choices. A person's success or failure must depend on their qualifications, skills, effort, and sometimes even luck. Most important, their fate should rest on having the opportunity to test these things. No one, not one person, should be denied opportunity because of their race, their religion, their gender, or their sexual orientation.

I know that historic debates such as this one have been very hard, but I say to my colleagues, change is never easy and we should let our past successes be our guide in the future.

Thirty-five years ago, our national conscience was challenged like never before as the civil rights movement blossomed. By passing the Civil Rights Act of 1964, we made unquestionable progress toward ensuring equality for all citizens. Today, none among us would deny that we did the right thing by outlawing discrimination based on race. We know we did the right thing by guaranteeing the civil rights of women, racial minorities, and members of every religion. The same must be done in this case.

So we can be justifiably proud of our rich history of protecting civil rights, and we should dedicate ourselves to doing better. And make no mistake, we can do better. To my colleagues, I offer this caution: Do not be convinced by those who argue that discrimination is no longer a problem in the workplace.

Every day, citizens of this Nation somewhere feel the sinister burn of job discrimination, be they women, racial minorities, or gays and lesbians. And unlike the rest of America, this latter group cannot today count on the protection of Federal law to ensure equal opportunity in the workplace.

I recently heard the story of a woman named Nan Miguel who worked for a hospital in my home State of Washington as an administrator in the radiology department. She oversaw a small staff and worked very hard at her job. Three years ago, she hired a woman she believed was the most qualified candidate for an x-ray technician's position. She did this despite pressure from certain staff members who believed that the woman she wanted to hire was a lesbian. The new employee went on to work hard and did an excellent job, just as Nan expected she would.

Unfortunately, it did not end there. One coworker in particular was opposed to working with a woman because of the rumors about her sexual orientation. Nan sought help from senior management in resolving this issue, but to her shock, they told her that the coworker must simply be responding to the discord created by the technician.

Her employee's job performance was strong and, therefore, she felt it wrong to fire her. Instead, she continued to try and find a solution. In the end, the hospital told Nan that it would be easier for them to remove her than to remove her coworker. Nan was placed on administrative leave and subsequently fired. A short time later, the technician was fired as well. Only the worker who displayed intolerance on the job stayed on the job.

If the same situation had occurred because the technician was Hispanic, because she was a woman, or because she belonged to the Mormon Church, the same outcome could not have happened. We would not even be talking about it, because today no one would question the competence of an employee based on those characteristics,

and if someone did, that employee would have recourse under the law.

Mr. President, a moment ago I mentioned my daughter and the opportunities that she will have. I am also very concerned about the experiences of young people who may be denied those same opportunities. I am worried about those who must find jobs in cases where their parents have forced them out of the House and they are on their own. At a very early age, they must support themselves just to get through high school, let alone college. Young people are very vulnerable to discrimination and cannot hold jobs, and they will have an extremely hard time.

I have heard real stories of gay and lesbian young adults in my State who ended up moving away from home, relying on public assistance or even considering suicide if they did not get help. They become very cynical about the world they live in, and they start to think that the regular rules do not apply to them. When this happens, we lose very productive members of our society. We may pay more for public assistance, and we deny young people the chance to pursue the same goals every one of us has—education, a good job and a place in the community.

As I said before, current law says people cannot be treated differently in the workplace based on race, origin, gender or religion. The bill before us today would simply add sexual orientation to that list. It is written even more narrowly than current law because it does not allow positive actions, such as quotas or other preferential treatment. All it says is a person cannot be treated differently in any decision related to employment based on their sexuality—whether they are heterosexual or homosexual.

Under this bill, a person could not be hired solely because they are homosexual, nor could they be denied a job if they are heterosexual.

A person cannot get a raise simply because they are married to a member of the opposite sex, nor can they be denied a promotion because they marched in a gay pride parade. In short, it simply takes the issue of sexual orientation out of personnel decisions altogether.

Mr. President, these are reasonable expectations and, in fact, they have already been adopted by nine States, many local governments across the country and Fortune 500 companies that recognize that it makes good business sense to value each and every one of their employees equally. It is time that our laws reflect these values as well.

To my colleagues who believe this bill would bring up increased litigation, I ask these questions:

Should we then have denied women equal rights because it would have increased the number of cases in our courts?

Should we have allowed segregation to continue because it would take too much time and money to hear Brown versus Board of Education?

Did the Framers of our Constitution think about caseloads in our courts when they guaranteed our freedom to worship?

My answer to these questions is a strong, clear no, and I am surprised at the arguments against this legislation. They sound hauntingly familiar to the ones we have heard in the past against allowing women, religious members, and racial groups equal protections under the law.

We have heard a lot from both political parties in the past few weeks about the big tent philosophy and the importance of inclusion, equal treatment under the law, and equal opportunity in the workplace. The ENDA bill gives Senators of both parties a chance to act on that rhetoric.

Mr. President, this is not a conservative or a liberal issue. It is not about one group's protection at another's expense. It is about common sense, common decency, and about our fundamental values as Americans.

Consider an editorial written 2 years ago by former Arizona Senator Barry Goldwater. He wrote that we must allow gay and lesbian citizens the same protections we have extended to other people to ensure their civil rights. He points out that ''anybody who cares about real moral values understands that this is not about granting special rights—it is about protecting basic rights.'' Like many of my colleagues on both sides of this aisle, I strongly agree with him.

When Nan Miguel tells her story, she says that by treating the woman she hired with dignity and respect, she was following the Christian beliefs that she was brought up with. And I know that in my family, my mother and father taught us to respect other people and to treat them the way we wanted to be treated.

I urge my colleagues to take the high ground on this issue. Think of what history will say when the 104th Congress made the decision which once again protected our civil rights. This is not about one group of people, it is about all people and our belief in one another. If we do not pass the ENDA bill, our sisters and brothers, sons and daughters will remain vulnerable to discrimination in the workplace. We can do better than that. Thank you, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in adjournment until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 7:05 p.m., adjourned until Tuesday, September 10, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN H. FLANIGAN, OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, JOHN P. WALTER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAUL ALBERT BISEK, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SUSUMO KEN YAMASHITA, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SUSAN KUCINSKI BREMS, OF THE DISTRICT OF COLUMIBA
CHRISTINE M. BYRNE, OF VIRGINIA
JAMES ERIC SCHAEFFER, OF FLORIDA

DEPARTMENT OF COMMERCE

KARLA B. KING, OF FLORIDA
TERRY J. SORGI, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

U.S INFORMATION AGENCY

TANIA BOHACHEVSKY CHOMIAK, OF FLORIDA
LINDA JOY HARTLEY, OF CALIFORNIA
SHARON HUDSON-DEAN, OF PENNSYLVANIA
CONSTANCE COLDING JONES, OF INDIANA
STEVEN LOUIS PIKE, OF NEW YORK
DAVID MICHAEL REINERT, OF NEW MEXICO

DEPARTMENT OF STATE

SARAH J. METZGER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA EFFECTIVE JUNE 28, 1996:

DEPARTMENT OF STATE

MARC C. JOHNSON, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT L. ADAMS, OF VIRGINIA
VEOMAYOURY BACCAM, OF IOWA
DOUGLASS R. BENNING, OF THE DISTRICT OF COLUMBIA
STEVEN A. BOWERS, OF VIRGINIA
MICHAEL A. BRENNAN, OF CONNECTICUT
KERRY L. BROUGHAM, OF CALIFORNIA
ANDREA BROUILLETTE-RODRIGUEZ, OF MINNESOTA
PAAL CAMMERMEYER, OF MARYLAND
PRISCILLA CARROLL CASKEY, OF MARYLAND
JULIANNE MARIE CHESKY, OF VIRGINIA
CARMELA A. CONROY, OF WASHINGTON
JULIE CHUNG, OF CALIFORNIA
EDWARD R. DEGGES, JR., OF VIRGINIA
THOMAS L. ELMORE, OF FLORIDA
WAYNE J. FAHNESTOCK, OF MARYLAND
DENIS BARRETT FINOTTI, OF MARYLAND
KENNETH FRASER, OF MARYLAND
GARY R. GUIFFRIDA, OF MARYLAND
PATRICIA M. GONZALEZ, OF TEXAS
DAVID J. GREENE, OF NEW YORK
RAYMOND FRANKLIN GREENE III, OF MARYLAND
RONALD ALLEN GREGORY, OF TENNESSEE
DEBORAH GUIDO-O'GRADY, OF VIRGINIA
AUDREY LOUISE HAGEDORM, OF VIRGINIA
PATTI HAGOPIAN, OF CALIFORNIA
CHARLES P. HARRINGTON, OF VIRGINIA
RONALD S. HIETT, OF VIRGINIA
RUTH-ERCILE HODGES, OF NEW YORK
KRISTINA M. HOTCHKISS, OF VIRGINIA
ANDREAS O. JAWORSKI, OF VIRGINIA
RALPH M. JONASSEN, OF NEW YORK
MARNI KALAPA, OF TEXAS
JANE J. KANG, OF CALIFORNIA
SARAH E. KEMP, OF NEW YORK
FREDERICK J. KOWALESKI, OF VIRGINIA
STEVEN W. KRAPCHO, OF VIRGINIA
GREGORY R. LATTANZE, OF VIRGINIA
CHARLES W. LEVESQUE, OF ILLINOIS
JANICE O. MAC DONALD, OF VIRGINIA
C. WAKEFIELD MARTIN, OF TEXAS
BRIAN I. MC CLEARY, OF VIRGINIA
ALAN D. MELTZER, OF NEW YORK

DAVID J. MICO, OF INDIANA
CHRISTOPHER S. MISCIAGNO, OF FLORIDA
JOSEPH P. MULLIN, JR., OF VIRGINIA
BURKE O'CONNOR, OF CALIFORNIA
EDWARD J. ORTIZ, OF VIRGINIA
MARIA ELENA PALLICK, OF INDIANA
DAVID D. POTTER, OF SOUTH DAKOTA
ERIC N. RICHARDSON, OF MICHIGAN
HEATHER C. ROACH, OF IOWA
TAYLOR VINSON RUGGLES, OF VIRGINIA
THOMAS L. SCHMITZ, OF SOUTH DAKOTA
JONATHAN L. A. SHRIER, OF FLORIDA
JAMES E. SMELTZER III, OF MARYLAND
CHRISTINE L. SMITH, OF VIRGINIA
KEENAN JABBAR SMITH, OF PENNSYLVANIA
BRIAN K. STEWART, OF VIRGINIA
CHRISTINE D. STUEBNER, OF NEW YORK
STEPHANIE FAYE SYPTAK, OF TEXAS
ERMINIDO TELLES, OF VIRGINIA
MARK TESONE, OF VIRGINIA
MICHAEL ANTHONY VEASY, OF TENNESSEE
GLENN STEWART WARREN, OF CALIFORNIA
MARK E. WILSON, OF TEXAS
ANTHONY L. WONG, OF VIRGINIA
GREGORY M. WONG, OF MISSOURI
KIM WOODWARD, OF VIRGINIA
MARTHA-JEAN HUGHES WYNNYCZOK, OF VIRGINIA
TERESA L. YOUNG, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN WEEKS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN C. KORNBLUM, OF MICHIGAN
EDWARD S. WALKER, JR., OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARSHALL P. ADAIR, OF FLORIDA
JEFFREY A. BADER, OF FLORIDA
LAWRENCE REA BAER, OF CALIFORNIA
DONALD KEITH BANDLER, OF PENNSYLVANIA
JAMES W. BAYUK, OF ILLINOIS
ELDON E. BELL, OF SOUTH DAKOTA
JAMES D. BINDENAGEL, OF CALIFORNIA
BALPH L. BOYCE, JR., OF VIRGINIA
PRUDENCE BUSHNELL, OF VIRGINIA
WENDY JEAN CHAMBERLIN, OF VIRGINIA
LYNWOOD M. DENT, JR., OF VIRGINIA
C. LAWRENCE GREENWOOD, JR., OF FLORIDA
JOHN RANDLE HAMILTON, OF VIRGINIA
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
CHARLES KARTMAN, OF VIRGINIA
KATHRYN DEE ROBINSON, OF TENNESSEE
PETER F. ROMERO, OF FLORIDA
WAYNE S. RYCHAK, OF MARYLAND
EARL A. WAYNE, OF CALIFORNIA
R. SUSAN WOOD, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WARRINGTON E. BROWN, OF NEW JERSEY
LAWRENCE E. BUTLER, OF MAINE
JAMES PHILIP CALLAHAN, OF FLORIDA
JAMES J. CARRAGHER, OF CALIFORNIA
JOHN R. DINGER, OF IOWA
BEN FLOYD FAIRFAX, OF VIRGINIA
NICK HAHN, OF CALIFORNIA
WILLIAM THOMAS HARRIS, JR., OF FLORIDA
ANN KELLY KORKY, OF NEW JERSEY
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LEBARON, OF VIRGINIA
ANTOINETTE S. MARWITZ, OF VIRGINIA
ROBERT JOHN MC ANNENY, OF CONNECTICUT
EDWARD MC KEON, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
LAUREN MORIARTY, OF HAWAII
MICHAEL C. MOZUR, OF VIRGINIA
STEPHEN D. MULL, OF PENNSYLVANIA
MICHAEL ELEAZAR PARMLY, OF FLORIDA
JO ELLEN POWELL, OF THE DISTRICT OF COLUMBIA
DAVID E. RANDOLPH, OF ARIZONA
VICTOR MANUEL ROCHA, OF CALIFORNIA
ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
JOHN M. SALAZAR, OF NEW MEXICO
SANDRA J. SALMON, OF FLORIDA
JANET A. SANDERSON, OF ARIZONA
RONALD LEWIS SCHLICHER, OF TENNESSEE
JOSEPH B. SCHREIBER, OF MICHIGAN
RICHARD HENRY SMYTH, OF CALIFORNIA
WILLIAM A. STANTON, OF CALIFORNIA
GREGORY MICHAEL SUCHAN, OF OHIO
LAURIE TRACY, OF VIRGINIA
FRANK CHARLES URBANCIC, JR., OF INDIANA
HARRY E. YOUNG, JR., OF MISSOURI

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN R. BAINBRIDGE, OF MARYLAND
BERNARD W. BIES, OF SOUTH DAKOTA
MELVIN L. HARRISON, OF VIRGINIA
GEORGE N. REINHARDT, OF COLORADO
BERNARDO SEGURA-GIRON, OF VIRGINIA
MARK STEVENS, OF FLORIDA
FREDERICK J. SUMMERS, OF CALIFORNIA
BROOKS A. TAYLOR, OF NEW HAMPSHIRE
WILLIAM L. YOUNG, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036:

To be surgeon general

To be lieutenant general

MAJ. GEN. RONALD R. BLANCK, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JAY M. GARNER, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

REAR ADM. (1H) THOMAS JOSEPH GROSS, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MEDICAL CORPS

To be rear admiral (Lower Half)

CAPT. BONNIE B. POTTER, 000–00–0000

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE.

UNRESTRICTED LINE OFFICER

To be lieutenant commander

RICHARD P. WATSON, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE.

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

GLENN F. ABAD, 000–00–0000
GREGORY W. ADAIR, 000–00–0000
SCOTT F. ADAMS, 000–00–0000
SCOTT F. ADLEY, 000–00–0000
EUGENE J. AGER, 000–00–0000
BRYAN M. AHERN, 000–00–0000
MATTHEW P. AHERN, 000–00–0000
JAMES D. ALGER II, 000–00–0000
BRIAN M. ALLEN, 000–00–0000
FRANK S. ALLEN, 000–00–0000
KEITH W. ALLEN, 000–00–0000
LOGAN A. ALLEN III, 000–00–0000
GREGG W. ALLRED, 000–00–0000
SCOTT D. ALWINE, 000–00–0000
TIMOTHY R. ANDERSON, 000–00–0000
CLETE D. ANSELM, 000–00–0000
RONALD J. ARNOLD, 000–00–0000
ALFREDO ARREDONDO, 000–00–0000
GEORGE T. ARTHUR, 000–00–0000
MATTHEW B. ASHLEY, 000–00–0000
TIMOTHY H. ASLIN, 000–00–0000
PATRICK A. BACCANARI, 000–00–0000
CHARLES E. BAKER III, 000–00–0000
MATHEW E. BANNON, 000–00–0000
STEPHEN P. BANUS, 000–00–0000
TODD D. BARCLAY, 000–00–0000
MICHAEL A. BARRETTA, 000–00–0000
KEVIN M. BARRY, 000–00–0000
ARNOLD BARTHEL III, 000–00–0000
DAVID W. BARTON, 000–00–0000
WILLIAM J. BATTERTON, 000–00–0000
ALAN D. BEAL, 000–00–0000
ROSS C. BEATON, 000–00–0000
MARTIN A. BECK, 000–00–0000
JEFFREY A. BELANGER, 000–00–0000
CHRISTOPHER J. BENCAL, 000–00–0000
DAVID A. BENNETT, 000–00–0000
DAVID W. BENTLEY, 000–00–0000
MICHAEL G. BERENS, 000–00–0000
MICHAEL A. BERNHARD, 000–00–0000
KEVIN L. BERTELSEN, 000–00–0000
MICHAEL D. BIDDLE, 000–00–0000
ERIC A. BILLIES, 000–00–0000
ADAM C. BINFORD, 000–00–0000
KENNETH R. BINGMAN, JR., 000–00–0000
KEVIN R. BISHOP, 000–00–0000
DOUGLAS L. BLACKBURN, 000–00–0000
WILLIAM J. BLACKLIDGE, 000–00–0000
CHRISTOPHER E. BOLT, 000–00–0000
SCOTT A. BOOK, 000–00–0000
ROBERT A. BORCHERT, 000–00–0000
PAUL E. BORKOWSKI, 000–00–0000
RICKY L. BOTT, 000–00–0000
JAMES E. BOUCHARD, 000–00–0000
KENNETH J. BOWEN II, 000–00–0000
JEFFREY W. BOWMAN, 000–00–0000
DAVID A. BOYD, 000–00–0000
ROBERT D. BOYER, 000–00–0000
DAVID C. BOYLE, 000–00–0000
DANIEL E. BOYLES, 000–00–0000
JOHN A. BREAST, 000–00–0000
JAMES E. BREDEMEIER, 000–00–0000
PETER J. BRENNAN, 000–00–0000
DONALD S. BROCE, 000–00–0000
ARTHUR F. BROCK, 000–00–0000
ROBERT K. BRODIN, 000–00–0000
GARY R. BROOKS, 000–00–0000
GARY D. BROSE, 000–00–0000
DANIEL J. BROWN, 000–00–0000
JAMES L. BROWN, JR., 000–00–0000
JEFFREY P. BROWN, 000–00–0000
ROBERT D. BROWN, 000–00–0000
WESLEY A. BROWN, 000–00–0000
DAVID G. BROWNLEE, 000–00–0000
BRADLEY D. BRUNER, 000–00–0000
BRIAN B. BRUUD, 000–00–0000
PAUL G. BUCK, 000–00–0000
JOHN K. BURGER, 000–00–0000
GREGORY J. BURGESS, 000–00–0000
JOHN J. BURNHAM, 000–00–0000
MICHAEL J. BURRELL, 000–00–0000
CARL F. BUSH, 000–00–0000
BARRY B. BUSS, 000–00–0000
WILLIAM D. BYRNE, JR., 000–00–0000
JOEL L. CABANA 000–00–0000
ROBERT L. CALHOUN, JR., 000–00–0000
ANTHONY F. CLAIFANO, 000–00–0000
BRETT W. CALKINS, 000–00–0000
THOMAS P. CANN, JR., 000–00–0000
LOUIS T. CANNON, JR., 000–00–0000
JEFFREY H. CARLSEN, 000–00–0000
JEFFREY E. CARLSON, 000–00–0000
LUKE F. CARON, 000–00–0000
CHARLES M. CARROLL, 000–00–0000
DOUGLAS R. CARROLL, 000–00–0000
ANDRE L. CARTER, 000–00–0000
RONALD M. CARVALHO, JR., 000–00–0000
CHARLES E. CASSON, JR., 000–00–0000
STEVEN B. CASTILLO, 000–00–0000
NELSON C. CASTRO, 000–00–0000
DANIEL S. CAVE, 000–00–0000
MICHAEL A. CELEC, 000–00–0000
DARRYL D. CENTANNI, 000–00–0000
DALE S. CHAPMAN, 000–00–0000
SHOSHANA S. CHATFIELD, 000–00–0000
ANTHONY P. CHATHAM, 000–00–0000
WAYNE M. CHAUNCEY, 000–00–0000
CARL R. CHERRY, 000–00–0000
CHARLES F. CHIAPPETTI, 000–00–0000
JAMES C. CHILDS, 000–00–0000
JONATHAN CHRISTIAN, 000–00–0000
MICHAEL R. CHRISTOPHERSON, 000–00–0000
ALLAN T. CLAPP, 000–00–0000
SEAN P. CLARK, 000–00–0000
JOHN M. CLAUSEN, 000–00–0000
HENRY D. COATES, 000–00–0000
KEVIN M. COATS, 000–00–0000
DOUGLAS F. COCHRANE, 000–00–0000
TIMOTHY S. COCKREL, 000–00–0000
JOHN J. COFFEY, 000–00–0000
JUDY C. COFFMAN, 000–00–0000
JEFFREY S. COLE, 000–00–0000
ALTON H. COLEMAN III, 000–00–0000
PAULA M. COLEMAN, 000–00–0000
THOMAS M. CONLON, 000–00–0000
GREGORY V. CONTAOI, 000–00–0000
CARL R. CONTI II, 000–00–0000
KARL A. COOKE, 000–00–0000
SCOTT P. COOLEDGE, 000–00–0000
GREGORY G. COOPER, 000–00–0000
PAUL L. CORLISS, 000–00–0000
RICHARD A. CORRELL, 000–00–0000
ROBERT E. COSGRIFF, 000–00–0000
DEREK N. COUTANT, 000–00–0000
EDWARD J. COWAN, 000–00–0000
GEORGE L. COWAN, 000–00–0000
JOHN W. CRAIG, 000–00–0000
MARTIN J. CRAMER, 000–00–0000
TODD W. CRAMER, 000–00–0000
ANDRE W. CRAWFORD, 000–00–0000
GREGORY H. CREWSE, 000–00–0000
HANS K. CROEBER, 000–00–0000
MICHAEL R. CROSKREY, 000–00–0000
ANTHONY B. H. CURRAN, 000–00–0000
ROBERT L. DAIN, 000–00–0000
MARC H. DALTON, 000–00–0000
MATTHEW W. DANEHY, 000–00–0000
EDWARD J. DANGELO, 000–00–0000
JEFFREY M. DANIELSON, 000–00–0000
DAVID D. DARGAN, 000–00–0000
GEORGE R. DAVIDSON, 000–00–0000
DAVID D. DAVISON, 000–00–0000
JAMES R. DEBOLD, 000–00–0000
BRUCE A. DEFIBAUGH, 000–00–0000
MICHAEL W. DEGRAW, 000–00–0000
MOISES DELTORO III, 000–00–0000
PETER C. DEMANE, 000–00–0000
BRUCE A. DERENSKI, 000–00–0000
ALBERT J. DESMARAIS, 000–00–0000
RICHARD P. DEWALT, 000–00–0000
JAMES H. DICK, 000–00–0000
JOSEPH P. DIPAOLA, JR., 000–00–0000
LAWRENCE R. DIRUSSO, 000–00–0000
WILLIAM A. DOCHERTY, 000–00–0000
DONALD F. DOMBROWSKY, 000–00–0000

JAMES S. DONNELLY, 000–00–0000
THOMAS V. DOUGHERTY, 000–00–0000
ROBERT I. DOUGLASS, 000–00–0000
CRAIG A. DOXEY, 000–00–0000
PETER M. DRISCOLL, 000–00–0000
TIMOTHY J. DUENING, 000–00–0000
KEVIN L. DUGGAN, 000–00–0000
LEWIS DUNHAM, 000–00–0000
PATRICK A. DYER, 000–00–0000
PETER A. EAGLE, 000–00–0000
GREGORY T. EATON, 000–00–0000
ANTHONY J. EGGERT, JR., 000–00–0000
JOSEPH EGGERTPIONTEK, 000–00–0000
GREG R. ELLISON, 000–00–0000
ROBERT A. ESPINOSA, 000–00–0000
STEPHEN C. EVANS, 000–00–0000,
STEVEN Y. FAGGERT, 000–00–0000
DALE L. FEDDERSEN, 000–00–0000
LARRY J. A. FELDER, 000–00–0000
ANTHONY JOSEPH FERRARI, 000–00–0000
LANCE E. FEWEL, 000–00–0000
JOHN H. FICKLE, JR., 000–00–0000
SCOTT C. FISH, 000–00–0000
HUGH M. FLANAGAN, JR., 000–00–0000
KEVIN P. FLANAGAN, 000–00–0000
DALE G. FLECK, 000–00–0000
TIMOTHY P. FLEMING, 000–00–0000
DAVID P. FLUKER, 000–00–0000
ANTHONY J. FONTANA, 000–00–0000
PAUL A. FORBES, 000–00–0000
MICHAEL J. FORD, 000–00–0000
THOMAS P. FORTIN, 000–00–0000
JEFFREY M. FOX, 000–00–0000
KENNETH LAWRENCE FRACK, JR., 000–00–0000
KURT A. FRANKENBERGER, 000–00–0000
JOHN C. FRASER, 000–00–0000
MARK M. FREDERICKSON, 000–00–0000
DAVID G. FRY, 000–00–0000
HANS G. FUHS, 000–00–0000
PAUL N. FUJIMURA, 000–00–0000
SCOTT D. FUTRELL, 000–00–0000
LEONARD B. GABION, 000–00–0000
ANDREW L. GAGNON, 000–00–0000
TODD W. GAUTIER, 000–00–0000
MARK M. GAUTREAUX, 000–00–0000
TIMOTHY P. GAVIN, 000–00–0000
TIMOTHY C. GEDNEY, 000–00–0000
DONALD S. GEIDEL, 000–00–0000
DAVID A. GEISLER, 000–00–0000
PHILIP A. GERARD, 000–00–0000
RONALD G. GEYER, 000–00–0000
WILLIAM N. GIGANTE, 000–00–0000
CURTIS J. GILBERT, 000–00–0000
WILLIAM GILLCRIST, 000–00–0000
STEPHEN M. GILLESPIE, 000–00–0000
GARY M. GILMARTIN, 000–00–0000
GREGORY S. GILMOUR, 000–00–0000
MATTHEW J. GLANDER, 000–00–0000
TIMOTHY X. GLASER, 000–00–0000
JAMES A. GLASS, 000–00–0000
MIGUEL GONZALEZ, 000–00–0000
STANLEY J. GRABOWSKI, JR., 000–00–0000
PATRICK O. GRADY, 000–00–0000
RONALD W. GRAFT, 000–00–0000
DAVID R. GRAMBO, 000–00–0000
BRIAN P. GRANT, 000–00–0000
MARYELLEN GREEN, 000–00–0000
MICHAEL S. GREENE, 000–00–0000
THOMAS J. GREENFIELD, 000–00–0000
LOUIS J. GREGUS, 000–00–0000
CLAYTON A. GRINDLE, JR., 000–00–0000
RICHARD D. GROENENBOOM, 000–00–0000
JOHN F. GROTH, JR., 000–00–0000
KENNETH R. GUESS, 000–00–0000
HARVEY L. GUFFEY, JR., 000–00–0000
STEPHEN GULAKOWSKI, 000–00–0000
ROBERT V. GUSENTINE, 000–00–0000
JON A. HAGEMANN, 000–00–0000
CARL A. HAGER, 000–00–0000
RANDY D. HALDEMAN, 000–00–0000
SCOTT J. HALEY, 000–00–0000
GERARD W. HALL, 000–00–0000
TODD B. HALL, 000–00–0000
STEVEN E. HALPERN, 000–00–0000
CHRISTOPHER H. HALTON, 000–00–0000
JAMES C. HAMBLET, 000–00–0000
JAMES K. HAMEL, 000–00–0000
KRAIG A. HAMEL, 000–00–0000
DOUGLAS C. HAMILTON, 000–00–0000
PATRICK J. HAMILTON, 000–00–0000
KURT D. HAMMAN, 000–00–0000
ERIC T. HANSON, 000–00–0000
JONATHAN L. HARNDEN, JR., 000–00–0000
MARK W. HARRIS, 000–00–0000
PETER M. HARRIS, 000–00–0000
MICHAEL P. HATHEWAY, 000–00–0000
THOMAS M. HATKE, 000–00–0000
JEFFREY S. HAUPT, 000–00–0000
DOUGLAS E. HEADY, 000–00–0000
PAUL F. HEALY, 000–00–0000
JOHN P. HEATHERINGTON, 000–00–0000
LINDA L. HEID, 000–00–0000
ERNEST C. HELME III, 000–00–0000
GREGORY J. HENRIKSEN, 000–00–0000
KEVIN R. HENSLEY, 000–00–0000
JOHN E. HERBERT, 000–00–0000
ALAN L. HERRMANN, 000–00–0000
PATRICK J. HEYE, 000–00–0000
DANIEL P. HIGGINS, 000–00–0000
ERIC W. HIGGINS, 000–00–0000
WAYNE HIGH, 000–00–0000
ROGER J. HILARIDES, JR., 000–00–0000
JAMES A. HILDEBRAND, 000–00–0000
NELSON P. HILDRETH, 000–00–0000
KEVIN C. HILL, 000–00–0000
MICHAEL J. HILL, 000–00–0000
PAUL D. HILL, 000–00–0000
JOSEPH E. HINES, 000–00–0000
FRANKLIN D. HIXENBAUGH, 000–00–0000
RICHARD J. HOFFMANN, 000–00–0000
JAMES B. HOKE, 000–00–0000
WAYNE E. HOLCOMB, 000–00–0000
CHRISTOPHER L. HOLLADAY, 000–00–0000
MICHAEL P. HOLLAND, 000–00–0000
ERIC C. HOLLOWAY, 000–00–0000
ROBERT E. HOLMES, 000–00–0000
MARC D. HOMAN, 000–00–0000
ARTHUR M. HONER, JR., 000–00–0000
DANIEL C. HONKEY, 000–00–0000
LUTHER H. HOOK III, 000–00–0000
ROBERT S. HOPKINS, 000–00–0000
SCOTT D. HORADAN, 000–00–0000
MICHAEL D. HORAN, 000–00–0000
JEFFREY C. HORNEFF, 000–00–0000
HOSTETLER, DAVID L., 000–00–0000
JAMES J. HOUSINGER, 000–00–0000
MARK O. HOWELL, 000–00–0000
WESLEY S. HUEY, 000–00–0000
CHARLES E. HUFF, 000–00–0000
DAVID W. HUGHES, 000–00–0000
FRANK E. HUGHLETT, 000–00–0000
PAUL D. HUGILL, 000–00–0000
BLAKE D. HUGUENIN, 000–00–0000
DONALD L. HULTEN, 000–00–0000
BRIAN N. HUMM, 000–00–0000
THEODORE W.L. HUSKEY, 000–00–0000
GEOFFREY T. HUTTON, 000–00–0000
HESHAM H. ISLAM, 000–00–0000
JAMES E. IVEY, 000–00–0000
TIMOTHY L. JACOBY, 000–00–0000
PETER R. JANNOTTA, 000–00–0000
DAVID R. JAZDYK, 000–00–0000
PAUL J. JENNINGS, 000–00–0000
RUSSELL C. JENSEN, 000–00–0000
JOSEPH G. JERAULD, 000–00–0000
MICHAEL C. JOHNS, 000–00–0000
DARREN A. JOHNSON, 000–00–0000
DAVID P. JOHNSON, 000–00–0000
MATTHEW L. JOHNSON, 000–00–0000
DAVID M. JOHNSTON, 000–00–0000
DAVID L. JONES, 000–00–0000
DEVON JONES, 000–00–0000
LOGAN S. JONES, 000–00–0000
PHILIP A. JORDAN, 000–00–0000
DAVID A. JULIAN, 000–00–0000
CHRISTOPHER D. JUNGE, 000–00–0000
WERNER H. JURINKA, 000–00–0000
PAUL E. KARLSSON, 000–00–0000
NEIL A. KARNES, 000–00–0000
SHANNON E. KAWANE, 000–00–0000
HERBERT J. KEARSLEY, 000–00–0000
JOHN C. KELLEHER, 000–00–0000
BRITT K. KELLEY, 000–00–0000
JOHN T. KELLEY III,, 000–00–0000
BRIAN P. KELLY, 000–00–0000
MARK E. KELLY, 000–00–0000
SCOTT J. KELLY, 000–00–0000
STEVEN S. KELLY, 000–00–0000
VERNON P. KEMPER, 000–00–0000
CHRISTOPHER J. KENNEDY, 000–00–0000
PATRICK O. KENNEDY, 000–00–0000
KYLE R. KETCHUM, 000–00–0000
ANDREW T. KEY, 000–00–0000
BRYANT D. KINCAID, 000–00–0000
ROBERT L. KING, 000–00–0000
TODD M. KINNEY, 000–00–0000
DONALD S. KITCHEN, JR., 000–00–0000
DAVID A. KLAASSE, 000–00–0000
DONALD C. KLEIN, 000–00–0000
DANIEL M. KLETTER, 000–00–0000
DANIEL J. KNAUS, 000–00–0000
MELANIE A. KNIGHT, 000–00–0000
KURT G. KNISELY, 000–00–0000
STEPHEN T. KOEHLER, 000–00–0000
KURT M. KOHANOWICH, 000–00–0000
THOMAS G. KOLLIE, JR., 000–00–0000
MARK J. KOZAR, 000–00–0000
STEVEN A. KREISER, 000–00–0000
JON C. KREITZ, 000–00–0000
STEVEN L. KRIEGER, 000–00–0000
RICHARD A. LABRANCHE, 000–00–0000
BRUCE O. LANKFORD, 000–00–0000
KEVIN W. LAPOINTE, 000–00–0000
ROBERT C. LAUBENGAYER, 000–00–0000
JOHN C. LAWLESS, 000–00–0000
MARK R. LAXEN, 000–00–0000
EDWARD F. LAZARSKI, JR., 000–00–0000
TODD W. LEAVITT, 000–00–0000
EDWIN LEBRON, 000–00–0000
ANDREW R. LEECH, 000–00–0000
PATRICK A. LEFERE, 000–00–0000
ERNEST LEFLER, 000–00–0000
MARTIN D. LEGG, 000–00–0000
FRANK A. LEHARDY III, 000–00–0000
JAMES M. LEIST, 000–00–0000
DAVID A. LEMEK, 000–00–0000
JOSEPH J. LEONARD, 000–00–0000
KENT S. LEONARD, 000–00–0000
SAMUEL W. LEWIS, 000–00–0000
YANCY B. LINDSEY, 000–00–0000
GEORGE A. LIPSCOMB, 000–00–0000
TIMOTHY J. LITTLE, 000–00–0000
STUART M. LITTLEJOHN, 000–00–0000
PAUL J. LJUBA, 000–00–0000
JOHN E. LOBB, 000–00–0000
SHAWN W. LOBREE, 000–00–0000
ROBERT C. LOCKERBY, 000–00–0000
COBY D. LOESSBERG, 000–00–0000
JOHN A. LONG, 000–00–0000
STEVEN L. LORCHER, 000–00–0000
FELTON C. LOUVIERE, 000–00–0000
KEITH D. LOWHAM, 000–00–0000
MICHAEL D. LUMPKIN, 000–00–0000
THOMAS G. LUNNEY, 000–00–0000
FORREST P. LUPO, 000–00–0000
ROBERT E. LUTHY, 000–00–0000
CHARLES E. LUTTRELL, 000–00–0000
ROBERT A. LYON, JR., 000–00–0000
ALAN M. LYTLE, 000–00–0000
PAUL S. MACKLEY, 000–00–0000
JEFFREY R. MACRIS, 000–00–0000
JAMES D. MACY, 000–00–0000
JOHN L. MAGEE, 000–00–0000
JOHN MALFITANO, 000–00–0000
DOUGLAS A. MALIN, 000–00–0000
MICHAEL L. MALONE, 000–00–0000
DAVID G MANERO, 000–00–0000
MARK S. MANFREDI, 000–00–0000
KEVIN MANNIX, 000–00–0000
CHARLES A. MARQUEZ, 000–00–0000
DAVID R. MARSHALL, 000–00–0000
RICHARD W. MARTIER, 000–00–0000
ERNEST W. MARTIN, 000–00–0000
JOSEPH A. MARTINELLI, 000–00–0000
JOHN K. MARTINS, 000–00–0000
THOMAS A. MARZEC, 000–00–0000
JAMES V. MATHESON, 000–00–0000
PAUL G. MATHESON, 000–00–0000
GEORGE S. MATTHESEN, 000–00–0000
AUDWIN D. MATTHEWS, 000–00–0000
LOUIS E. MAYER IV, 000–00–0000
JOHN J. MCAVOY, 000–00–0000
BRAIN C. MCCAWLEY, 000–00–0000
EDWARD M. MCCHESNEY, 000–00–0000
ESTHER J. MCCLURE, 000–00–0000
WILLIAM A. MCCORMICK, 000–00–0000
ERIC G. MCCOY, 000–00–0000
JOHN D. MCCRORIE II, 000–00–0000
THOMAS MCDOWELL, JR., 000–00–0000
JAMES H. MCGEE, JR., 000–00–0000
BRYANGERARD MCGRATH, 000–00–0000
JOHN A. MCGUIRE, 000–00–0000
GREGORY K. MCINTOSH, 000–00–0000
PAUL P. MCKEON, 000–00–0000
BRADLEY R. MCKINNEY, 000–00–0000
RUSSELL T. MCLACHLAN, 000–00–0000
MARK A. MCLAUGHLIN, 000–00–0000
DEIDRE L. MCLAY, 000–00–0000
MICHAEL D. MCLEAN, 000–00–0000
MICHAEL J. MCMILLAN, 000–00–0000
ROBERT G. MCNALLY, 000–00–0000
JOHN E. MCSHERRY, 000–00–0000
PHILIP W. MEADE, 000–00–0000
KEVIN G. MEENAGHAN, 000–00–0000
JOHN F. MEIER, 000–00–0000
FRANKLIN D. MELLOTT, 000–00–0000
JOHN A. MENKE III, 000–00–0000
THOMAS A. MERCER, JR., 000–00–0000
MARK H. MERRICK, 000–00–0000
MICHAEL A. MEYERS, 000–00–0000
FRANK J. MICHAEL III, 000–00–0000
BRYAN D. MICKELSON, 000–00–0000
BARRY L. MILLER, 000–00–0000
EDWARD G. MILLER, 000–00–0000
MARK S. MILLER, 000–00–0000
DAVID B. MILLS, 000–00–0000
WILLIAM C. MINTER, 000–00–0000
ROSS P. MITCHELL, 000–00–0000
JOSEPH E. MOCK, 000–00–0000
DAVID A. MONAHAN, 000–00–0000
DAN W. MONETTE, 000–00–0000
NICHOLAS MONGILLO, 000–00–0000
JOHN E. MONKELL, 000–00–0000
JAMES H. MORRIS, 000–00–0000
STEVEN A. MUCKLOW, 000–00–0000
CHARLES E. MUGGLEWORTH, 000–00–0000
DANA S. MULLENHOUR, 000–00–0000
CHARLES U. MULLER, 000–00–0000
ROBERT S. MURPHY, 000–00–0000
JOHN T. MYERS, 000–00–0000
ELMER E. NAGMA, 000–00–0000
STEVEN D. NAKAGAWA, 000–00–0000
DOUGLAS M. NASHOLD, 000–00–0000
JEFFREY W. NAVEN, 000–00–0000
MICHAEL A. NECKERMAN, 000–00–0000
DAVID S. NEELY, 000–00–0000
BRADFORD S. NEFF, 000–00–0000
PETER R. NETTE, 000–00–0000
JOHN C. NICHOLSON, 000–00–0000
FREDRICK J. NIELSEN, 000–00–0000
DEAN T. NILSEN, 000–00–0000
GREGORY B. NOE, 000–00–0000
GEORGE P. NORMAN, 000–00–0000
SAMUEL R.M. NORTON, 000–00–0000
BRIAN D. NOYES, 000–00–0000
DONALD B. NUCKOLS, JR., 000–00–0000
ROBERT S. OCAMPO, 000–00–0000
NOREEN A. O'CONNELL, 000–00–0000
THOMAS C. O'CONNELL, 000–00–0000
MICHAEL E. O'CONNOR, 000–00–0000
BRIAN P. O'DONNELL, 000–00–0000
KENNETH J. O'DONNELL, 000–00–0000
CRAIG R. OECHSEL, 000–00–0000
CAMILO O. OKUINGHTTONS, 000–00–0000
SHAWN P. OLIVER, 000–00–0000
KEVEN H. O'MARA, 000–00–0000
THOMAS W. O'NEILL, 000–00–0000
DAVID J. OPATZ, 000–00–0000
DAVID B. OSGOOD, 000–00–0000
RICHARD N. OSTER, 000–00–0000
SCOTT F. OUTLAW, 000–00–0000
DAVID A. OWEN, 000–00–0000
STEVEN M. OXHOLM, 000–00–0000
ROBERT E. PALISIN II, 000–00–0000
CRAIG E. PALMER, 000–00–0000
DONDI J. PANGALANGAN, 000–00–0000
TIMOTHY J. PANOFF, 000–00–0000
CHARLES R. PAPAS, 000–00–0000
GEORGE B. PARISI, 000–00–0000
GREGORY E. PARTNEY, 000–00–0000
JOSEPH R. PEARL, 000–00–0000

THOMAS L. PECK, 000–00–0000
WILLIAM S. PENDERGRASS, 000–00–0000
CHRISTOPHER L. PENDLETON, 000–00–0000
MICHAEL L. PEOPLES, 000–00–0000
SEAN M. PETERS, 000–00–0000
JOHN C. PETERSCHMIDT, 000–00–0000
JOSEPH R. PETERSEN, 000–00–0000
MARK D. PETERSON, 000–00–0000
NICHOLAS PETRILLO, 000–00–0000
JOHN A. PIDGEON, 000–00–0000
BRETT M. PIERSON, 000–00–0000
JAMES A. PINKEPANK, 000–00–0000
MARTIN L. PLUMLEIGH, 000–00–0000
STEVEN P. POLILLO, 000–00–0000
RICKS W. POLK, 000–00–0000
TODD A. PORTER, 000–00–0000
MICHAEL B. PORTLAND, 000–00–0000
DAVID F. POSTOLL, 000–00–0000
CEDRIC E. PRINGLE, 000–00–0000
MARCUS A. PRITCHARD, 000–00–0000
JOHN S. PRITCHETT, 000–00–0000
RANDALL E. RAMEL, 000–00–0000
PHILIP D. RAMIREZ, 000–00–0000
RINDA K. RANCH, 000–00–0000
WILLIAM E. RAUP, 000–00–0000
EDUARDO REED, 000–00–0000
ALLEN R. REEVES, 000–00–0000
PAUL D. REINHART, 000–00–0000
DAVID A. RENBERG, 000–00–0000
PETER J. A. RIEHM, 000–00–0000
KENNETH C. RITTER, 000–00–0000
ANTHONY P. ROBERTS, 000–00–0000
RICHARD A. ROBERTS, 000–00–0000
STANLEY M. ROBERTSON, 000–00–0000
CHARLES W. ROCK, 000–00–0000
JOHN A. ROHAN, 000–00–0000
DEREK J. ROLLINSON, 000–00–0000
DANIEL J. ROQUES, 000–00–0000
JON T. ROSS, 000–00–0000
CHRISTOPHER J. ROUIN, 000–00–0000
MARK A. ROUP, 000–00–0000
MICHAEL D. ROWLAND, 000–00–0000
TIMOTHY P. RUDDEROW, 000–00–0000
DAVID H. RYAN, 000–00–0000
PATRICK J. RYAN, 000–00–0000
DAVID L. RYMER, 000–00–0000
DANNY M. SAD, 000–00–0000
DAVID J. SAMPSON, 000–00–0000
ANTHONY J.A. SANNICOLAS, 000–00–0000
THOMAS C. SASS, 000–00–0000
KEVIN B. SAYER, 000–00–0000
DONALD L. SAYRE, 000–00–0000
JEFFREY M. SCARRITT, 000–00–0000
STEPHEN J. SCHAFFER, 000–00–0000
JOHN A. SCHAPER, 000–00–0000
SHAWN M. SCHARF, 000–00–0000
RAYMOND T. SCHENK, 000–00–0000
BRENDA M. SCHEUFELE, 000–00–0000
EDWARD G. SCHIEFER, 000–00–0000
DAVID L. SCHIFFMAN, 000–00–0000
MARK E. SCHIMPF, 000–00–0000
EDWARD R. SCHOFIELD, 000–00–0000
RYAN B. SCHOLL, 000–00–0000
MARK T. SCHREIBER, 000–00–0000
JOHNNY L. SCHULTZ, 000–00–0000
RODERICK G. SCHWASS, 000–00–0000
EDDIE L. SEATON, 000–00–0000
BRIAN W. SEBENALER, 000–00–0000
ARMANDO A. SEGARRA, 000–00–0000
JOHN P. SEGERSON, 000–00–0000
LORIN C. SELBY, 000–00–0000
BRUCE A. SHAW, 000–00–0000
JOHN M. SHEPHERD, 000–00–0000
WILLIAM B. SHERER, 000–00–0000
WILLIAM M. SHUMER, 000–00–0000
LANGHORNE C. SIAS, 000–00–0000
BENNETT J. SICLARE, 000–00–0000
KEVIN B. SIMPSON, 000–00–0000
THOMAS W. SITSCH, 000–00–0000
DAVID P. SLIWINSKI, 000–00–0000
ANTHONY D. SMITH, 000–00–0000
DAVID G. SMITH, 000–00–0000
EDWARD D. SMITH, 000–00–0000
GORDON B. SMITH, 000–00–0000
MARLON L. SMITH, 000–00–0000
MICHAEL A. SMITH, 000–00–0000
MICHAEL D. SMITH, 000–00–0000
SCOTT A. SMITH, 000–00–0000
ADAM C. SMITHYMAN, 000–00–0000
ALAN W. SNYDER, 000–00–0000
ROBERT C. SOARES, 000–00–0000
SCOTT C. SOMERS, 000–00–0000
JACINTO S. SORIANO, JR., 000–00–0000
PATRICK W. STANTON, 000–00–0000
MICHAEL J. STEED, JR., 000–00–0000
DANIEL W. STEINLE, 000–00–0000
MICHAEL D. STEINMANN, 000–00–0000
CHRISTOPHER J. STEVANS, 000–00–0000
JOHN E.C. STEWART, 000–00–0000
MICHAEL A. STEWART, 000–00–0000
JOSEPH B. STROUP, 000–00–0000
CURTIS D. STUBBS, 000–00–0000
DANIEL L. STUECKEMANN, 000–00–0000
MARK A. STURGES, 000–00–0000
CHRISTOPHER A. SULLIVAN, 000–00–0000
DONALD R. SULLIVAN, JR., 000–00–0000
JOSEPH A. SULLIVAN, 000–00–0000
SCOTT C. SWEHLA, 000–00–0000
RANDALL C. SYKORA, 000–00–0000
MICHAEL T. TALAGA, 000–00–0000
JAMES E. TAUBITZ, 000–00–0000
LYNN H. TAWNEY, 000–00–0000
KEITH T. TAYLOR, 000–00–0000
MICHAEL F. TEDESCO, 000–00–0000
TODD C. TEMPLETON, 000–00–0000
DOUGLAS TENHOOPEN, 000–00–0000
RICHARD G. TERJESON, JR., 000–00–0000
KARLTON G. TERRELL, 000–00–0000
JOSE H. TESTALINDEMAN, 000–00–0000
JACK T. THEIS, 000–00–0000
RICHARD E. THOMAS, 000–00–0000
ROBERT W. THOMSON, 000–00–0000
SEAN F. TIERNEY, 000–00–0000
PETER D. TOMASCAK, 000–00–0000
WILLIAM E. TOWER III, 000–00–0000
NICHOLAS G. TREGLIA, 000–00–0000
DANIEL P. TURNER, 000–00–0000
LUTHER S. TURNER, 000–00–0000
JEFFREY S. TYER, 000–00–0000
CAROLYN L. TYLER, 000–00–0000
MICHAEL B. UPTON, 000–00–0000
GEOFFREY D. VANDERBLOOMER, 000–00–0000
KENT S. VANDERGRIFT, 000–00–0000
KENT R. VANHORN, 000–00–0000
IAN V. VATET, 000–00–0000
ROBERT J. VENTO, 000–00–0000
PAUL L. VILLAGOMEZ, 000–00–0000
JOHN P. VINTON, 000–00–0000
JOSEPH P. VOBORIL, 000–00–0000
CHRISTOPHER M. WAALER, 000–00–0000
ALLEN D. WALKER, 000–00–0000
MICHAEL S. WALLACE, 000–00–0000
STEPHEN M. WALLACE, 000–00–0000
PATRICK M. WALSH, 000–00–0000
JOHN T. WALTERS, II, 000–00–0000
DONALD J. WARD, 000–00–0000
BRIAN K. WATERHOUSE, 000–00–0000
JOHN M. WATSON, 000–00–0000
ARTHUR D. WAURIO, 000–00–0000
CHARLES R. WEBB, 000–00–0000
BLAKE T. WEBER, 000–00–0000
MATTHEW A. WEINGART, 000–00–0000
DAVID F. WEIR, 000–00–0000
DAVID A. WELCH, 000–00–0000
DAVID A. WELCH, 000–00–0000
GREGORY J. WENDEL, 000–00–0000
PAUL A. WETZEL, 000–00–0000
JOHN D. WHEELER, 000–00–0000
QUENTIN G. WHEELER, 000–00–0000
JEFFERY A. WHITAKER, 000–00–0000
DENNIS B. WHITE, 000–00–0000
MICHAEL J. WHITE, JR., 000–00–0000
ARTHUR D. WHITTAKER, JR., 000–00–0000
THOMAS Y. WILDER, 000–00–0000
DAVID A. WILLIAMS, 000–00–0000
SUNITA L. WILLIAMS, 000–00–0000
TED R. WILLIAMS, 000–00–0000
BARRY E. WILMORE, 000–00–0000
TIMOTHY M. WILSON, 000–00–0000
KARL A. WINTERMEYER, 000–00–0000
WAYNE E. WISEMAN, 000–00–0000
STEPHEN WISOTZKI, 000–00–0000
MICHAEL E. WOJCIK, 000–00–0000
SCOTT G. WOLFE, 000–00–0000
JEFFREY S. WOLSTENHOLME, 000–00–0000
JONATHAN WOOD, 000–00–0000
JOSEPH H. WOODWARD, 000–00–0000
RICHARD WORTMAN, 000–00–0000
JOHN C.H. WOUGHTER, 000–00–0000
VIRGIL S. WRIGHT, 000–00–0000
PAUL R. WYNN, 000–00–0000
CRAIG W. YAGER, 000–00–0000
MONTE L. YARGER, 000–00–0000
PERRY D. YAW, 000–00–0000
JOHN T. YOUNG, 000–00–0000
MARK O. ZAVACK, 000–00–0000
JOHN S. ZAVADIL, 000–00–0000
LAWRENCE K. ZELVIN, 000–00–0000
MARK Z. ZIELINSKI, 000–00–0000
WILLIAM A. ZIRZOW IV, 000–00–0000

ENGINEERING DUTY OFFICERS

To be lieutenant commander

MICHAEL D. ANDERSON, 000–00–0000
JOHN T. ARMANTROUT, 000–00–0000
GERALD B. BARNES, 000–00–0000
DAVID T. BISHOP, JR., 000–00–0000
SCOTT D. BOHMAN, 000–00–0000
MARK BRIDENSTINE, 000–00–0000
JEFFREY A. BURCHAM, 000–00–0000
JULIE S. CHALFANT, 000–00–0000
LUIS N. CHIONG, 000–00–0000
ALLEN L. CLARK, 000–00–0000
AGNES M. COLEMAN, 000–00–0000
MICHAEL V. COOPERWOOD, 000–00–0000
RICHARD E. CUNNINGHAM, 000–00–0000
KEVIN T. DAVIS, 000–00–0000
ALEXANDER S. DESROCHES, 000–00–0000
JEFFREY R. DUNLAP, 000–00–0000
STANLEY E. ENGLE, 000–00–0000
ROBERT M. FRANCIS, 000–00–0000
BRIAN B. GANNON, 000–00–0000
CHRISTOPHER N. GEDO, 000–00–0000
DAVID R. GEDRA, 000–00–0000
KEVIN A. GRUNDY, 000–00–0000
CHARLES A. GUNZEL, 000–00–0000
JON A. HILL, 000–00–0000
GLENN D. HOFERT, 000–00–0000
BILLY E. HUDGINS, JR., 000–00–0000
LLOYD H. JONES, 000–00–0000
ROBERT E. KAUFMAN, 000–00–0000
TIMOTHY J. KELLY, 000–00–0000
WILLIAM S. KNOLL, 000–00–0000
DAVID P. LASCURAIN, 000–00–0000
CHAU G. LE, 000–00–0000
PETER C. LYLE, 000–00–0000
TIMOTHY P. MC CUE, 000–00–0000
ERIC S. MC DONALD, 000–00–0000
DAVID M. MC GEE, 000–00–0000
STEVE J. MC PHILLIPS, 000–00–0000
CRAIG F. MERRILL, 000–00–0000
PAUL V. MERZ, 000–00–0000
CHRIS D. MEYER, 000–00–0000
CHRISTOPHER A. MILLER, 000–00–0000
KURTIS B. MILLER, 000–00–0000
DAVID F. MOORE, 000–00–0000
PETER J. NEWTON, 000–00–0000
GARY J. NOWICKI, 000–00–0000
EDWARD OLSEN, 000–00–0000
MANUEL V. ORDONEZ, 000–00–0000
CHRISTOPHER G. OVERTON, 000–00–0000
PHILLIP K. PALL, 000–00–0000
BARRY W. PAYNE, 000–00–0000
PER E. PROVENCHER, 000–00–0000
RONNIE D. PUETT, 000–00–0000
JEFFERY S. RIEDEL, 000–00–0000
JESS E. RIGGLE, 000–00–0000
DAVID E. SANDERS, 000–00–0000
CHRISTOPHER D. SCOFIELD, --0000
LEWIS J. SCOTT, 000–00–0000
RICKY A. SERAIVA, 000–00–0000
RAYMOND S. STARSMAN, 000–00–0000
JAMES E. STEIN, 000–00–0000
GEORGE M. SUTTON, 000–00–0000
WILLIAM E. SWAYZE, 000–00–0000
GARY W. SWEANY, 000–00–0000
ERIC A. TAPP, 000–00–0000
JAMES E. TATERA, 000–00–0000
KWOK B. TSE, 000–00–0000
CURTIS E. VEJVODA, 000–00–0000
PAUL M. VOTRUBA, 000–00–0000
DAVID L. WAGNON, 000–00–0000
CHARLES H. WELLINGTON, JR., 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

MICHAEL J. CERNECK, 000–00–0000
WILLIAM D. MICHAEL, 000–00–0000
TIMOTHY J. MOREY, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

JON D. ALBRIGHT, 000–00–0000
STUART J. ALEXANDER, 000–00–0000
DONALD J. BODIN, JR., 000–00–0000
THOMAS M. CRAIN, 000–00–0000
ELLEN M. EVANOFF, 000–00–0000
JAMES F. GILLIES, 000–00–0000
MARK S. GOODALE, 000–00–0000
GRAHAM R. GUILER, 000–00–0000
PAUL E. HALL, 000–00–0000
BRIAN W. HICKS, 000–00–0000
RONALD D. KAELBER, 000–00–0000
CHRISTOPHER J. KENNEDY, 000–00–0000
COLE J. KUPEC, 000–00–0000
CARLOS L. LOPEZ, 000–00–0000
FELIPE M. LOPEZ, 000–00–0000
MATTHEW B. MULLINS, 000–00–0000
TERRENCE B. OHAIRE, 000–00–0000
VARANDA K. PHILLIPS, 000–00–0000
ARTHUR P. PRUETT, 000–00–0000
SCOTT E. ROBILLARD, 000–00–0000
RICHARD J. RUTKOWSKI, 000–00–0000
JOAN M. SCHMIDT, 000–00–0000
JOHN C. SMAJDEK, 000–00–0000
JODY C. SMITH, 000–00–0000
GREGORY A. STANLEY, 000–00–0000
JAMES I. VANDENAKKER, 000–00–0000
DANIEL VANORDEN, 000–00–0000
NEIL E. WILLIAMS, 000–00–0000
MICHAEL W. ZARKOWSKI, 000–00–0000

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

GEORGE D. BEAVERS, 000–00–0000
JOSEPH F. BRANAN, 000–00–0000
ARNOLD O. BROWN III, 000–00–0000
FRED W. CRUISE, 000–00–0000
DONALD P. DARNELL, JR., 000–00–0000
SCOTT F. DIPERT, 000–00–0000
PHILLIP B. FRANKLIN, 000–00–0000
DARYL R. HAEGLEY, 000–00–0000
JAMES E. HAGY, 000–00–0000
KATHRYN M.K. HELMS, 000–00–0000
FRANK C. HOLLAND III, 000–00–0000
PETER M. HUTSON, 000–00–0000
DOUGLAS A. JENIK, 000–00–0000
ALAN F. KUKULIES, 000–00–0000
JAMES K. LECHNER, 000–00–0000
RODNEY E. MALLOY, 000–00–0000
LAMIA ROLLINS, 000–00–0000
ROBERT P. SHEREDA, 000–00–0000
JOSEPH M. SNOWBERGER, 000–00–0000
JAMES V. STEVENSON, 000–00–0000
CHRISTOPHER TAYLOR, 000–00–0000
DARREN L. TURNER, 000–00–0000
DAVID B. WEIDING, 000–00–0000
TIMOTHY J. WHITE, 000–00–0000

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

JULIENNE E.C. ALMONTE, 000–00–0000
DAVID L. BEATTY, 000–00–0000
JOSUE M. BELLINGER, 000–00–0000
KIMBERLY A. BERRY, 000–00–0000
MARY Z. BOWEN, 000–00–0000
WILLIAM R. BRAY, 000–00–0000
TODD A. BROWN, 000–00–0000
ANDREW L. CALDERA, 000–00–0000
RONALD C. COPLEY, 000–00–0000
ARTHUR S. DELEON, 000–00–0000
PETER G. DUNPHY, 000–00–0000
JEANINE L.N. EHRET, 000–00–0000

JENNY S. EKKER, 000–00–0000
DAVID R. GARVEY, 000–00–0000
JOHN D. HARBER, 000–00–0000
JASON C. HINES, 000–00–0000
RONALD K. JONES, 000–00–0000
MARK W. KREIB, 000–00–0000
ANTHONY LAVECCHIA, JR., 000–00–0000
CARLOS J. LOFSTROM, 000–00–0000
JEFFREY A. MARGRAF, 000–00–0000
JOHN L. MC GAHA, 000–00–0000
CHRISTOPHER J. PAGE, 000–00–0000
JOHN P. PATCH, 000–00–0000
MICHAEL C. PERKINSON 000–00–0000
DAVID C. PORCARO 000–00–0000
DAVID A. QUACKENBOS 000–00–0000
DANIEL P. SALYAN 000–00–0000
DION M. SARCHET 000–00–0000
JOHN C. SCHULTE 000–00–0000
JON A. SKINNER 000–00–0000
TERRANCE A. SMITH 000–00–0000
RICHARD M. STEVENSON 000–00–0000
MARK ALFRED STROH 000–00–0000
MICHAEL V. TREAT 000–00–0000
MICHAEL F. WEBB 000–00–0000

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

DAVID J. ALBRITTON 000–00–0000
JEFFREY A. BRESLAU 000–00–0000
BRENT D. CHENARD 000–00–0000
RICHARD L. LAJOYE 000–00–0000
KELLY L. MERRELL 000–00–0000
DONNA P. MURPHY 000–00–0000
HERMAN M. PHILLIPS 000–00–0000
LYDIA R. ROBERTSON 000–00–0000
KAREN D. SCHAFFER 000–00–0000
JON A. SMITH 000–00–0000

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be lieutenant commander

TIMOTHY P. ANDERSON 000–00–0000
CHRISTOPHER V. ARIAS 000–00–0000
GAYNELL F. BARBER 000–00–0000
DARLENE R. BENNETT 000–00–0000
KAREN K. BRADY 000–00–0000
SUSAN K. BREWER 000–00–0000
ANN M. BURKHARDT 000–00–0000
JUDITH A. CALL 000–00–0000
DONNA D. CANNON 000–00–0000
RUDOLFO R. CANTU 000–00–0000
DEBORAH M. Z. CASHMAN 000–00–0000
DONNA A. CHERRY 000–00–0000
FELICIA L. COCHRAN 000–00–0000
YVETTE COFRESIEILIND 000–00–0000
KARA C. DALLMAN 000–00–0000
LORI L. DELOOZE 000–00–0000
CHRISTINE M. DONOHUE 000–00–0000
ELIZABETH M. DUNTON, 000–00–0000
JENNIFER R. FLATHER, 000–00–0000
CAROLYN S. FRICKE, 000–00–0000
JO E. GARDINER, 000–00–0000
RICHARD N. GATES, 000–00–0000
JANET G. GOLDSTEIN, 000–00–0000
BONITA A. GOODWIN, 000–00–0000
KATHY E. GORDON, 000–00–0000
CYNTHIA D. GRANT, 000–00–0000
GWYNN D. GRIFFIN, 000–00–0000
KERI A. GROHS, 000–00–0000
KATHARINE A. M. HALE, 000–00–0000
ANNE G. HAMMOND, 000–00–0000
IVY D. HANCHETT, 000–00–0000
DIANA HARRIS, 000–00–0000
CHRISTINA C. HARTIGAN, 000–00–0000
SUSAN D. HARVEY, 000–00–0000
JOSEPH M. HINES, JR., 000–00–0000
NANCY J. HOLCOMB, 000–00–0000
BARBARA S. KANEWSKE, 000–00–0000
MARY A. KIRBY, 000–00–0000
DIANE M. KOCZELA, 000–00–0000
VERONICA L. LUNDIN, 000–00–0000
SHANNON E. MC CARTHY, 000–00–0000
NANCY A. NORTON, 000–00–0000
ELIZABETH A. ODOWD, 000–00–0000
LISA A. OKUNPAIT, 000–00–0000
STEPHANIE L. O'NEAL, 000–00–0000
MELINDA L. POWERS, 000–00–0000
WILLIAM T. RICH, 000–00–0000
NANNETTE S. ROBERTS, 000–00–0000
MARK A. SANFORD, 000–00–0000
MARIANNE E. SICKMAN, 000–00–0000
DAVID J. SISSON, 000–00–0000
KATHLEEN M. STECKLER, 000–00–0000
DEAN E. STEWARTCURRY, 000–00–0000
ELENA A. TROTTER, 000–00–0000
KELLY J. VALENCIA, 000–00–0000
STEPHEN J. WILLIAMS, 000–00–0000

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

LAURA S. BRAMSON, 000–00–0000
ERIC J. BUCH, 000–00–0000
RAYMOND E. CHARTIER, JR., 000–00–0000
FREDERICK C. FRITSCH, 000–00–0000
JOHN A. FURGERSON, 000–00–0000
TIMOTHY C. GALLAUDET, 000–00–0000
ERIC F. GEDULTVONJUNGENFELD, 000–00–0000
GREG M. JIMENEZ, 000–00–0000
PETER M. KLEIN, 000–00–0000
PAUL E. MATTHEWS, 000–00–0000
BRUCE J. MORRIS, 000–00–0000
PATRICK J. MURRAY, 000–00–0000
WILLIAN H. NISLEY II, 000–00–0000
GREGORY SALVATO, 000–00–0000
MARGARET A. SMITH, 000–00–0000
MARCUS M. SPECKHAHN, 000–00–0000
MARC T. STEINER, 000–00–0000
JEFFREY L. SWAYNE, 000–00–0000
ERIC J. TREHUBENKO, 000–00–0000
ROBIN D. TYNER, 000–00–0000
GREG A. ULSES, 000–00–0000

LIMITED DUTY OFFICER (LINE)

To be lieutenant commander

SCOT K. ABEL, 000–00–0000
VIRGIL E. AKERS, 000–00–0000
WARRNE D. ALLISON, 000–00–0000
ALFREDO L. ALMEIDA, 000–00–0000
BRIAN W. ANDERSON, 000–00–0000
CLEMIA ANDERSON, JR., 000–00–0000
DANIEL R. ANDERSON, 000–00–0000
NORMAN C. ASH, 000–00–0000
NATHAN W. ASHE, 000–00–0000
DAVID W. ATKINS, 000–00–0000
JOSEPH E. AUFRANZ, 000–00–0000
CHARLES E. A. BAKER, 000–00–0000
KEVIN W. BALDWIN, 000–00–0000
THOMAS E. BARNES, JR., 000–00–0000
RICHARD L. BATES, 000–00–0000
JEFFREY M. BEATY, 000–00–0000
GORDON L. BELLEVUE, 000–00–0000
LAMAR H. BENTON, 000–00–0000
RANDY L. BERGMAN, 000–00–0000
CYRILEE A. BILLINGS, 000–00–0000
ERIC N. BINDERIM, 000–00–0000
ROBERT L. BLANCHARD, 000–00–0000
EDWARD J. BLASKO, 000–00–0000
RONALD L. BOISVERT, JR., 000–00–0000
MICHAEL A. BOSLET, 000–00–0000
FRANK W. BOYD, 000–00–0000
TIMOTHY S. BOYDSTUN, 000–00–0000
MICHAEL A. BRAY, 000–00–0000
EDWARD F. BREAULT, 000–00–0000
WAYNE M. BROVELLI, 000–00–0000
THEODORE R. I. BROWNELL, 000–00–0000
JAMES A. BROWNING, JR., 000–00–0000
PEGGY R. BURKE, 000–00–0000
BRUCE M. BUTLER, 000–00–0000
JOHN F. BUTTLER, 000–00–0000
LEWIS J. CARVER, 000–00–0000
MARK A. CHAFFIN, 000–00–0000
SCOTT C. COLTON, 000–00–0000
RICHARD A. CONTINI, 000–00–0000
JESS H. COOLEY, 000–00–0000
KEVIN T. COSTELLOE, 000–00–0000
RICHARD R. CSUHTA, 000–00–0000
KENNETH A. DAIBER, 000–00–0000
NORRIS L. DANZEY, 000–00–0000
STEVEN T. DAVIS, 000–00–0000
STEVEN A. DELANCY, 000–00–0000
PHILIP A. DELGADO, 000–00–0000
SILVESTER R. DELROSARIO, 000–00–0000
LINDA S. DENEEN, 000–00–0000
GREGORY, DEVAUGHN, 000–00–0000
RICKY L. DICK, 000–00–0000
DALE A. ESPERUM, 000–00–0000
PAUL G. FABISH, JR., 000–00–0000
JOHN H. FARQUHAR, 000–00–0000
RANDALL L. FISCHER, 000–00–0000
TERRY A. FORD, 000–00–0000
PERRY L. FORESTER, 000–00–0000
DAVID C. FOSTER, 000–00–0000
WILLIAM E. FULTZ, 000–00–0000
BRIAN F. GALE, 000–00–0000
RICARDO GARZA, 000–00–0000
WILLIAM J. GETZFRED, 000–00–0000
STEPHEN V. GIBBENS, 000–00–0000
JOHN W. GRADY, 000–00–0000
GLENN G. GRAVATT, 000–00–0000
GARY GREEN, 000–00–0000
DARRELL L. GRIFFIN, 000–00–0000
DARLENE R. GUNTER, 000–00–0000
BRAD F. GUTTILLA, 000–00–0000
WILLIAM A. HAMMOCK, 000–00–0000
TOMMY C. HARRIS, 000–00–0000
ROBIN A. HASTINGS II, 000–00–0000
CHARLES H. HAYDEN, JR., 000–00–0000
DANIEL P. HENDERSON, 000–00–0000
RONALD H. HENRY, 000–00–0000
DAVID A. HILL, II, 000–00–0000
LAWRENCE D. HILL, 000–00–0000
RICKY L. HOLT, 000–00–0000
DANIEL P. HOWE, 000–00–0000
KEITH W. HUNTER, 000–00–0000
JOHN E. IWANIEC, 000–00–0000
DAVID W. JACK, 000–00–0000
CHARLES JAMES, JR., 000–00–0000
OREN C. JEFFRIES, 000–00–0000
CLIFTON T. JOHNSON, 000–00–0000
LARRY M. JOHNSON, 000–00–0000
JOHN R. JONES, 000–00–0000
DENNIS R. KING, 000–00–0000
DAVID G. KNAUTH, 000–00–0000
WILLIAM C. KOSHI, JR., 000–00–0000
DALE K. KUTSCH, 000–00–0000
ROBERT J. LAROCK, 000–00–0000
STEVEN C. LARSON, 000–00–0000
JOHN H. LECKIE, 000–00–0000
BRUCE P. LEE, 000–00–0000
VICTOR K. LEONARD, 000–00–0000
JEFFREY E. LESSIE, 000–00–0000
ALAN D. LEWIS, 000–00–0000
JIMMY LEWIS, 000–00–0000
RONALD P. LIECHTY, 000–00–0000
GLENN W. LINTON, 000–00–0000
CURTIS L. LIPSCOMB, 000–00–0000
RICKY K. LOVELL, 000–00–0000
LARRY L. LUITHLE, 000–00–0000
JAMES P. MARTEN, 000–00–0000
TERRY M. MARTIN, 000–00–0000
JOSE F. MARTINEZ, 000–00–0000
JESUS A. MATUDIO, 000–00–0000
MICHAEL G. MC ADAMS, 000–00–0000
BRIAN F. MC SHEFFREY, 000–00–0000
ADAM J. MELCH, 000–00–0000
RICKY E. MILLER, 000–00–0000
KENNETH R. MINOGUE, 000–00–0000
DAVID L. MITCHELL, 000–00–0000
MICHAEL K. MOORE, 000–00–0000
DAVID K. MUISE, 000–00–0000
ROBERT D. NEWBRY, 000–00–0000
PAUL D. OLSON, 000–00–0000
WILLIAM L. OUELLETTE, 000–00–0000
DONALD E. OWENS, 000–00–0000
DERRELL W. PARKER, 000–00–0000
STUART D. PASELK, 000–00–0000
TIMOTHY W.P. PATON, 000–00–0000
DONALD R. PATTERSON, 000–00–0000
DAVID W. PEACOTT, 000–00–0000
ROBERTO PEREZ, 000–00–0000
ERNEST K. PETERSON, 000–00–0000
JERRY L. PETERSON, 000–00–0000
MICHAEL A. PETRILLO, 000–00–0000
MICHAEL K. PRICE 000–00–0000
GERALD C. ROXBURY, 000–00–0000
EMIL J. SALANSKY, JR., 000–00–0000
JEFFREY D. SALISBURY, 000–00–0000
STEPHEN M. SALKA, 000–00–0000
JOHN A. SAMPSON, 000–00–0000
GUILLERMO A. SAMUELS, 000–00–0000
THOMAS SANFORD, 000–00–0000
KURT R. SCHAEDEL, 000–00–0000
STEPHEN C. SCHUELER, 000–00–0000
LAWRENCE A. SCRUGGS, 000–00–0000
STEVEN D. SHARER, 000–00–0000
THOMAS R. SHEFFIELD, 000–00–0000
JOHN E. SHOCKLEY, 000–00–0000
EDWARD J. SIMMONS, 000–00–0000
BRIAN SMITH, 000–00–0000
HAROLD W. SMITH, 000–00–0000
HENRY G. SNOWDEN, JR., 000–00–0000
LARRY S. SOUTHERLAND, 000–00–0000
DAVID A. SPANGLER, 000–00–0000
RICHARD A. STABLES, 000–00–0000
RICHARD L. STRICKLAND, 000–00–0000
JOHN J. SWOKOWSKI, 000–00–0000
DIANN D. TILGHMAN, 000–00–0000
CHRISTY I. TOMLINS, 000–00–0000
MARK A. TUOHY, 000–00–0000
DONALD R. TURCOTTE, 000–00–0000
THOMAS J. UTT, 000–00–0000
DAN O. WESSMAN, 000–00–0000
GREGORY D. WHEELOCK, 000–00–0000
MARK O. WIDTFELDT, 000–00–0000
ROBERT A. WILLEN, 000–00–0000
EDWARD W. WILLIAMS, 000–00–0000
ROY N. WILLIAMSON, 000–00–0000
MATTHEW H. WISNIEWSKI, 000–00–0000
RUSSELL L. WYCKOFF, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be colonel

JOHNNY R. ALMOND, 000–00–0000
DAVID H. CYR, 000–00–0000
CHARLES W. ECHOLS, 000–00–0000
RICHARD K. HUM, 000–00–0000
ROBERT F. IPPOLITO, 000–00–0000
CHARLES H. LOCKLIN III, 000–00–0000
CARLO F. MONTECALVO, 000–00–0000
RONALD A. NEWLAND, 000–00–0000
DAVID M. PARK, 000–00–0000
DAVID J. SCHROEDER, 000–00–0000
DAVID C. SESSIONS, 000–00–0000
STEVEN T. SILL, 000–00–0000
HENRY B. WILBOURNE, 000–00–0000

NURSE CORPS

To be colonel

SANDRA J. AMUNDSON, 000–00–0000
NORMA K. BOLTON, 000–00–0000
MARY L. COLEMAN, 000–00–0000
LINDA M. DOWNING, 000–00–0000
LINDA F. HENDERSON, 000–00–0000
*ALBERTINA HOLMLUND, 000–00–0000
PATRICIA A. HOWARD, 000–00–0000
DENNIS C. MARQUARDT, 000–00–0000
JACQUELINE E. MURDOCK, 000–00–0000
TERESA W. PAGE, 000–00–0000
EDITH S. SANDOVAL, 000–00–0000
LINDA D. SIEGEL, 000–00–0000
BARBARA C. SUTTON, 000–00–0000
THOMAS A. VANN, 000–00–0000
CONSTANCE M. WHORTON, 000–00–0000

MEDICAL SERVICE CORPS

To be colonel

THERESA S. BAKER, 000–00–0000
GEORGE C. BONHAM, JR., 000–00–0000
PATRICIA M. FRENCH, 000–00–0000

DAVID D. GILBREATH, 000–00–0000
NORMAN J. LATINI, 000–00–0000
FRANK L. NELSON, 000–00–0000
EUGENE H. RAYNAUD, 000–00–0000
STEVEN H. REGNER, 000–00–0000
WILLIAM R. RENWICK, 000–00–0000
RICHARD D. SILVERNAIL, 000–00–0000
JUNIOR J. TILLEY, 000–00–0000
EDWARD F. TORRES, 000–00–0000
RONALD E. WILDMAN, 000–00–0000
PAUL T. WILLIAMSON, 000–00–0000

BIOMEDICAL SCIENCES CORPS

To be colonel

GEORGE L. BERBERICH, 000–00–0000
WILLIAM G. BLACK, JR., 000–00–0000
ROBERT E. BRIDGES, 000–00–0000
DANIEL R. BROWN, 000–00–0000
ROCKY D. CALCOTE, 000–00–0000
JIM A. DAVIS, 000–00–0000
EVA M. ECKBURG, 000–00–0000
JAMES D. FRASER, 000–00–0000
GARY D. GACKSTETTER, 000–00–0000
MARK A. HAMILTON, 000–00–0000
ALBERT A. HARTZELL, 000–00–0000
DANNY L. HOLT, 000–00–0000
MOHAMMAD A. HOSSAIN, 000–00–0000
HARRY P. HOWITT, 000–00–0000
DENEICE L. JACKSON, 000–00–0000
JOHN F. KENT, 000–00–0000
RUSSELL H. MATTERN, 000–00–0000
WILLARD W. MOLLERSTROM, 000–00–0000
ESTHER F. MYERS, 000–00–0000
JOHN N. QUIRK, 000–00–0000
DENNIS L. RAY, 000–00–0000
ROBERT J. SARVAIDEO, 000–00–0000
LORRAINE SHELTONGAINES, 000–00–0000
PAUL J. SHONEBARGER, 000–00–0000
LOWELL L. SNITCHLER, 000–00–0000
*FORREST R. SPRESTER, 000–00–0000
ALICE A. TARPLEY, 000–00–0000

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THE OFFICER IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE

To be lieutenant colonel

GARY J. ABBATE, 000–00–0000
ANNEKE C. ABMA, 000–00–0000
JORGE ACEVEDO, 000–00–0000
JAMES L. ACREE, 000–00–0000
DAVID A. ADAMS, 000–00–0000
REGINALD L. ADAMS, 000–00–0000
EDWARD N. ADDISON, 000–00–0000
GEORGE D. AKIN, 000–00–0000
CARMEN M. ALATORREMARTIN, 000–00–0000
PAUL S. ALBERT, 000–00–0000
FRANK G. ALBRIGHT II, 000–00–0000
LINDA S. ALDRICH, 000–00–0000
STUART L. ALDRIDGE, 000–00–0000
JO A. ALFARO, 000–00–0000
LIONEL D. ALFORD, JR., 000–00–0000
GAIL C. ALLEN, 000–00–0000
JOHN M. ALLEN, 000–00–0000
TRAVIS L. ALLEN, JR., 000–00–0000
WILLIS D. ALLEY, 000–00–0000
MARK A. ALRED, 000–00–0000
ROBERT P. AMBROSE, 000–00–0000
DIETMAR AMELANG, 000–00–0000
MICHAEL T. AMES, 000–00–0000
JOHN M. AMRINE, 000–00–0000
DAVID K. ANDERSON, 000–00–0000
MONDELL R. ANDERSON, 000–00–0000
RICHARD L. ANDERSON II, 000–00–0000
SHERI W. ANDINO, 000–00–0000
SALVATORE A. ANGELELLA, 000–00–0000
PAULA ANSELMO, 000–00–0000
DEREK S. ANTONELLI, 000–00–0000
EVETTE E. APONTE, 000–00–0000
STEPHEN J. APPLE, 000–00–0000
JOSE R. ARAGON, 000–00–0000
ANTHONY J. ARETZ, 000–00–0000
EUGENIO V. ARIAS, 000–00–0000
STEVEN E. ARMSTRONG, 000–00–0000
BRADLEY D. ARNOLD, 000–00–0000
LARRY J. ARNOLD, 000–00–0000
MICHAEL W. ARNOLD, 000–00–0000
JARED A. ASTIN, 000–00–0000
MARK D. AUDISS, 000–00–0000
SUSAN J. AUNGST, 000–00–0000
FRED AUSTIN, 000–00–0000
LAWRENCE G. AVERY JR., 000–00–0000
PETER R. AXUP, 000–00–0000
RICHARD R. AYRES, 000–00–0000
MARGARET Y. BAECHTOLD, 000–00–0000
JAMES J. BAER, 000–00–0000
DAVID W. BAILEY, 000–00–0000
GEORGE E. BAILEY, 000–00–0000
MARK H. BAILEY, 000–00–0000
MARY F. BAILEY, 000–00–0000
ROBERT P. BAINE III, 000–00–0000
CYNTHIA A. BAKER, 000–00–0000
MICHAEL K. BAKER, 000–00–0000
DANIEL B. BAKKE, 000–00–0000
JOHN E. BALL, 000–00–0000
SHELBY G. BALL, 000–00–0000
PERRY G. BALLARD, 000–00–0000
JOANN M. BARBARO, 000–00–0000
PHILIP J. BARBEE, 000–00–0000
WILLIAM J. BARLOW JR., 000–00–0000
RAMONA G. BARNES, 000–00–0000
EDMUND L. BARNETTE JR., 000–00–0000
RANDY L. BARTELS, 000–00–0000
JAMES M. BARTLETT, 000–00–0000
GARY W. BARTON, 000–00–0000
MICHAEL C. BARTON, 000–00–0000
KEITH D. BASHANT, 000–00–0000
STEPHEN M. BATTS, 000–00–0000
JOHN K. BEALS, 000–00–0000
REBECCA L. BEAMAN, 000–00–0000
GROVER P. BEASLEY III, 000–00–0000
ALLAN R. BECK, 000–00–0000
WILLIAM R. BECKER, 000–00–0000
JEFFREY K. BEENE, 000–00–0000
TODD E. BEHNE, 000–00–0000
LORRAINE Y. BEJJANI, 000–00–0000
DAVID E. BELL, 000–00–0000
ALBERT P. BENDER, 000–00–0000
WILLIAM J. BENDER, 000–00–0000
MICHAEL A. BENJAMIN, 000–00–0000
BARRY J. BENNETT, 000–00–0000
MARK A. BENNETT, 000–00–0000
THOMAS W. BENNETT, 000–00–0000
ROBERT M. BENSON, 000–00–0000
BRIAN C. BERGDAHL, 000–00–0000
KATHERINE J. BERGERON, 000–00–0000
STEVEN W. BERNARD, 000–00–0000
MATTHEW J. BERRY, 000–00–0000
JAMES H. BEST, 000–00–0000
NANCY N. BETTIS, 000–00–0000
STEVEN K. BIBLE, 000–00–0000
BRAD S. BIGELOW, 000–00–0000
MICHAEL L. BILLINGSLEY, 000–00–0000
GREGORY M. BILLMAN, 000–00–0000
DANIEL J. BIRSCHBACH, 000–00–0000
DANIEL J. BISANTI, 000–00–0000
BRADFORD J. BISSON, 000–00–0000
JEAN E. BITNER, 000–00–0000
EILEEN A. BJORKMAN, 000–00–0000
DAVID L. BJORNSON, 000–00–0000
STEVEN M. BLACK, 000–00–0000
KAREN D. BLACKFORD, 000–00–0000
KARL W. BLACKMUN, 000–00–0000
MICHAEL J. BLAINE, 000–00–0000
BRUCE E. BLAISDELL, 000–00–0000
WILLIAM D. BLAKEMAN, 000–00–0000
DAVID A. BLALOCK, 000–00–0000
STEVEN BLASINGAME, 000–00–0000
RUDOLPH J. BLAZICKO, 000–00–0000
DAVID A. BLEHM, 000–00–0000
BRIEUC W. BLOXAM, 000–00–0000
KENNETH L. BLUMENBERG, 000–00–0000
SUZANNE L. BOAHN, 000–00–0000
CARL D. BODENSCHATZ, 000–00–0000
RALPH A. BOEDIGHEIMER, 000–00–0000
JOHN V. BOGGESS, 000–00–0000
KEVIN G. BOGGS, 000–00–0000
PAUL R. BOLAND, 000–00–0000
STEPHEN L. BOLLMAN, 000–00–0000
PATRICIA BOMBERGER, 000–00–0000
ROMAN J. BONCZEK, 000–00–0000
EUGENE L. BOND, 000–00–0000
RICHARD L. BORNMANN, JR., 000–00–0000
WILLIAM J. BORONOW, 000–00–0000
JOHN J. BORSI, 000–00–0000
DALE A. BOURQUE, 000–00–0000
JAMES L. BOWLES, JR., 000–00–0000
KIM A. BOWLING, 000–00–0000
WAYNE E. BOWSER, 000–00–0000
RICHARD L. BOYD, 000–00–0000
DAVID A. BOYER, 000–00–0000
MARK E. BRACICH, 000–00–0000
JAMES S. BRACKETT, 000–00–0000
JANNETT D. BRADFORD, 000–00–0000
JOHN R. BRADSHAW, 000–00–0000
WAYNE C. BRADSHAW, 000–00–0000
JEFFREY A. BRAND, 000–00–0000
CLIFFORD O. BRATTEN, 000–00–0000
DAVID L. BREEDEN, JR., 000–00–0000
THOMAS M. BREEN, 000–00–0000
WILLIAM H. BREEN, 000–00–0000
TIMOTHY P. BRENNAN, 000–00–0000
LAWRENCE C. BREVARD, 000–00–0000
DAVID C. BREWER, 000–00–0000
JAMES G. BREWSTER, JR., 000–00–0000
MICHAEL W. BRIDGES, 000–00–0000
DEIDRE E. BRIGGS, 000–00–0000
DAVID P. BRITTON, 000–00–0000
PAULA D. BRITTON, 000–00–0000
LARRY G. BROCKSHUS, 000–00–0000
BRADLEY E. BROWN, 000–00–0000
GREGORY A. BROWN, 000–00–0000
JAMES E. BROWN, 000–00–0000
ROSALYN M. BROWN, 000–00–0000
VENETIA E. BROWN, 000–00–0000
JERRY W. BROWNING, 000–00–0000
KAY S. BRUCE, 000–00–0000
THOMAS J. BRUNS, 000–00–0000
DANIEL M. BRYAN, 000–00–0000
JAMES A. BRYANT, JR., 000–00–0000
PAUL E. BRYANT, 000–00–0000
MICHAEL K. BUCK, 000–00–0000
JOHN N. BUCKALEW, 000–00–0000
KRIS J. BUCKLEW, 000–00–0000
JANE F. BUECHLER, 000–00–0000
DAVID A. BUJOLD, 000–00–0000
HAROLD E. BULLOCK, 000–00–0000
THAD F. BUMGARNER, JR., 000–00–0000
LEWIS A. BUNCH III, 000–00–0000
ROBERT L. BURDSAL, 000–00–0000
STEPHEN L. BURGESS, 000–00–0000
RICHARD L. BURLINGAME, 000–00–0000
GORDON R. BURNS, 000–00–0000
HUGH F. BURRELL, 000–00–0000
TOM BURRISS, 000–00–0000
CLARK D. BURTCH, 000–00–0000
ANNE W. BURTT, 000–00–0000
BRUCE A. BUSH, 000–00–0000
WANDA N. BUSSCHER, 000–00–0000
ERIC R. BUSSIAN, 000–00–0000
DALE E. BUTLER, 000–00–0000
MICHAEL S. BUTLER, 000–00–0000
PATRICK M. BUTLER, 000–00–0000
AARON D. BYAS, 000–00–0000
DIANE M. BYRNE, 000–00–0000
WILLIAM B. BYRNE III, 000–00–0000
GERALDINE CADE, 000–00–0000
GAETON A. CAFIERO, 000–00–0000
ANTHONY C. CAIN, 000–00–0000
STEPHEN E. CAIN, 000–00–0000
RICHARD A. CALDWELL, 000–00–0000
JORGE F. CAMACHO, 000–00–0000
CHARLES S. CAMERON, 000–00–0000
JAMES J. CAMPBELL, JR., 000–00–0000
WILLIAM L. CAMPBELL, 000–00–0000
JESSIE W. CANADAY, 000–00–0000
RAYMUNDO CANCEL, 000–00–0000
DAVID K. CANNON, 000–00–0000
ANTHONY CAPRA, 000–00–0000
SAMUEL G. CARBAUGH, 000–00–0000
BRUCE E. CARD, 000–00–0000
JOSEPH D. CARDWELL, 000–00–0000
MICHAEL J. CAREY, 000–00–0000
DON A. CARMICHAEL, 000–00–0000
P. MASON CARPENTER, 000–00–0000
REYNALDO S. CARPIO, 000–00–0000
MARTIN W. CARR, 000–00–0000
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RODERICK E. GILLIS, 000–00–0000
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EDWARD I. GJERMUNDSEN, 000–00–0000
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RON MC NEILL, 000–00–0000
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THERESA A. MEYER, 000–00–0000
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HENRY MITNAUL, 000–00–0000
GREG K. MITTELMAN, 000–00–0000
GREGORY D. MOBLEY, 000–00–0000
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CLADA A. MONTEITH, 000–00–0000
ELIZABETH A. MOORE, 000–00–0000
ROBERT F. MOORE, 000–00–0000
JUAN MORENO III, 000–00–0000
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PAUL J. MOSCARELLI, 000–00–0000
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RENE L. MOSLEY, 000–00–0000
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JOAN M. MUMAW, 000–00–0000
SAMUEL S. MUMAW, 000–00–0000
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MICHAEL MUSTAFAGA, 000–00–0000
STEVEN W. NACHTWEY, 000–00–0000
SAMUEL F. NEAL, 000–00–0000
NANCY L. NEEDHAM, 000–00–0000
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BARBARA K. NELSON, 000–00–0000
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TERI C. NETTER, 000–00–0000
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GEORGE A. NEWBERRY, 000–00–0000
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WILLIAM A. SCHAAKE, 000–00–0000
CINDY L. SCHAEFER, 000–00–0000
ROWAYNE A. SCHATZ, JR. 000–00–0000
YVONNE E. SCHILZ, 000–00–0000
MICHAEL J. SCHISSEL, 000–00–0000
CRAIG H. SCHLATTMANN, 000–00–0000
BRUCE E. SCHMIDT, 000–00–0000
JOHN R. SCHNEIDER, 000–00–0000
PAMELA C. SCHOTT, 000–00–0000
STEVEN C. SCHRADER, 000–00–0000
RICHARD K. SCHUFF, 000–00–0000
DENISE I. SCHULTZ, 000–00–0000
CHARLES T. SCOTT, 000–00–0000
DAVID P. SCOTT, 000–00–0000
GLENN M. SCOTT, 000–00–0000
MICHAEL R. SCOTT, 000–00–0000
JOSEPH S. SCRENCI, JR., 000–00–0000
ROBERT H. SEABERG, 000–00–0000
GEORGE G. SEAMAN, 000–00–0000
STEVEN R.F. SEARCY, 000–00–0000
CHRISTOPHER A. SEAVER, 000–00–0000
MARK E. SECAN, 000–00–0000
JOSEF SEIDL, 000–00–0000
MATTHEW T. SEITZ, 000–00–0000
ALTON L. SELF, JR., 000–00–0000
ERIC M. SEPP, 000–00–0000
JOHN G. SETTER, JR., 000–00–0000
BERNARD L. SHALZ, JR., 000–00–0000
DEAN E. SHARP, 000–00–0000
PATRICK M. SHAW, 000–00–0000
HOWARD R. SHELWOOD, 000–00–0000
KENT I. SHEPHERD, 000–00–0000
MICHAEL ALLEN SHEPHERD, 000–00–0000
CHRISTIAN L. SHIPPEY, 000–00–0000
DALE T. SHIRASAGO, 000–00–0000
THOMAS A. SHIRCLIFF, JR., 000–00–0000
HERBERT E. SHIREY, 000–00–0000
JERALD S. SHIVER, 000–00–0000
ROBERT C. SHOFNER, 000–00–0000
WELDON B. SHOFNER, 000–00–0000
BRIAN J. SHOOK, 000–00–0000
JAMES T. SILVA, 000–00–0000
MARK SIME, 000–00–0000
ROBERT K. SIMM, JR., 000–00–0000
ROBIN A. SIMMONS, 000–00–0000
DAVID A. SIMMS, 000–00–0000
ALBERT J. SIMON, 000–00–0000
JOHN H. SIMS, 000–00–0000
MARC L. SIMS, 000–00–0000
RAYMOND H. SIMS, JR., 000–00–0000
WILLIAM R. SIMS, JR., 000–00–0000
KENNETH W. SINGLETON, 000–00–0000
JOHN C. SINGSAAS, 000–00–0000
MICHAEL J. SINISI, 000–00–0000
GARRY E. SITZE, 000–00–0000
EUGENE R. SKELLY, 000–00–0000
JAMES R. SKOTNICKI, 000–00–0000
CAROLYN V. SMALL, 000–00–0000
MICHAEL G. SMELLIE, 000–00–0000
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RONALD C. SMITH, 000–00–0000
TALLY E. SMITH, 000–00–0000
TIMOTHY D. SMITH, 000–00–0000
WILBURN W.L. SMITH, 000–00–0000
REX K. SNIDER, JR., 000–00–0000
THOMAS E. SNODGRASS, 000–00–0000
LETITIA J. SNOOK, 000–00–0000
NANCY D. SNYDER, 000–00–0000
VINCENT R. SNYDER, 000–00–0000
WILLIAM G. SNYDER, 000–00–0000
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JOYCE F. SOHOTRA, 000–00–0000
DONALD W. SOLANO, 000–00–0000
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JUAN R. SOTOMAYOR, 000–00–0000
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ANNABEL S. SPARKMAN, 000–00–0000
DAVID L. SPEAKMON, 000–00–0000
EVELYN M. SPENCE, 000–00–0000
THOMAS R. SPICER, 000–00–0000
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ROBERT P. SPRACALE, 000–00–0000
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JOHN W. STARKEY, 000–00–0000
ROBERT J. STEELE, 000–00–0000
DAVID D. STEINFIELD, 000–00–0000
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BRADLEY R. STEWART, 000–00–0000
JACK S. STEWART, 000–00–0000
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PETER V. STIGLICH, 000–00–0000
SCOTT R. STIMPERT, 000–00–0000
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GLENN A. SWILLING, 000–00–0000
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IRA T. TAYLOR, JR., 000–00–0000
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NAT THONGCHUA, 000–00–0000
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LINDA E. TORRENS, 000–00–0000
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TEDDY T. VARWIG, 000–00–0000
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WILLIAM M. VENABLE, 000–00–0000
JOHN VENEZIANO, 000–00–0000
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SCOTT D. WEBER, 000–00–0000
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JAMES J. WENDLING, 000–00–0000
WAYNE H. WENTZ, 000–00–0000
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EDGAR S. WESTERLUND, 000–00–0000
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SANDRA A. WHEELER, 000–00–0000
SCOTT L. WHEELER, 000–00–0000
SAMUEL K. WHILDING, 000–00–0000
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GREGORY S. WIEBE, 000–00–0000
DENNIS R. WIER, 000–00–0000
BURTON D. WIGGINS, 000–00–0000
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KAREN S. WILHELM, 000–00–0000
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RODNEY L. WILKINSON, 000–00–0000
BARRY M. WILLIAMS, 000–00–0000
BRETT T. WILLIAMS, 000–00–0000
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MARK A. WILLIAMS, 000–00–0000
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WILLIE J. WILLIAMS, 000–00–0000
DANA N. WILLIS, 000–00–0000
CARL L. WILSON, 000–00–0000
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JON C. WILSON, 000–00–0000
MYRTISTENE H. WILSON, 000–00–0000
ROBERT A. WILSON, 000–00–0000
ROBERT T. WIMPLE, JR., 000–00–0000
KATHLEEN M. WINTERS, 000–00–0000
ROBERT S, WINTERS, 000–00–0000
MICHAEL C. WITHERS, 000–00–0000
MARK H. WITT, 000–00–0000
CLETUS F. WITTER, 000–00–0000
JOHN K. WOJAHN, 000–00–0000
RICK S. WOLAVER, 000–00–0000
SIFES W. WOLE, JR., 000–00–0000
CHARLES W. WOLF, JR., 000–00–0000
CAROL J. WOLOSZ, 000–00–0000
TOD D. WOLTERS, 000–00–0000
MICHAEL P. WOLTZ, 000–00–0000
RONALD B. WOOD, 000–00–0000
MARGARET H. WOODWARD, 000–00–0000
LETEITA S. WOOTEN, 000–00–0000
BEVERLY C. WRIGHT, 000–00–0000
DALE L. WRIGHT, 000–00–0000
MARK D. WRIGHT, 000–00–0000
RICHARD L. WRIGHT, JR., 000–00–0000
PAUL D. WUEBOLD, 000–00–0000
BRENT T. YAMAUCHI, 000–00–0000
DANIEL S. YINGER, 000–00–0000
KEITH YOCKEY, 000–00–0000
THOMAS L. YODER, 000–00–0000
KIRK A. YOST, 000–00–0000
DAVID E. YOUKER, 000–00–0000
GREGORY A. YOUNG, 000–00–0000
GREGORY R. YOUNG, 000–00–0000
DAVID E. YOW, 000–00–0000
THOMAS E. ZAJAC, 000–00–0000
GILBERT ZAMORA, JR., 000–00–0000
ROBERT ZAPATA, 000–00–0000
RODERICK C. ZASTROW, 000–00–0000
JOSEPH M. ZAUBI, 000–00–0000
DAVID J. ZDENEK, 000–00–0000
ROBERT H. ZEIGLER, 000–00–0000
MICHAEL P. ZEPF, 000–00–0000
STEPHEN B. ZIEHMN, 000–00–0000
HERBERT R. ZUCKER, 000–00–0000