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Senate

The Senate met at 10 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:

Almighty God, we turn to You in the midst of the sickness and suffering of human life. You are the source of the healing power of life and have entrusted to us the awesome challenge of working in partnership with You in discovering the cures of diseases. With Your divine inspiration and guidance, we have fought and won in the battle against so many crippling illnesses. But Father, we need Your continued help in our relentless search for a cure for cancer. Thank You for the progress You have enabled. Bless the scientists, surgeons, and physicians who are on the front line of this conquest. All of us have one or more of three things in common: We have suffered from cancer ourselves, have a loved one or friend who has or is struggling to survive this disease, or have lost someone because of one of the many types of cancer.

Today we feel profound empathy for Senator TOM HARKIN, as he endures the grief of the death of his brother Chuck. Thank You for the gallant battle Chuck fought, for his faith in You, and for the assurance of Your strength and courage he exemplified. Be with his wife, Senator HARKIN, and his family in this time of need. Through our Lord and Saviour who gives us the assurance of eternal life and the determination to press on in the quest for the cure of cancer. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Maine, is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 1 p.m. Following morning business, if consent is reached, the Senate will begin consideration of the intelligence authorization bill. It is hoped that the Senate will be able to complete action on the intelligence bill in a reasonable time period and, therefore, Senators can anticipate rollcall votes throughout the day. The majority leader has also indicated that it is his hope that the Senate will be able to proceed to the Department of Defense authorization bill following disposition of the intelligence authorization bill.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senate will be in a period of morning business until the hour of 1 p.m.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes.

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

COLLEGE AFFORDABILITY AND ACCESS ACT OF 1997

Ms. COLLINS. Mr. President, I am pleased to speak about S. 930, the College Affordability and Access Act of 1997, which I introduced yesterday.

More than 30 years ago, Congress took the historic step of authorizing Federal student aid programs for the purpose of ''making available the benefits of postsecondary education to eligible students.'' Since that time, millions of young Americans have been afforded an opportunity often denied their parents—a college education.

During the three decades since the passage of the Higher Education Act of 1965, both the cost and the importance of postsecondary education have grown dramatically. And, unfortunately, many once again find themselves without the financial resources needed to unlock the door to a better future.

There was a time in Maine when a person armed with a high school diploma and a willingness to work hard could expect to get a job in a paper mill and be assured of a very good wage for life. Today, however, the situation is very different. The manager of one mill told me that it has been 10 years since they hired a high school graduate. Similarly, if you visit the recently built recycling mill in East Millinocket, ME, you are likely to see a handful of computer operators using specialized training to run highly technical equipment.

At a time when 85 percent of the new jobs require some postsecondary schooling, the challenge for the children of less affluent families is to obtain higher education, and the challenge for us is to make that a possibility.

We cannot and should not guarantee our young people success, but we can and should strive to guarantee them opportunity. We have a good record on which to build, as the student aid programs of the Higher Education Act have assisted countless young Americans. Those programs do not, however, do enough to assist middle-class families in coping with the ever-escalating cost of higher education. And they certainly do not do enough to help those for whom the cost of college is a crushing debt load.

Mr. President, much of the impetus for this bill comes from my experience working at Husson College, a small college in Bangor, ME, as well as from the education hearings that Senator JEFFORDS and I held in that city. Husson's students primarily come from lower- and middle-income families; in most cases, they are the first members of their family to attend college. That

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

makes Husson the perfect laboratory from which to assess the strengths and weaknesses of our current student aid programs.

From my Husson experience, I came to appreciate the critical role of Pell Grants and student loan programs in opening the doors to college for many students. But I also learned that our current programs do far too little for the many middle-class families who must largely bear the financial burden of opening those doors for their children. We also do not do enough for those for whom the road to college ends not with a pot of gold but with a pile of debt. Indeed, even at a school with moderate tuition, like Husson, a student participating in the Pell Grant and Federal Work Study Programs can expect to graduate not only with a degree but also with a debt of more than $15,000. And if this student goes on to graduate or professional school, the indebtedness could easily exceed $100,000.

Missy Chasse, a student who worked for me at Husson, typifies this problem. After graduating with an $18,000 debt, she decided to return to her home town of Ashland in rural Maine where the prospect of a job paying more than $20,000 is remote. Missy is now faced with a daunting debt that will strain her finances for years to come. Many people, confronted with this prospect, simply drop out of college or decide not to go at all.

The dilemma facing middle-class American families who have to rely on borrowing to educate their children was captured in a letter I recently received from Maine parents. They wrote:

> We both work and are caught in the middle—too much income for aid and not enough to support college tuition. Our daughter has almost completed her second year of college with two more to go. She has loans, we have loans, and it is becoming increasingly harder to keep our heads above water. We have another daughter entering college in three years and we wonder how we will be able to swing it.

That the experience of this family is widespread is borne out by the statistics. According to the Finance Authority of Maine, the average size of the education loans it guarantees has more than quadrupled during the past 10 years. The prospect of being saddled with a terrifying debt explains why many Maine families decide that the cost of college is simply too great for them. Indeed, Maine ranks a dismal 49th out of the 50 States in the percentage of our young people who decide to go on to higher education.

Mr. President, this is the season when Members of this body hit the commencement trail, summoning up their most stirring rhetoric to inspire college graduates to dedicate themselves to serving others. The irony is that the audience is far more likely to see its future not as one of serving its neighbors, but rather as one of servicing its debt.

My bill recognizes that we have a solid foundation of financial assistance programs. It seeks to build on that foundation by making needed changes that will provide some measure of debt relief, promote private savings, and encourage employer sponsorship of education.

Specifically, the College Affordability and Access Act of 1997 has three components. The first will make the interest on student loans tax deductible. The second will authorize the establishment of tax-exempt education savings accounts. And the third will make permanent the tax exemption for employer-paid tuition for undergraduate programs and extend it to graduate and professional programs.

The first component, a small step for Government that will be a big help to students, allows a tax deduction of up to $2,750 in interest that individuals pay on their student loans. It will alleviate some of the financial pain experienced by the recent graduate with the $18,000 debt and the $20,000 salary. While the deduction will be phased out as the graduate's income increases, the vast majority of those with student loans will qualify for all or part of the benefit. Through this change, we will be recognizing that a loan to go to college is not the same as a loan to buy a stereo, but rather an investment in human capital that will pay dividends not only to the borrower but also to our Nation.

The second component will allow parents to place $1,000 per year into a tax-exempt savings account for the education of a child. Money withdrawn from the account to pay qualified education expenses will not be taxed. Assuming the family puts $1,000 into the account every year for 18 years and the account earns a modest rate of return, the family can expect to accumulate about $35,000, which will put a big dent in their education expenses.

Our education policies must stop penalizing savings. Under current law, families which make financial sacrifices to save for their children's education may face the paradoxical result that they do not qualify for aid programs available to their less prudent neighbors. While this bill will not eliminate that possibility, it will send the clear message that our Government is prepared to encourage and reward those who save for college.

The third component seeks to make greater use of the willingness of businesses to further the education of their employees. It will accomplish that in two ways. First, it will make permanent the current tax exemption for employer-paid tuition for undergraduate studies. Second, it will extend this exemption to those attending graduate and professional programs.

Mr. President, this bill will benefit families facing the challenge of paying for college; it will benefit students currently pursuing their education; and it will benefit graduates struggling to pay their debts. But the benefits will be far more widespread and significant. In its own small way, the College Affordability and Access Act will give us a better educated population, a more competitive economy, and a society in which the rewards are more equally shared. Most important, it will reaffirm our commitment to the principle that success in America should be there for all who are willing to work for it.

Mr. President, I am pleased to tell you this bill has attracted widespread support. I ask unanimous consent that the text of a letter I received from the American Council on Education endorsing S. 930 on its own behalf and on behalf of 12 other educational organizations be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, June 18, 1997.

Hon. SUSAN COLLINS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I write on behalf of the higher education associations listed below to commend you for introducing ''The College Access and Affordability Act.''

Your bill will help millions of families save money for college, encourage working adults to take advantage of employer-provided educational assistance to upgrade their skills, and help recent college graduates repay student loans. These provisions will be of enormous assistance to middle income families.

Your proposal to restore the federal income tax exemption for interest payments on student loans is especially welcome. In the last decade, a growing number of students have begun to rely on federal loans to finance their education. While the terms of federal student loans are generous compared to other loans, many borrowers find that the repayment of these debts restricts their personal and professional opportunities after graduation. By restoring the income tax deduction for student loan interest, your bill will help moderate the impact of loan repayments and provide enormous assistance to student borrowers. Moreover, by establishing a 2,750 annual limit on the amount of interest that may be deducted, your proposal will be especially helpful to graduate and professional students—a category of borrowers who generally incur much higher debts while in school.

As you know, there is widespread bipartisan interest in using the tax code to help families meet college costs and we are deeply grateful for your leadership in this area. My colleagues and I look forward to working with you and other members of the Senate as you consider this vitally important legislation in the months ahead.

Sincerely,

STANLEY O. IKENBERRY,
President.

On behalf of the following:
American Council on Education.
American Association of Community Colleges.
American Association of State Colleges and Universities.
American Psychological Association.
Association of American Universities.
Association of Catholic Colleges and Universities.
Association of Governing Boards of Universities and Colleges.
Association of Jesuit Colleges and Universities.
Coalition of Higher Education Assistance Organizations.

Council of Graduate Schools.
Council of Independent Colleges.
National Association of Student Financial Aid Administrators.
National Association of State Universities and Land-Grant Colleges.

Ms. COLLINS. Thank you very much, Mr. President. I yield back the remainder of my time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

HANFORD REACH OF THE COLUMBIA RIVER

Mrs. MURRAY. Mr. President, this weekend the Senate Energy and Natural Resources Committee is going to hold a field hearing in Mattawa, WA. We will discuss S. 200, my legislation to designate the Hanford Reach of the Columbia River as a wild and scenic river.

The Hanford Reach is the last free-flowing stretch of this mighty river. Protecting it for future generations is a top priority for me.

In 1995, I convened a group of local citizens, and I asked them to help me find the best way to protect this portion of the Columbia River. They unanimously concluded an act of Congress designating the reach as a wild and scenic river, with a recreational classification, would be the best way to preserve this valuable resource.

In fact, a poll of registered voters in central Washington done last year indicated that 76 percent favored designation of the Hanford Reach as a wild and scenic river, while only 11 percent opposed it. So the will of the region is clear: The reach needs the best protection we can give it to make sure it remains accessible to everyone.

Protecting the Hanford Reach is not about local versus Federal control. It is about giving a natural treasure the best possible protection that we can. And it is also about promoting jobs in the long term and protecting our heritage.

What does the designation do? First, it puts central Washington on the map as a home to a resource found nowhere else on Earth—a river unique and important enough to become part of the U.S. national wild and scenic river system. Second, it protects the river in its current condition. It allows all of the existing uses to continue, but ensures the river stays forever the way we see it today. In fact, my bill specifically grandfathers in current uses protecting existing economic interests and enhancing the river's future economic value to our region.

There is much more at stake here than who manages the river. This issue is much bigger than that. We all know what problem we have with protecting salmon. ESA listings have been made for the Snake River and are being considered for the Columbia. If we ever want to get ahead of the salmon problem, we have to start by protecting the reach. My bill gives us a cheap and easy way to do just that. It simply transfers Federal property from one agency to another; no private lands need to be acquired or jeopardized.

Let me reiterate, we simply can't afford to take chances with the one part of the river that works well—and inexpensively—for fish. Compared to drawdowns, dam removal and other suggestions that we have heard for saving salmon, permanent protection of the reach gives ratepayers, river users and irrigators a virtually cost-free way of accomplishing what could be a very expensive recovery effort.

We have done a lot of talking about the reach, and I am convinced that we are getting closer. It seems to me when you have a resource that is this important to the State, reasonable people ought to be able to find a way to agree on the best way to protect it. I am committed to bringing people together around that goal and keeping them together until we finish the job.

Mr. President, I look forward to hearing the testimony this weekend, and I thank my senior colleague, Senator GORTON, for helping me put this hearing together.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding that we are in the morning business hour.

The PRESIDING OFFICER. That is correct.

TREND TOWARD RACIAL, ETHNIC, AND RELIGIOUS INTOLERANCE

Mr. REID. Mr. President, I rise today to talk about a disturbing trend in this country, a trend that to me was highlighted by a recent incident in South Carolina.

This incident took place several weeks ago. I was aware of it at the time it occurred. It has been something that has been troubling to me since then, and I felt it was appropriate and important that we spread on the RECORD of this Senate this particular incident, which occurred while the State Board of Education of the State of South Carolina was discussing whether it could display the Ten Commandments on the walls of public schools.

During this discussion, a member of this board provided a suggestion for groups which might oppose the placing of the Ten Commandments upon school walls. A direct quote: ''Screw the Buddhists and kill the Muslims.''

Mr. President, I find it contemptible that such an arcane, bigoted statement would come from someone who is tasked with the responsibility of educating our children, a member of the board of education.

I find it even more shocking that not only would someone think this, but that they would go so far as to articulate it at a meeting of a board of education. Can we imagine what would have been the reaction to such a comment had it been directed toward Christians or Jews, Mexican-Americans, African-Americans? I find this individual's behavior reprehensible, and while I find his behavior reprehensible, the larger issue is an increasing trend in this country toward racial, religious, and ethnic intolerance.

The Founders of this country fled persecution and intolerance in Europe and came to this country to be free from persecution, mostly religious persecution. Our country was founded on the principle of equality, and our Constitution, Mr. President—this document—which consists of just a few pages ensures freedom of religion and freedom from persecution.

In this country, we are very fortunate to have the freedoms that we have guaranteed by our Constitution. These freedoms make us the envy of the world and are the strength of our Nation.

I, however, think that, even though we have many protected rights in our Constitution, we have to speak out against individuals and especially people who are on a board of education who say, ''Screw the Buddhists and kill the Muslims.''

Because of the liberties we have in our country, this great country of the United States of America, immigrants from all over the world desire to come here and start a new life, just as our ancestors did. As a result, we are becoming a much more diverse Nation, increasingly diverse. The diversity within our Nation requires greater tolerance, patience, and a deeper level of understanding.

Mr. President, I am a member of a religion where, in the last century, significant persecution took place. People were killed as a result of their belief in the religion that I now profess. I feel that we all must speak out against religious intolerance. People who speak out about screwing the Buddhists and killing the Muslims—you know, Mr. President, in our country, sad as it might be, there are people who would follow the leadership of a person like this and proceed to do just that.

The remarks made by this school board member reflect a deep-seated racial and religious intolerance and ignorance that we should not allow to go unnoticed. This racial ignorance and lack of understanding are catalysts to intense racial intolerance.

I am concerned about the steady erosion of racial and religious tolerance in our society, and intolerance. Intolerance is often the basis for much of the crime committed in America, and it is the very essence of hate crimes. Hate crimes are those crimes committed against an individual or a group because of their convictions or their ethnicity.

In 1995, the last records we have, the Justice Department cataloged nearly 8,000 hate crimes. Those are the only ones reported; many were unreported. This number is growing at an alarming rate. Hate crime is an affront to our basic commitment to religious liberty and racial tolerance, and it poses a challenge to our entire Nation and our future as a common community.

The remarks made by this school board member are disturbing. They are indicative of an increasing racial and religious intolerance and serve only to incite maliciousness against Muslims, Buddhists, and non-Christians in general. This school board member's comments are illustrative of the need in this country for increased understanding and patience. It is also, Mr. President, I believe, a call for us to speak out against this intolerance. It is this understanding and patience that we need to have which provides the foundation for a more tolerant America. Tolerance and understanding are crucial for us to continue fostering quality, dignity, and peace within America.

Mr. President, I suggest the absence of a quorum. I withhold for my friend from Wyoming.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

MOST-FAVORED-NATION STATUS FOR CHINA

Mr. THOMAS. Mr. President, I come to the floor today as chairman of the Senate Subcommittee on East Asia and Pacific Affairs to discuss and formally state my support for the extension this year of most-favored-nation status to the People's Republic of China. I want to stress at the beginning that supporting China MFN is not an issue of approving or disapproving China's behavior. Rather, it is an issue of how we best work to influence that behavior in the future. For several reasons, I do not believe that withholding MFN is an effective tool in doing that.

First, I firmly believe that invoking most-favored-nation status would hurt the United States more than the Chinese. It would be the economic equivalent of saying, ''Lift up a rock and drop it on your own foot.''

Simply put, we are talking about American jobs. It is estimated that United States exports to China support around 200,000 American jobs; the Chinese purchases now account for 42 percent of our fertilizer exports and over 10 percent of our grain exports as well.

Last year, China bought over $1 billion worth of civilian aircraft, $700 million in telecommunications equipment, $340 million in specialized machinery, and $270 million of heating and cooling equipment.

As China's economy continues its dynamic growth, the potential market for increased sales, of course, will grow as well. Our withdrawal of MFN would certainly be met with in-kind retaliation by the Chinese, who are fully capable of shopping elsewhere for their imports, as we have seen with Boeing and Airbus, with resulting harm to America's economy.

Second, revoking MFN would have a damaging effect on the economies of our close allies and trading partners Hong Kong and Taiwan. The vast majority of Chinese trade passes through Hong Kong. Putting the brakes on that trade would result in a 32 to 45 percent reduction—around $12 billion worth—of Hong Kong's reexports from the PRC to the United States.

In addition, it is estimated that there would be about a $4.4 billion drop in income to Hong Kong, a loss of 86,000 jobs, and a 2.8 reduction in GDP.

Moreover, revoking MFN would have the greatest negative impact on the southern China provinces where Hong Kong and Taiwanese businesses have made substantial investments, as well as the United States. But I want to stress this point. It is in these provinces that the political and social changes for the better are occurring.

Mr. President, on my last trip to China—my only trip to China—I traveled from Beijing in the north through Shanghai and on to Guangzhou in the south. In Beijing, talks with the Chinese centered solely on politics, Taiwan particularly. The vast majority of the population still ride bicycles. The availability of western goods, while increasing, is limited. The role of the party in the people's daily lives is still significant.

But as we traveled further south, I was struck by the change in attitudes and interests. People were much less concerned about politics and ideology and much more concerned about continuing trade, their standard of living, as well as budding democratic freedoms. Western consumer goods are widely available, the minority of people ride bikes, and most instead drive cars and motorcycles. The party apparatus is much less ideologically communistic and more bureaucratic.

In my view, there is one cause for these changes, changes in the everyday lives of the average Chinese citizens—commercial contacts with the West, especially the United States.

Mr. President, by opening up their economy to market reforms and economic contacts with the rest of the world, the Chinese authorities have let the genie out of the bottle. If we revoke MFN, in effect cutting off trade with China, we only serve to retard this opening-up process, a process that we should be doing in every way to advance and encourage the advancement there.

Third, revoking China's MFN status would place it among a small handful of countries to which we do not extend this normal trading status. Most favored nation is a bit of a misnomer. It is actually normal relations. But we exclude that normal relationship with Cuba, Laos, North Korea, Serbia, and Afghanistan. We would be relegating China to this grouping, and I believe it would do irreparable harm to our bilateral relationship and to the security and stability of East Asia as a whole.

China is very attuned to the concept of face. Placing it on the same level as the world's most outcast nations, while perhaps not undeserving in some fields, would needlessly provoke a backlash from the Chinese which would frost over whatever strides we have made in the past.

Now, I want to make it clear that I in no way condone the policies of the Chinese nor the actions. I am by no means an apologist for the PRC nor a proponent of foreign policy solely for the sake of business interests. No one can argue that China's actions in many fields do not deserve some serious response from us. The PRC has, at best, a sad, sad human rights record. It imprisons prodemocracy dissidents. It has done so in such numbers since the Tiananmen Square incident that there are no active dissidents. It prosecutes religious minorities, including Christians, focusing most harshly on the Buddhists in Tibet where it has closed monasteries and jailed monks and nuns. And it persecutes ethnic minorities, concentrating their attention recently on the Tibetans.

The PRC consistently fails to live up to the terms of its trade agreements with us, especially in the areas of trade barriers and intellectual property rights. It has taken two separate agreements and several years to get intellectual property rights moving in the proper direction, but they are still not doing what they are supposed to do.

It has made several decisions which call into question its commitments to preserving democracy in Hong Kong, including the most recent round involving the so-called Provisional Legislature. It ignores its commitments to some international agreements.

So all in all, it is not a good situation. The question of course is, how do we best deal with that?

Mr. President, I am the first to insist that we need to address these serious issues, but it is clear that our current China policy, which the administration characterizes as constructive engagement but has recently retooled as multifaceted is not up to the task. The Chinese will continue to walk over us as long as their actions meet with little or no credible repercussions.

But while we need to make some response, it is equally clear to me that most favored nation is not going to solve any of these problems. As I have mentioned, its revocation would only cause more problems than it solves. Moreover, threatening MFN withdrawal has come to be hollow and meaningless. We know it and the Chinese know it.

It is like watching a movie you have seen several times before; you know the plot, you know the actors, you

know their roles and the dialogue, and indeed you know the outcome all before the movie even starts. With each cry of wolf we make by threatening to withdraw most-favored-nation status and then do not, the credibility of an already tenuous threat declines.

Yet, without a responsible alternative, Members of Congress are forced to face the Hobson's choice between voting to revoke MFN or doing nothing. Many, with no constructive way to vent their policy frustrations, choose revocation.

I am convinced it is time to rethink the United States-China policy and come up with a workable way to get China to act as a responsible member of the international community and to live up both to the letter and the spirit of the agreements they have reached with us. In addition, I believe the United States has to be more prepared to say what it means and mean what it says.

On March 22, in my subcommittee, we held a hearing on exactly this topic. It was the opinion of every panelist, save one, that we need a workable alternative to most-favored-nation as a tool of American foreign policy. I hope that in the next year policymakers, both in the Government and outside it, can recognize that the old policy has failed and move on to try and formulate a new one. It will not be a quick or simple process, but the sooner it begins the better off we will be and the better for the health of our bilateral relationship.

In closing, Mr. President, let me reiterate that I strongly support most-favored-nation renewal. But at the same time, I equally strongly urge this administration to pursue a clear, more consistent and effective foreign policy towards China. Frankly, the latter will do more toward setting our countries down the path of a strong relationship.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed for 10 minutes in the morning hour.

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

OPPOSITION TO MOST-FAVORED-NATION STATUS FOR CHINA

Mr. HUTCHINSON. I rise in opposition to extending most-favored-nation status to China. I was deeply, deeply dismayed at the recent revelation that a State Department report on religious persecution in China and human rights conditions in China, originally scheduled for release back in January, was postponed, originally until June, and then it was announced that it would again be delayed and postponed until after the vote on most-favored-nation status, that vote that would take place now in the House next week.

I think it is unconscionable, when we consider the seriousness and the import of this vote, for a report from the State Department that has relevant and pertinent information regarding what is going on in China today in regard to human rights and in regard to religious persecution, that that report should not be made available to the American public and to Members of the House of Representatives and to the U.S. Senate prior to our vote on MFN.

Yesterday, I wrote the President and Secretary of State Albright, asking them for an immediate release of that State Department report so that Members of the House who are yet undecided on how they are going to vote on MFN will have that very important report at their disposal.

Mr. President, I ask unanimous consent that that letter to the President printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 18, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our grave concern regarding the recent reports that suggest the U.S. Department of State is deliberately delaying the release of its findings on religious persecution throughout the world. This report places specific focus on the persecution of Christians and other religious minorities around the world, and singles out china for especially tough criticism.

As the Congress begins to debate whether to renew Most Favored Nation (MFN) trade status for China, it is vital that all information critical to the debate be in the public domain. It is our understanding that the report was to be released January 15, 1997. However, it has been brought to our attention that it will not be released until after the Congress votes on MFN. Furthermore, State Department officials have said that the report is being held up to broaden its findings.

The oppression and persecution of religious minorities around the world, specifically in China, have emerged as one of the most compelling human rights issues of the day. In particular, the world-wide persecution of Christians persists at alarming levels. This is an affront to the morality of the international community and to all people of conscience.

The 1996 Department of State's Human Rights report on China revealed that the Chinese authorities had effectively stepped up efforts to suppress expressions of criticism and protest. The report also states that all public dissent was effectively silenced by exile, imposition of prison terms, and intimidation.

As the original co-sponsors of the resolution of disapproval on MFN for China, it is our view, and that of many others, that serious human rights abuses persist in all areas of china and that the delay of this year's report on religious persecution demonstrates the Administration's unwillingness to engage in an open discussion of the effect of U.S. policy on human rights in China. We strongly urge that the State Department report be delivered in a timely manner to ensure its full disclosure and debate prior to a vote on the extension of MFN to China.

Sincerely,

TIM HUTCHINSON,
U.S. Senator.

RUSSELL FEINGOLD,
U.S. Senator.

Mr. HUTCHINSON. I think to postpone the release of that report indicates that the likelihood that conditions in China have improved over the course of the last year are remote.

The last State Department report, the China country report issued in 1996, was a blistering condemnation of the Chinese Government's repression of their own people and the new wave of the religious persecution that has spread across the country inflicted by this current regime:

> The administration continues to coddle China despite its continuing crackdown on democratic reform, its brutal subjugation of Tibet, its irresponsibility in nuclear missile technology.

Mr. President, those are not my words. Those were the words of then Candidate Bill Clinton in a speech to Georgetown University in December 1991. Then Candidate Clinton was exactly right, and those very words are equally applicable to the policy of appeasement that has been promoted by the Clinton administration.

President Clinton, then Candidate Clinton, went on a few months later in March 1992 and said:

> I don't believe we should extend most favored nation status to China unless they make significant progress in human rights, arms proliferation and fair trade.

He was right then. He is wrong now. They have not made significant progress in any of those categories, human rights, arms proliferation or fair trade.

And then in August 1992, then Candidate Clinton said:

> We will link China's trading privileges to its human rights records and its conduct of trade weapon sales.

Of course, we all know that that strong position taken as a candidate was repudiated after he was elected President. What a difference an election makes.

So today, Mr. President, I called for the immediate release of this State Department report so that an intelligent and informed decision can be made by this Congress when they vote in the House and, hopefully, when a vote yet in the future, in the coming weeks, in the Senate takes place.

I believe that the change that occurred by this administration was ill-advised and has led to both a failed and flawed policy toward China.

Not long ago, in the last hour, I had a conversation with former Secretary of State Eagleburger, who is an advocate of most-favored-nation status, favors extending that trading status to China once again. I said, ''Things are worse in China since we adopted this constructive engagement policy.'' He said, ''In what regards?'' And I said, ''In every regard.'' Whether it is human rights, whether it is religious persecution, whether it is military expansionism or the export of weapons of mass destruction, you name the measure, you name the standard, and conditions

and situations in China are worse today than they were when we adopted this policy of so-called constructive engagement.

One might argue that denial of most-favored-nation status is a blunt instrument and is not the best way to achieve our goals, as Senator THOMAS argued a few moments ago. One might argue that. One might argue that we should look at other options, that we should seek other tools, other instruments to convey this message to the Chinese Government. But few, I believe, can stand and say that the current policy of this administration has been anything other than an abject failure.

Some will say that it will be worse if we deny MFN. A person can argue that, but you cannot prove that. What can be demonstrated in all these now many years of MFN is that, rather than responding by expanding trade opportunities and trade relationships with the United States, rather than responding by improving the conditions of the Chinese people, they have responded by a new wave, an unprecedented wave, of repression upon those who would dare to express their own political opinion or their own religious faith. The logic behind the administration's policy of engagement is, No. 1, that it will improve conditions in China. It clearly has not. According to the State Department report, this administration's own report, it has not improved conditions. They have become more deplorable.

Then the administration argues that if we link human rights conditions in China with trade, the result will be that China will be isolated and the United States companies will lose markets and trade opportunities. I think that is interesting. In fact, Bill Clinton, in November 1993, said, ''Well, I think, first of all, I think anybody should be reluctant to isolate a country as big as China with the potential China has for good, not only for the 1.2 billion people of China who are enjoying unprecedented and economic growth, but good in the region and good throughout the world. So our reluctance to isolate them is the right reluctance.''

So this administration argues that if we link what is going on within China to our trade opportunities with this Nation, this vast nation, that we will isolate them, and that American companies will lose this opportunity for this huge bargain.

Now, how do they argue that? They say that other countries, European countries, for instance, will rush in and fill the vacuum that is left when we pull out. They are probably right. But there is a non sequitur, there is a self-contradiction, in the argument of the administration that we somehow will isolate China and at the same time the other nations will come in and take the trade opportunities that otherwise would be afforded to our companies.

The fact is, and everyone knows it, that less than 2 percent of our world trade goes to China. Being removed from China will in no way isolate this great vast nation. In fact, it is impossible for us, today, to isolate China. There will be other nations who go in, just as we will find other markets for our products.

But what is just as certain is that denying the privilege of MFN to this Nation, which is so repressive toward its own people and so expansionist in their military policy, by denying MFN, we can send a powerful and meaningful message to the tyrants in Beijing. I know of no other way that we can send that powerful message, and those who favor the extension of MFN, to me, have not yet offered a significant and meaningful alternative.

Now, let me just return to my call for the administration to release this report. I think it is absolutely critical that the House of Representatives have before them that report before they are asked to cast this very important vote next week. The coming MFN vote is not just a vote on trade, Mr. President. It is not just a vote on what we stand for as a nation, though it is very much that kind of a vote. Are we going to stand for anything? Are we still going to represent the last best hope for freedom-loving people in this world, or are we not?

But it is not just a vote on that. It is not just a vote on Chinese military expansionism, though if we have a great national security threat in the decades to come, it will be from China, and it is a vote as to our concern about that expansionism. It is not just a vote on religious persecution in China, though that ought to concern every freedom-loving American. But, Mr. President, it is also a vote on this administration's China policy, a policy that is, I believe, by every measure, flawed and failed.

Mr. President, I believe this administration deserves a vote of no confidence on their China policy. That can best be given by a no vote on extending MFN to China.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. INHOFE. Mr. President, we are going to be taking up hopefully today our DOD authorization bill, I believe at 1 o'clock. Sometimes it is important to look beyond the bill itself.

There are several provisions of this bill that were very critical which were taken out, and one of them was taken out because I think it is certain that the President would have vetoed it, and it has to do with Bosnia and with our withdrawal from Bosnia. I think it is important that we talk about that a little bit because, while we are taking up our Department of Defense reauthorization bill, I can tell you right now it is not adequate. It is the very best that we could come up with, with the resources we had to work with, but as chairman of the Readiness Subcommittee of the Senate Armed Services Committee, I can assure you that it is not adequate. We are really at a critical time right now, and, quite frankly, I hang this one on the administration. This has been a very non-military, nondefense administration. We have had a difficult time getting any attention to our military, for the duties that they are trained to perform.

I would like just for a moment to cover a couple of things and how this is going to affect our DOD authorization bill for this year and probably next year, too.

As chairman of the Subcommittee on Readiness, we have jurisdiction over training, over military construction, over all readiness issues including the BRAC process. As I have traveled around to various installations, I have found that we are really in serious trouble. I have never been so proud of our troops for doing what they are doing under adverse conditions.

I was a product of the draft many years ago. I came here believing in compulsory service, and I still think it is a good idea for our Nation. However, I am so impressed with the quality of troops we have in this all-voluntary military. However, I wonder how long they can hold on the way they are going right now with this ''Optempo'' rate. ''Optempo'' is a term that is used in the military that refers to the number of deployment days, the number of days that these troops are away from their wives, husbands, and families, and it has gone up now in some areas double the amount that is considered to be the optimum. For example, we normally talk about approximately 115 days a year, and it is up now to well over 200 in many areas. While seemingly they are holding on, they are dedicated, you cannot expect it to continue indefinitely because our divorce rate is starting to go up right now and our retention rate is starting to drop right now.

The quality-of-life issues are really a very serious problem. I think both the chairman and the ranking member of the Subcommittee on Personnel—Senator DIRK KEMPTHORNE and Senator MAX CLELAND—are doing a great job, but I assure you when you are talking about readiness, the personnel issues and the quality-of-life issues are very, very significant.

Going back in time just a little bit, I can remember being here on the Senate floor back in November 1995 when we found out that the President of our country, Bill Clinton, was proposing to send troops over to Bosnia. I got to

thinking at that time, are we going to go through this same exercise again? Right now, we have more troops deployed in more parts of the world than we have had at any time since World War II, and yet they are not over there for any purposes that relate to our Nation's security. Our strategic security interests are not being served. They call them peacekeeping missions. They call them peacemaking missions. They call them humanitarian missions.

Mr. President, with the scarce resources that we have right now—and, of course, you know because you serve on the Senate Armed Services Committee—we cannot continue to do this.

I can remember the debate that took place on this floor in November 1995 when the President was suggesting that we send troops over to the northeastern sector of Bosnia, and I remember going over there and seeing what it was like and seeing what our mission would be like, and supposedly we were going to go over there to make peace, to draw the lines out so that we would have these lines of demarcation where the Serbs had to be over here and the Croats had to be here and the Muslims had to be here, forgetting all about the fact that there are many other factions there. I do not think it is even a remote possibility we could the stop the Serbs, Croats, and Muslims from fighting with each other. They have been doing it for 500 years.

Let us assume we could. If we could, we still have the Mujaheddin, Arkan Tigers, Black Swans—we have all these rogue elements, and the only thing they have in common is they hate us. Here we are sending troops, proposing at that time in 1995 to send troops over when we have been sending them other places.

I remember—and I am not hanging this one on President Clinton because it was President Bush who initially sent troops into Somalia, and he sent them over in September, before he was defeated and before the new Clinton administration took over. They originally were sent over for 45 days. Each month—and you and I were both serving in the other body at that time. We passed a resolution calling for the withdrawal of our troops from Somalia because they were spending our precious defense dollars and they were endangering their lives. And month after month after month President Clinton said, we are going to leave them over there indefinitely. And it wasn't until 18 of our Rangers were brutally murdered and their nude corpses dragged through the streets of Mogadishu that finally the American people woke up and applied enough pressure, and we were able to bring back our troops. I do not want that to happen in the streets of Sarajevo. I do not want that to happen in Bosnia.

But if you will remember, Mr. President, it was in November when they were trying to sell the idea of having the support of Congress to send our troops over there, we had a resolution of disapproval saying we can't afford to do it. We were not without compassion. We were not unconcerned about the plight of those poor people over there. But that has been going on for many, many years. The problem was we just could not afford another mission like that, and so we had a resolution of disapproval. And the President and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, said that they would be over there for only 12 months. They go over in December, come back in December of the following year.

That was 1996. Well, anyway, this was not just approximately 12 months. This was not simply a suggestion that maybe we can get our mission, whatever our mission was—I still don't know what our mission was over here—maybe we can get that mission accomplished in 12 months. It was an absolute promise by this administration, and I have it down in the words of Secretary of Defense Bill Perry that they said this is an absolute, there are no conditions under which our troops will be there beyond 12 months. I knew it wasn't true. They lied to the American people.

We missed passing a resolution of disapproval, Mr. President, by four votes—four votes. I can remember several, at least four people standing on the floor of the Senate saying, well, it is only for 12 months, because that was an absolute at that time. We said it was not going to be 12 months.

I went to Bosnia. Nobody had been over there at that time. Sure, they were firing guns and all of that, and I wanted to go up to the northeast sector because the northeast sector of Bosnia is where we were going to send our troops, we were proposing to do it at that time. That's where Tuzla is, Brcko, up in that northeastern sector. I went up there. In fact, I wasn't able to get up there any other way, so I borrowed a British helicopter and went up to the Tuzla area and landed up there only to find that there were some troops up there that were U.N. troops, not American troops, and the commanding general of the northeast sector was a guy named Haukland from Norway, a great guy.

So I went in there. I said, ''I hear gunfire out there.'' ''Yeah, it's been going on for a long time. It's still going on.'' I said, ''Well, you know, we are proposing to send troops over here and have this joint effort to cause the divisions to stop the fighting up here.'' I said, ''Of course, it is only going to be 12 months.'' And he started laughing. He said, ''Twelve months. You mean 12 years.'' He said, ''It is different here than it is most other places.''

This is the analogy that he drew. I have mentioned it in this Chamber before, but it is so accurate today to remember. We knew this in November 1995. He said, ''It's like putting your hand in water and leaving it for there 12 months. Then you take it out and nothing has changed. It is the same.''

I would suggest to you, Mr. President, that when we pull out ultimately—and I hope we can do it safely, I hope that we can have a minimum of terrorist activity at that time, but we know that they are just in a period of rest right now and they will go right back. This is the dilemma we find ourselves in. The President promised we would be out in 12 months. He broke his promise, and we were not out. Then he said we are not going to stay 18 months beyond the 12 months, so June 30, 1998, would be the withdrawal date.

I have to say that the President has us, those of us who are conservatives, those of us who are for a strong national defense—and I have to say in a not too charitable way that we have a lot of Members of this body that sincerely in their hearts are not all that concerned about our Nation's defense because they don't think there is a significant threat out there. How many times have you heard from this administration that the cold war is over and so there is no longer a threat. And I said before, I look back wistfully at the days of the cold war when we had one opposition, we had two superpowers, and the other one was the U.S.S.R. and intelligence knew pretty much what they had, what kind of resources they had; they were predictable in what they were doing. They were people you could predict. Now, we are faced with a world environment where we have, admittedly, and it is not even classified, over 25 nations that currently, today, have weapons of mass destruction, either biological, chemical or nuclear. And they are working on the means to deliver them.

Just in yesterday's Washington Times there was an article about how now China is working on a joint project on a missile with Iran. Is Iran a friend? No. All these people talking about how friendly China is, yet we know that both China and Russia have a missile that would deliver a weapon of mass destruction from any place in the world to the continental United States. That is there today. We know that. It is logical, if we also know—again, it is not even classified—that both Russia and China are selling and have sold both systems and technology to countries like Iran and other countries, then why would they stop at this fine line, this bright line, you might say, and say they are not going to sell them a missile that would reach the continental United States? That does not do anything for my comfort level. Nonetheless, we are involved in a situation in Bosnia right now where the President has said we are going to extend it to June of 1999.

Then I keep hearing whispers from these people who do not see any threat out there, ''That's all right, when that time comes, when June gets here, we are going to go ahead and extend it for another 6 months, and another 6 months.'' I can tell you right now, Mr. President, there are people in this Chamber and people in the White

House who have no intentions of any kind of withdrawal from Bosnia. So I serve notice, as I have many times and as have other Members, when that date gets here you better be ready because we are going to be pulling out.

I think it is going to be necessary to be talking about this between now and through the entire next year, so they can be prepared. We do have NATO allies. We do not want to be insensitive to the fact that a lot of our NATO allies have strategic interests in keeping troops in Bosnia. Those people in the Balkans, those in the eastern part of Europe that are our allies in NATO, they certainly have reason to want to have peace in Bosnia because it serves their strategic interests. We are across an ocean. It does not serve ours. While we would like to have the luxury, we are faced with a depleted, almost a decimated, military in this country. We are in a position where we cannot meet the minimum expectations of the American people, which is to be able to defend America on two regional fronts. We know we cannot do that. Let's not kid anybody, we know we could not fight the Persian Gulf war again, even if we wanted to today. We do not have the resources to do that.

It is not just that we do not have a national missile defense system, it is conventional forces, too. We have approximately one half the force strength that we had in 1991. I am talking about one half the Army divisions, one half the Air Force wings, one half the boats that are floating around out there. Yet people think we are in a position to adequately defend ourselves.

So, I think we need to think of this problem that we have around the world and specifically in Bosnia in terms of, No. 1, what it is doing to our overall defense system in terms of money and personnel. If we should have to call our troops in for something in North Korea and simultaneously for something perhaps in Iran or the Middle East, we would be in a position of having to retrain these troops that have been sent to Somalia or Haiti or Bosnia or one of the other places, all these missions we are sending them on, because the rules of combat are different. There is not a general out there who would not tell you we would have to retrain our troops. That would take time, that would cost money, and that directly affects our state of readiness.

But what else? There was another promise that was made back in November 1995, and that is we would send our troops over there and this whole mission, this 12-month mission, would cost between $1.5 and $2 billion. It is all in the RECORD. That is what they said. It was repeated here on the Senate floor. ''It is not going to be that expensive. It's going to be between $1.5 and $2 billion.'' At that time, on the Senate floor —and it is in the RECORD—I said it is going to end up costing $8 billion before it is over. And guess what, we are now going through $6.5 billion.

There are four elements of a defense system that we can control. We cannot control these missions because the White House has control over these missions. But what we can control are readiness, troop force strength, quality of life, and modernization. Those are the four elements that we can control. When we now are down to the point where we have an optempo of almost double what is considered to be the acceptable level and we have the troops that are deployed in all these places where there are no strategic interests at risk, we are spending that money over there for these missions that has to come out of the defense budget.

The other day we had a committee meeting. We had all four chiefs of the services. I asked each one of them, one at a time, I said, ''We are going to come in for an emergency supplemental. We are going to have to nickel and dime this thing and pay for all this fun we are having over in these areas and all this good we are supposedly doing. It is going to have to come out of defense somewhere. You have four choices: readiness, troop strength, modernization, or quality of life. Where is it going to come from?'' Not one—finally the Marine general said, ''I'd say quality of life, because we are tough.'' So maybe that was the only answer that we got.

But there is no way we can take it out of quality of life and still retain people. Right now in this authorization bill, by the way, we have money that is in there for flight hours, which is very critical because we are losing our trained pilots. It costs $87,000 just to go through primary training for one of these pilots. What we are doing is training them for the airlines, because we are losing them. We cannot compete. We don't have to be able to pay the same money the airlines pay, but we have to be able at least to have a respectable level of optempo and be competitive, so we do have some money for flight hours in this authorization bill. Again, to do that we have to take it from someplace else. I, as chairman of the readiness subcommittee, can tell you I am not at all comfortable with our state of readiness as it is right now.

I believe we should have in the authorization bill—and I had an amendment ready but decided, since it would be certain it would draw a veto, that we would handle this as a separate issue—but we need actually to have a resolution of withdrawal, giving our commitment to make sure our NATO allies know and can prepare today for our withdrawal on June 30, 1998.

I went to Brussels where they had the last NATO meeting and made a speech there making it abundantly clear. I found at the same time I made a statement which I feel I can make on behalf of the U.S. Senate, there were other people who were walking around whispering, saying, ''Don't worry, we will not leave you high and dry.''

I am very much concerned. Normally we do not address these things until it gets hysterical around here. But rather than to wait to that point, I am going to say right now, a year ahead of time, that we have enough people in this body and the body down the hall who are going to stop the effort to extend beyond the June 30 deadline for our troops remaining in the former Yugoslavia. As I say, there are two reasons for it. One is our state of readiness that is suffering as a result of it. And the second thing is the risk of the people and the cost of that risk. That cost, that $6.5 to $8 billion it is going to cost us, is going to have to come out of somewhere, out of our defense budget.

The last thing I would say that is impaired by this, this issue we have talked about many times, is the fact we need to finish our national missile defense system that we started in 1983. In 1983—of course, that was the Reagan administration. There were a lot of people at that time who were very, very—they were very concerned over what was going to happen. They had the foresight to say we are going to have to have a system to defend America against a missile that would come in, an ICBM, by the year 2000. So we set up a system whereby we would have something deployable by 1999.

Up until 1992, when the Clinton administration went in, we were right on schedule. We had an investment. We have a $50 billion investment in the Aegis fleet of 22 ships right now that have rocket-launching capabilities. You can stand on the floor and talk about the four different types of potential systems that we now have an investment in that would offer us a defense against a missile attack from overseas, but perhaps the Aegis system is the best one because it is a matter of protecting an investment, a $50 billion investment. It would only cost $5 billion more to be able to take the launching capability and go out of the atmosphere.

Why is that important? Because if a missile is launched from China or from North Korea or from Russia—and certainly don't assume something couldn't come from Russia. It could be an accidental launch. We know that. We went through that. When we had the hearings not too long ago, we talked about how long it took to retarget over there and what the risk was of an accidental launch or an unintentional launch from Russia. But if that happened, if we have this system in place where we can go up beyond the atmosphere, we would have about 30 minutes to shoot down a missile that is coming in our direction. We know it works. There is not anyone in America who did not watch on CNN what was going on in the Persian Gulf war. We know that rockets can knock down missiles. So it is a matter of getting it out of the atmosphere.

If you wait until it comes into the atmosphere, you have about 2 minutes. So the choice there is 30 minutes or 2 minutes. When you have a system that is 90 percent paid for and it takes about $5 billion more and we are spending $6

or $8 billion over in Bosnia, we have to get our priorities straight. Unfortunately, we have a very biased media in this country that does not allow a lot of this stuff to get out.

We can say it on the floor of the U.S. Senate and we know that we have the facts. But by the time it gets reported, it shifts through the beltway media and people do not realize that risk is out there.

So I will just say, Mr. President, since we are dealing with the DOD authorization bill today, I would like to serve warning we are going to have a resolution, well in advance, so our allies will know that when June 30, 1998, comes, we are going to be out of Bosnia. I think it is better to go ahead and serve notice early rather than to wait to the last minute.

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. BOND. 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. BOND. Mr. President, I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 938 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Who seeks recognition?

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

EDUCATION TAX CREDIT

Mr. FAIRCLOTH. Mr. President, I rise to speak on education, particularly vocational education.

This past January, I introduced, with Senator CRAIG, S. 50, which provides a $1,500 tax credit for students at vocational and technical schools and community colleges. S. 50, today, has the support of 11 other Members, including the majority leader.

Recently, the tax credit for vocational training found a place in Senator ROTH's budget reconciliation package.

The provision provides a 75-percent tax credit for up to $2,000 in expenses at a community college. Now, for the average student spending around $1,500 in annual tuition and books, that amounts to a $1,125 tax credit. I would like to thank Senator ROTH for his support of vocational training in the budget package.

Under the House budget package, a student would only receive a 50-percent credit for up to $3,000. That amounts to $1,500 for a 4-year student. But for community college students, who are generally of a lower income and are holding jobs while they are in school, it would only amount to $750 or less. I think it is fortunate that the Senate recognizes this and is going to allow a 75-percent tax credit for up to $2,000.

I believe that we should give every adult American the opportunity to obtain the training needed to find employment. In fact, we are demanding that they work, so it is incumbent upon us to give them the opportunity to be trained to work. Most any job that a person would look at today requires some training, and the community college is the place to do it. This tax credit will enable the students to go.

A tax credit for community college students will encourage workers in all age brackets to pursue an education beyond high school without incurring the expensive cost of attending a 4-year college. By improving the training and skills of our workers, we will create a better job climate and a better manufacturing and technological society.

As State commerce secretary for North Carolina, I was able to bring more than 500,000 jobs into the State, and practically all of them required additional training or retraining. By strengthening the community college system and offering custom training for workers in a specific skill for the last 8 years, North Carolina has been among the top three States in new plant locations. We have been able to develop a film industry that brings $2.5 billion a year to my State. The answer to economic growth is to be able to train people, and the community college system is the only entity I have ever seen that could really train them and put them on the job.

As we begin to see the impact of the changes made to welfare in the last Congress, more and more people are going to be taken off welfare and they must work, and we must train them if they are going to work.

Many people who go to the community colleges are going back for retraining. They are not studying to get an entirely new degree. People are expected to keep up with new technology, and industry is demanding that they do. The tax credit will allow these individuals to receive training so they can quickly return to the work force.

Again, I want to thank Senator ROTH for his support, as well as the 11 Senators that have helped me to bring this bill to this point. I certainly hope we will retain the 75-percent credit as the package moves through the process and through the conference.

I thank the Chair.

LEADERSHIP TRAINING INSTITUTE FOR YOUTH

Mr. ASHCROFT. Mr. President, I would like to point out a remarkable program that exists in America today—a program that infuses our young people with a sense of purpose, values, principles, and the capacity to get things done.

This program, called the Leadership Training Institute for Youth, is doing its good work at Southwest Baptist University in Bolivar, MO, this week.

Mr. President, I rise today to pay tribute to this organization and its dedicated staffers and participants. It is Missouri's distinct honor to host such an excellent opportunity for our young people.

The Leadership Training Institute for Youth is a model initiative that, with the help of Scripture and sound guidance, teaches young people the tenets of good leadership and good citizenship.

Of course, the core training for tomorrow's leaders begins at home, and this organization and its committed staffers build on the lessons that parents teach.

The Leadership Training Institute for Youth provides young people across the country with opportunity, inspiration, and advantage in our culture. It calls future leaders to their highest and best in the name of a higher power. It offers direction in what is too often a rudderless world.

The institute demonstrates through lessons and example the value of priorities such as love for God, family, and country. It motivates youth to esteem virtues of honor, morality, compassion, faithfulness, integrity, discipline, and respect for the sanctity of life.

Therefore, I rise today to express my sincere appreciation to the Leadership Training Institute for Youth. Without such entities, our children might be left to the mercies of today's malls, movies, and televisions.

Our national heritage and our country's future are too important to be left to today's suspect environments that typically attract our young people.

The Leadership Training Institute for Youth is a commitment to our young people—a commitment to the future leaders of this great Nation. We need more programs like it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 18, 1997, the Federal debt stood at $5,332,271,639,188.30. (Five trillion, three hundred thirty-two billion, two hundred seventy-one million, six hundred thirty-nine thousand, one hundred eighty-eight dollars and thirty cents)

One year ago, June 18, 1996, the Federal debt stood at $5,118,201,000,000. (Five trillion, one hundred eighteen billion, two hundred one million)

Five years ago, June 18, 1992, the Federal debt stood at $3,932,881,000,000. (Three trillion, nine hundred thirty-two billion, eight hundred eighty-one million)

Ten years ago, June 18, 1987, the Federal debt stood at $2,293,249,000,000. (Two trillion, two hundred ninety-three billion, four hundred forty-nine million)

Fifteen years ago, June 18, 1982, the Federal debt stood at $1,069,337,000,000

(One trillion, sixty-nine billion, three hundred thirty-seven million) which reflects a debt increase of more than $4 trillion—$4,262,934,639,188.30 (Four trillion, two hundred sixty-two billion, nine hundred thirty-four million, six hundred thirty-nine thousand, one hundred eighty-eight dollars and thirty cents) during the past 15 years.

DRUG FREE COMMUNITIES ACT OF 1997

Mr. LEAHY. Mr. President, I am pleased that the Senate yesterday passed H.R. 956, the Drug Free Communities Act of 1997. I have long been a supporter of substance abuse prevention programs, particularly for our youth, and was a cosponsor of the Senate's companion bill, S. 536.

I am glad to see that my Republican colleagues have taken a second look at these types of prevention programs since the debate over the 1994 crime law. It clearly was time to stop debating the usefulness of prevention programs and instead make sure we authorized and funded such programs as the Drug Free Communities Act.

Community-based prevention programs have proven to be an effective way to combat the problem of youth drug abuse. Throughout the country there are groups, large and small, public and private, whose mission is to reduce drug use among our young people. Many of these groups form coalitions, pool their resources, and work together to reach that goal. Groups such as D.A.R.E., MADD, the Partnership for a Drug-Free America, and Vermont's unique Kids N' Kops Program, serve communities every day with programs that involve entire communities and educate our youth in innovative ways so that they are secure in their decision not to use drugs. Those groups need to be supported and that is the purpose of H.R. 956.

Many Americans are concerned about the problem of juvenile crime and delinquency, and drug abuse is a contributing factor. According to a recent report from the Justice Department's Office of Juvenile Justice and Delinquency Prevention, the number of juvenile delinquency cases for drug offenses has increased significantly. In 1994, 61 percent of all delinquency cases were for drug offenses compared to 43 percent in 1985. Unfortunately, the proportion of drug offenses is higher in Vermont than the national average. Similarly disturbing are trends in the overall juvenile crime rate. While the juvenile violent crime rate dipped nationally in 1995, it rose in Vermont that same year. In addition, the number of juvenile violent crime arrests is 67 percent higher than in 1986.

That is why at the beginning of this year, I along with a number of my Democratic colleagues, introduced S. 15, the Youth Violence, Crime and Drug Abuse Control Act of 1997. This bill includes a number of initiatives to prevent juvenile crime and drug abuse, including providing funding for comprehensive drug education and prevention for all elementary and high school students, creating safe havens where children are protected from drugs, gangs, and crime. We must ensure that prevention programs and funding are included in S. 10, the Republican juvenile crime bill currently being considered in the Senate Committee on the Judiciary.

The Drug Free Communities Act of 1997 creates a 5-year, $143.5 million grant program to be run by Gen. Barry McCaffrey and the Office of National Drug Control Policy [ONCDP]. The purpose of the grant program is simple: to provide matching grants to community coalitions, particularly those dedicated to reducing drug abuse by young people. Established partnerships in local communities with positive track records can apply for grants of up to $100,000 per community. No new funding is required; it will come from redirecting money already in the $16 billion Federal antidrug budget.

In Vermont, these resources will be put to good use. With the movement of gangs into Vermont and the rise in youth drug use, more resources are needed to serve our children. I am proud of the work that many of community groups are doing in Vermont. The Orleans County Prevention Partnership [OCCP] in Newport, VT, has spent the last 6 years fighting youth crime and drug use. OCCP was formed based on the premise that communities already possess a wealth of knowledge and talent to deal with these problems, but need resources to coordinate and harness community talents to the fullest. Over the years, this partnership has grown from the original 17 members to the current 117 members, including all segments of Orleans County from church groups to law enforcement to schools. This commitment has led to great results: The OCCP reports that, in Orleans County, liquor consumption among middle schoolers is down 15 percent, as are DWI arrests of teens and arrests for drug crimes in all age groups. The Prevention Coalition based in Brattleboro is also doing terrific work in drug prevention efforts in the southern part of the State. These coalitions know as well as anyone about the benefits of targeted prevention programs and that community partnerships are an effective way to approach this problem. The passage of H.R. 956 will provide them another tool in this battle.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to be able to proceed for the time that was allotted to me, 15 minutes.

Therefore, I ask unanimous consent that morning business be extended for that period of time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair observes that morning business was to end at 1 o'clock. The Senator from Massachusetts has asked unanimous consent to extend that time.

Without objection, it is so ordered.

OUR GOAL IS TO SAVE MEDICARE, NOT DESTROY IT

Mr. KENNEDY. Mr. President, the Finance Committee yesterday reported a bill that will tragically undermine Medicare as we know it. I'm sure that some will tell the American people that these changes are needed to preserve Medicare for future generations. I say, hogwash. The assault on Medicare that began in the last Congress is continuing with full force, and Congress should reject it this year, just as we rejected it last year.

There is no justification—none whatever—for Congress to rush forward with ill-considered changes in Medicare under the thinly veiled pretext of balancing the Federal budget. None of these basic changes in Medicare were part of the budget agreement. It is the height of hypocrisy for these who voted against including the Hatch-Kennedy children's health plan in the agreement last month to make this assault on Medicare part of the agreement this month.

In the last Congress, the assault on Medicare came in two steps. The first step was to make deep cuts in Medicare—$270 billion over 7 years, three times the amount necessary to restore the solvency of Medicare. The second step was to inflict enough damage to Medicare that it would wither away over time.

This year, the amount of cuts in Medicare is lower—$115 billion over 5 years—and was locked-in by the budget agreement. But the budget agreement was not strong enough to prevent the second part of the anti-Medicare strategy.

Medicare is still one of the most successful social programs ever enacted. It has brought health care and health security to tens of millions of senior citizens. We can deal with the financial problems of Medicare, but we must do it the right way, not the wrong way. Our goal is to save Medicare, not destroy it.

The proposal coming to the floor next week will raise the age of eligibility for Medicare from 65 to 67. If this increase passes, we will be breaking a compact made with millions of working Americans. Despite what supporters of this proposal claim, Medicare is not the same as Social Security on the age of eligibility.

A delay in eligibility for Social Security may result in delayed benefits or lower benefits, but people can still retire when they choose. By contrast, a delay in eligibility for Medicare will throw millions of seniors into the ranks of the uninsured. Unless we are willing to enact simultaneous insurance reforms to guarantee access to affordable and comprehensive coverage

for this group, these senior citizens will be forced to go without the health security promised to them for the past 32 years.

The age of eligibility is precisely the type of issue that ought to be considered by the National Bipartisan Commission on the Future of Medicare. To change the age of eligibility suddenly, on the spur of the moment, in this reconciliation bill, is an unnecessary slap in the face of future beneficiaries. This shift should also concern big business, since the serious problems created by this dangerous policy will undoubtedly rest in part on its shoulders.

We must not undermine the foundation and structure of Medicare. Yet this bill would turn Medicare over to private sector insurers and managed care companies, pushing millions of elderly Americans into giving up their own doctors and joining private insurance plans.

If just half of all seniors leave Medicare and join private plans, insurance company premium revenues will increase by over $625 billion in 7 years. The increased profits for insurance companies will amount to almost $20 billion. The motive for the craven change is clear—to pad the profits of private insurance companies at the expense of the health security of millions of elderly Americans.

The claim is made that the plan offers seniors more choice. But the plan tips the scales heavily in favor of private insurers. It reduces payments to doctors under traditional Medicare, inducing them to either limit the number of Medicare patients they treat or leave the program. At the same time, it allows doctors in some private plans to charge fees far above what current law allows.

During the budget negotiations, Republicans and Democrats jointly agreed to set aside $1.5 billion to provide premium assistance for senior citizens with annual incomes between $9,500 and $11,800. Yet—despite this clear commitment—this needed assistance is not included in the Senate bill, and the House bill provides only one-third of the money under a proposal that is likely to be ineffective. More than 3 million beneficiaries fall into this category, most of whom are older women who live alone.

Where did this money go? At least a portion went to pay for an unnecessary test of medical savings accounts. Proponents claim that these high-deductible private plans will help Medicare by encouraging seniors to take responsibility for their own health care. But we know that MSA's are just another gift for the wealthy and the healthy. They will encourage the wealthiest beneficiaries to opt-out of Medicare and take their premiums with them, leaving the Government with the sickest patients and fewer dollars to pay for their care. Again, the real reason for this change is MSA's cost the taxpayers money while benefiting private insurers. The private insurance industry has been itching for 30 years to get its hands on Medicare, but that is no reason for this Congress to scratch that itch.

We are already spending approximately $1.5 billion between 1997–2002 to review the effect of MSA's in the private insurance market under last year's Kassebaum-Kennedy health insurance reform law. There is no need to gamble with scarce Medicare funds before an adequate evaluation of the current test is obtained. This additional demonstration program serves only to put another foot in the door in the misguided effort to turn Medicare into a private insurance plan.

Unfortunately, it is the low and moderate-income elderly who will suffer most from these proposals. Senior citizens already spend, on average, more than 20 percent of their income on health expenses. Ignoring this fact, the committee proposal also includes a new $5 per visit copayment for home health services under Medicare. This copayment alone will raise nearly $5 billion. It is a tax on the very senior citizens who are sick, and can least afford to pay it. It will fall disproportionately on the very old, the very ill and those with modest income.

Another extremely serious change for beneficiaries is the proposal to means-test the Medicare deductible. Unlike proposals to means-test the premium, which would apply to all beneficiaries, means-testing the deductible affects only those who actually use health services. It therefore imposes a sickness tax that undermines Medicare's fundamental policy of spreading risks and costs across all beneficiaries.

Supporters justify this step by claiming that most beneficiaries have supplemental insurance policies—called Medigap—which will cover the increase. But insurance companies do not set their rates based on income. So the additional costs will be reflected in higher Medigap premiums paid by all—unconscionably forcing lower income beneficiaries to subsidize the higher deductibles of the wealthier beneficiaries.

No one should be under any illusions about the impact of these provisions on Medicare. The issue is clear. On the question of whether senior citizens deserve decent health care in their retirement years, the answer of this bill is a resounding ''no.''

Taken together, the proposals in this plan give upper income beneficiaries no need to stay in Medicare—and every incentive to leave. This plan will destroy the successful social compact that if rich and poor alike contribute to the program, rich and poor alike will receive the same benefits.

Our priority should be to keep the promise of medical and financial security for senior citizens that Medicare provides. We are the guardians of that promise and we should oppose any schemes that violate it.

There is no question that Medicare will face serious challenges in the next century as a result of the retirement of the baby-boom generation. Today, there are nearly four adults of working age for every senior citizen. By the year 2030, that ratio will be only two workers for every senior citizen. But there is a right way and a wrong way to respond to that challenge. The wrong way is to destroy the program under the guise of saving it.

One right way that Congress should carefully explore has been suggested by a recent study at Duke University. It shows that the most important factor driving Medicare costs is not how many seniors are in the program, but how sick they are. The chronically ill, those who are disabled, account for the overwhelming majority of Medicare costs. In 1995, the average disabled senior citizen cost the program seven times as much as a nondisabled beneficiary. Saving just one senior citizen from disability saves Medicare an incredible $18,000 a year in costs on the average.

Over the last 12 years, the rate of disability dropped by an average of 1.3 percent per year. Maintaining and slightly raising that rate of decline to 1.5 percent a year could make the Medicare Program solvent far into the 21st century—without destructive benefit cuts or major tax increases. This is a far better way to save Medicare for the long haul. It will put Medicare's fiscal house in order, and enable all Americans to live longer and healthier lives. It is unacceptable for Congress to make deep and excessive cuts in Medicare without exploring this alternative.

In fact, we need to do more, not less, to provide good health care to senior citizens. We need to double our investment in biomedical research over the next 5 years.

It has been a bipartisan effort. Senator MACK has been a leader. Senator SPECTER, Senator HARKIN, and many others on both sides of the aisle have provided leadership in this area. We need to make sure that every senior citizen receives the best and most up to date medical care. We need to encourage every American—and especially senior citizens—to follow healthier lifestyles and receive good preventive medicine. I am pleased that one of the positive parts of this reconciliation bill is its expansion of preventive benefits for Medicare beneficiaries, including annual mammograms, colorectal cancer screening, and diabetes self-management. But this is one of the few bright spots in an otherwise destructive approach to the long-term health of Medicare and its beneficiaries.

Today the Finance Committee will also mark-up its tax proposal. There is little reason to expect that the result will be any fairer than the assault on Medicare. Our goal next week is clear.

Next week also as an amendment to the reconciliation bill Senator HATCH and I intend to offer our proposal for children's health insurance, paid for by an increase in the tobacco tax. Clearly the provisions in the Finance Committee plan, which will cover fewer than

one out of three of America's uninsured children, fall far short of any responsible initiative to deal with the urgent health needs of our children. We were encouraged that a strong bipartisan majority of the Finance Committee voted to include our legislation in their bill. Now we have a realistic opportunity on the floor to guarantee every American child a healthy start in life. I urge the Senate to support it.

Congress can balance the budget with fairer Medicare changes to protect senior citizens, expanded health care for children fully paid for by an increased tobacco tax, and we can still balance the budget with fairer tax cuts to help working families. As those major battles reach the Senate floor, we will have a chance to correct the many serious injustices in the current proposals, and I look forward to working with my colleagues to do so.

Mr. President, I have a chart about the average Medicare outlays per beneficiary. If you take the healthiest 90 percent of Medicare beneficiaries, we only spend $1,444; the sickest, 10 percent; on which we spend $36,960 a year. If we are able to reduce the sickest and those that have chronic disabilities, we can have a dramatic impact on the financial stability of our Medicare system. And we certainly ought to take a hard look at that before we start cutting the benefits, and raising copays and deductibles for those on Medicare in the way that the Finance Committee has done so in the last few days.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from North Dakota.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes, and that Senator DURBIN from Illinois and I be recognized in the 15-minute period.

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

THE TAX BILL

Mr. DORGAN. Mr. President, Senator DURBIN and I want to visit a bit with our colleagues about the tax bill that is now being written in the Senate Finance Committee, and the tax cut bill that was written by the House Ways and Means Committee—to talk about who will receive the benefits of this legislation.

I served for 10 years on the House Ways and Means Committee, and was involved in the writing of tax legislation. And I understand that, generally speaking, when tax legislation is written you have a lot of very important interests who come to the table and want to have access to some of the benefits of the tax cuts. My concern is that when Congress decides to provide tax cuts that it provide tax cuts especially to working families in this country who have seen an increase in their payroll taxes.

One of the circumstances that exists now in this country is that nearly two-thirds of the American people pay higher payroll taxes than they pay in income taxes. Yet, every time we talk about tax cuts around here we have folks who talk about the tax cuts that will generally say if you invest you are going to be exempt but if you work you are going to be taxed. In other words, they go right back to the old approach: Let's tax work and exempt investment. I happen to think investment is a worthy thing. We ought to encourage more of it in this country for those who work. Why can't we construct a tax bill that will value work as much as we value investment?

It is interesting to me that the bill that was constructed by the House of Representatives is a proposed tax cut bill which says here is the way we are going to deal out our tax cuts. We are going to provide for the bottom 60 percent of the people in this country that—if you have a table and the American people are sitting around that table—the bottom 60 percent of income earners are going to get 12 percent of the tax cuts. Then we say for the top 10 percent of the income earners around this table that you are going to get 43 percent of the tax cut.

Let me put it a different way. It says for the bottom 20 percent of the working population in this country you are going to get one-half of 1 percent of the total tax cut given by Congress. The bottom 20 percent gets one-half of 1 percent, and the top 1 percent gets nearly 20 percent of the benefit of the tax cut.

You can construct a tax cut that is much more fair than that.

The tax increases that people have experienced in this country in recent years has been the payroll tax. The folks who go to work—especially at the lower wages and then find their wages are largely frozen. It is hard to get out of those brackets. But the one thing that isn't frozen is the payroll tax, and they have to pay higher and higher payroll taxes.

What happens to them is—despite the fact they have not had increases in income but they have had increases in payroll taxes—when it comes time to figure out how Congress is going to give back some taxes and provide tax relief, they discover that the tax relief isn't really available to them. It is going to be available to the folks at the top. Those are the folks that have had the biggest income increase—the highest increase in income—in recent years. Frankly, they do not pay anywhere near the kind of payroll taxes because their payroll taxes end at a certain level. The folks at the bottom pay a payroll tax on every dollar of income. Those are the taxes that increase.

But here are some of the concerns that we have about the tax bill. Senator DURBIN and I hope that when the legislation is finished by the Senate Finance Committee that it will come to the floor with a distribution table that is fair for the middle- and lower-income working families so they can get some real tax relief.

But the child tax credit, which I think makes some sense, is not refundable. Therefore, the folks who do not make enough money but are still working and paying payroll taxes—incidentally paying higher payroll taxes—are not going to get the full benefit of the child tax credit.

This chart shows that the child tax credit is not going to be available to 40 percent of American children. There was an adjustment in the last day that will decrease that to about 30 percent. That does not make any sense.

Make that available so that the working people can get a child tax credit. Make that available to them, and that can be helpful to them with real tax relief.

This is the distribution of the House tax bill proposal. It is the same old thing. There is no secret here. If you are fortunate enough to be in the top 1 percent of the income earners, you are going to get a whopping $12,000 tax cut. And if you are down at the bottom 15 percent, or so, of the income earners, you are going to get a $14 tax cut.

It is the old cake and crumbs theory. If you are somewhere up near the top, you get the cake. If you are earning somewhere down near the bottom, you get the crumbs.

Yet those who face higher taxes in this country are the ones who are paying the payroll taxes. That especially hurts those at the bottom of the income level.

We hope that when the Congress, and the Senate Finance Committee in this case, brings a bill to the floor of the Senate that we will see a distribution table that allows us to say everybody in this country benefits from a tax cut.

There is kind of a different theory in this country. Some feel this economy works because you pour something in the top and it trickles down to everybody at the bottom. Others of us think that it works because you have a lot of working families, and, if you give them something to work with, it percolates up, and that represents the economic strength and economic engine of this country.

But when we give tax cuts as a Congress, let us do it fairly. Let us make sure that moderate-income and low-income families out there in the middle of the pack also get a reasonable tax cut, and not just the folks way at the upper end who get exemptions for their investments, but the rest of the folks as well. If we get to that point, I think the American people will say a job well done.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. DORGAN. Yes.

Mr. DURBIN. Mr. President, I am pleased to join Senator DORGAN on this issue. There is not a more important

topic on Capitol Hill. During the last several weeks we were embarrassed by a debate on the disaster bill. I am afraid that we are going to be embarrassed again by a tax bill that will be disastrous to working families. Senator DORGAN pointed it out.

Why in the world would we be giving tax cuts to the wealthiest Americans, and ignoring folks struggling to get by every day; trying to pay the bills, trying to pay for their day care costs, trying to save a little money for their children, trying to make sure they make the mortgage payment and maybe have enough left over for the utility bills? Why isn't this tax bill helping these families?

Folks making $100,000, $200,000, or $300,000 are the winners in this tax bill. But the folks struggling to get by? The husband and wife both working two jobs are the ones who don't get a break. Why are we doing this? Because there is a clear difference in values between the people who are arguing this bill.

For goodness sakes. I believe, as Senator DORGAN has said, that we should be helping working families at this point in our history. Give those folks a break, and make sure that the families which are being nailed with payroll taxes get a chance to make a living and realize the American dream. And give their kids a chance. But to say that we are going to focus the help in this bill on those who are struggling—get this now, struggling— with the concept of, ''How will I pay my capital gains on the stock that has appreciated so dramatically?'' Are those the folks that you would loose sleep at night over and the ones that we should have some sort of tinge of sadness in our heart for? I don't see it.

When I think of this tax bill I think of working families trying to hang on to a job, and struggling to get by.

Take a look at what this does. This really tells the story, unfortunately, about what this is all about. Think about this. The lower 60 percent of wage earners in America—the lower 60 percent—under the bill being proposed by the Senate Republicans get 12 percent of the tax cuts; 12 percent. More than 87 percent goes to those in the upper-income categories.

The amount of money involved in this is dramatic. If you make over $400,000 a year, we are going to give you a $7,000 tax cut. We want to take care of you. We are afraid you are struggling at $400,000 a year. But if you happen to be making $50,000 a year, I am afraid to tell you that the benefit is going to be about 52 bucks; a buck a week.

What a heart this Senate has for working families.

Let's hope that the people who are writing this bill wake up to the reality that we have to do more than just meet the target of cutting $130 million when it comes to tax cuts. We have to be cutting it in the right way so that working families have a fighting chance.

Let's make sure that when this debate is over that we don't have another disaster bill—a bill disastrous for working families.

The final point I want to make on this is when you take a look at these tax cuts, don't measure them against just this year, or next year, or even 5 years, but against what they will do down the line.

The people bringing this bill are very crafty. They start the tax cuts now. They don't look like much. And, all of a sudden, they start mushrooming—it may be a poison mushroom—when you look at the outyears. We have a dramatically costly bill associated with these tax cuts.

So in the future Members of Congress—the House and the Senate—are going to struggle to balance the budget because of bad decisions and bad policy today. That makes no sense.

I urge my colleagues on the Senate Finance Committee and all of my colleagues in the Senate to think about the working families in this country for a change. For goodness sakes, let's have a tax cut bill that is designed to help them. These are families who, with a tax cut, will turn around and make purchases—who will purchase a new washer and dryer, who will purchase a new home, who will purchase a new car—creating jobs and creating opportunities.

That is what this is all about.

I thank my colleague, Senator DORGAN, for requesting the floor at this propitious moment in the debate on this bill. I hope that our message will be delivered through the people of this country, and to all of our colleagues.

Mr. DORGAN. Mr. President, I yield back the remainder of our time and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 87, S. 858, the intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following members of our staff. We have a list of them: Alfred Cumming, Melvin Dubee, Peter Flory, Lorenzo Goco, Joan Grimson, Andy Johnson, Taylor Lawrence, Ken Myers, Suzanne Spaulding, Christopher Straub, Christopher Williams, Peter Dorn, Bill Duhnke, Emil Francona, Art Grant, Patricia Hanback, Ken Johnson, Don Mitchell, Randy Schieber, Don Stone, Linda Taylor, and James Wolfe.

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

Mr. SHELBY. Mr. President, the intelligence authorization bill is before the Senate at this time.

This bill was unanimously voted out of the Intelligence Committee on June 4. It was then referred to the Senate Armed Services Committee and was favorably reported without amendment yesterday.

This bill will authorize appropriations for intelligence and intelligence-related activities of the U.S. Government. I am pleased to report to the Senate today that I have worked very closely with Senator KERREY, the vice chairman of the committee, in drafting this bill. We have crafted, Mr. President, what we believe is a bipartisan bill that received the full support of all Republican and all Democratic members of the Intelligence Committee.

I am proud that the actions we have taken with this legislation are comprehensive and that we have taken some bold steps to implement four priorities to posture the intelligence community for the future.

Mr. President, it is extremely fortuitous that we are bringing the intelligence authorization bill to the floor this week when we have seen a great intelligence success recently. It is not often that the dedicated men and women of our intelligence agencies enjoy public recognition for their work. They understand that. But yesterday, all Americans were gratified to learn of the successful apprehension of Mir Aimal Kansi and his transport to the United States to stand trial for the brutal murder of two CIA employees and the wounding of three others outside the CIA headquarters several years back.

I am extremely proud of our intelligence community in their work here. The Kansi arrest was the result of over 4 years—4 years—of painstaking and dedicated investigative and intelligence work by the CIA, the FBI, and others.

Together with my colleagues on the Intelligence Committee, I was briefed on the details of this successful mission yesterday. While I cannot comment on the operation itself, I can share with my colleagues, as Senator KERREY would, and the American people, that it was conducted with great professionalism and personal courage.

The success of this operation should serve as a warning to others, those who in the past have attacked Americans and those who might be contemplating such actions, that America will take action to bring the alleged perpetrators to justice wherever they are and whatever the cost.

To the families of those who died and to those who were wounded, we know that this arrest cannot return your loved ones or heal your wounds. We hope, however, that you derive consolation from seeing the accused killer brought to this country for trial.

The legislation before us today is made up of words and numbers on paper. As yesterday's events remind us, the work of our intelligence and law enforcement professionals takes place in the real world, in flesh and blood.

While the cold war is, indeed, over, there are still many forces in the world today that threaten our national security and our citizens and require the constant vigilance of our intelligence community. That is why we have authorized a significant level of funding for the continued operation of the intelligence community's activities.

I believe it would be inappropriate, Mr. President, to reveal this exact level of funding, not because we do not want the American people to know how much is invested in intelligence activities for their protection, but, rather, we want to protect the level of our investments from foreign intelligence services and leaders of rogue states who would analyze trends in these investments to help guide their decisions about when to strike with terrorism or aggression against their neighbors, perhaps our own citizens.

I now would like to take a few minutes to summarize the major priorities and the actions we have taken with this legislation.

We have had to face some tough choices, as all of us have in the Senate, in the allocation of resources to meet the critical priorities that have been set for the intelligence community.

In setting the authorization level for intelligence, we have looked across the combined request for intelligence that is broken up into three major categories, and they are the National Foreign Intelligence Program of the Director of Central Intelligence, the Joint Military Intelligence Program of the Secretary of Defense, and the Tactical Intelligence and Related Activities Program of the military services.

The Intelligence Authorization Act includes authorization for each of these categories. With this legislation, Mr. President, we continue to lay the groundwork for the intelligence community of the 21st century, one that is retooled and I believe that is right-sized.

In putting together this authorization, the committee identified nine key areas that will contribute to this effort. We drafted an authorization bill that will better focus, we believe, the intelligence community's resources on these areas. I call the first five areas the five C's: counterterrorism, counterproliferation, counternarcotics, counterintelligence, and covert action. In each of these areas our bill includes additional resources to aggressively tackle these difficult missions in the world.

We also examined four other areas with a view toward long-term investments that would place our intelligence agencies on a stronger footing as we enter the 21st century. These included: A stronger commitment to advanced research and development to maintain our technological edge; improvement in the tools and skills of our clandestine service personnel; new approaches to infiltrating and assessing hard-target countries; and enhancements to our analytical and information warfare capabilities.

We have put forward a balanced recommendation for the authorization of a Joint Military Intelligence Program that, among other things, includes sensor and engine upgrades for our airborne intelligence fleet of RC–135's; it continues the modernization of our manned reconnaissance capabilities; and pushes forward with the new technology of unmanned aerial vehicles.

We have also taken some bold legislative initiatives in this bill. One area on which the Intelligence Committee focused was the need to ensure that classification of information is used effectively to protect sensitive sources and methods or other vital national security interests but does not prevent the flow of information to Congress or, where appropriate, to the American people.

The committee has concluded that a higher priority is needed for the review and for the declassification of intelligence so that families concerned about the murder of a loved one overseas receive vital information consistent with national security concerns. The Committee on Intelligence recently heard from the families of several marines who were murdered in a terrorist attack in Zona Rosa, El Salvador, in 1985. A common refrain in their testimony before the committee was concern about how little information they received from their Government regarding the attack and its perpetrators.

It was from network television, for example, that at least one family first learned of the attack and death of their brother or son. It was also from television broadcasts that several families learned years later that the likely mastermind of the attack had been brought into this country through the U.S. official channels. The committee has pressed the executive branch to provide these families with as much information as possible, but 12 years is a long time to wait.

The committee believes, however, that it is the national interests of the United States to provide information regarding the murder or kidnapping of Americans abroad to their families consistent with intelligence operations.

Moreover, given the difficulty inherent in identifying all relevant information that might be held by different elements of the Government and the likely resistance to providing information that is currently classified, the committee believes this important responsibility must ultimately be vested in a Cabinet-level official.

Therefore, the committee has adopted a provision in this bill requiring the Secretary of State to ensure that all appropriate actions are taken within the Government to promptly identify relevant information pertaining to incidents of violence against Americans overseas.

Mr. President, the Secretary is then required to make the information available to families to the maximum extent possible without seriously jeopardizing sensitive intelligence sources and methods or other national security interests.

This provision, along with others contained in this bill, will enhance the intelligence community's working relationship with the American public that it serves.

I strongly urge my colleagues to vote in favor of the Intelligence Authorization Act for fiscal year 1998.

Mr. President, I also want to remind my colleagues that a lot, if not most, of this bill is classified. But we have some security officers from the Intelligence Committee that are available here today, off the floor, to go into any aspect of the legislation that they think is pertinent.

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

Mr. KERREY. Mr. President, I rise to join my chairman, the distinguished Senator from Alabama, in offering this year's intelligence authorization bill. It is designed to focus the national intelligence agencies of the United States on today's and tomorrow's threats. The bill is the product of the open, bipartisan process that has long been the hallmark of the Select Committee on Intelligence. It was voted unanimously out of the committee and in accordance with Senate Resolution 400, the founding document of the Intelligence Committee, the bill was reviewed by the Committee on Armed Services.

Before I discuss the bill, I want to say a word about the bipartisan process which created this legislation under Chairman SHELBY's leadership. Unlike many other topics which we consider here each day, there is no Republican agenda or Democratic agenda with regard to intelligence, or at least none apparent to me.

Intelligence is simply the best informed estimate of the truth about something. It knows no party. Every member of our committee seeks the most effective and most efficient methods for the collection, processing, analysis, production, and dissemination of

intelligence. Every member of our committee seeks intelligence collection and operations to be conducted in accordance with American law and American values. We certainly often disagree on which approach to take in a particular situation, but our disagreements are not based on party agendas. We are simply seeking the best performance for the intelligence community and the best outcome for our country. So the chairman and I were united in purpose as we approached this legislation, we came to closure on our disagreements, and we are united in recommending it to the full Senate.

Most of the intelligence authorization is contained in a classified annex which we cannot discuss in open session but which is available to Members in S–407. The schedule of authorizations in that annex comprise the National Foreign Intelligence Program of the United States, together with the Intelligence Committee's markup of the Joint Military Intelligence Program and recommendations to the Armed Services Committee on Tactical Intelligence and Related Activities. The total amount allocated for these programs is not something I can report in open session, and I understand that fact will be the subject of an amendment. But I can say while it is a good value, it is a substantial amount of money.

Before we discuss any amendment which may be introduced in that regard, I want to respond to the concerns of Members who may doubt the need for significant investment in intelligence at this stage of our history.

The best intelligence is simply a necessity for the protection of our people and for the leadership of a nation with America's power and America's responsibilities. Intelligence illuminates policy. Much is made of the strategic crossroads the Nation finds itself at, the need to develop fresh strategies for the new century. You can't make good strategy without good intelligence. Intelligence is also the essential American advantage in war. Victory in battle comes, and will come in the future, from the convergence of three things we saw in the gulf war: American courage and precise American weapons linked to precise American intelligence. The ability to avoid conflict, to gain victory or attain our objectives without risking American lives, is also founded on the inside knowledge gained from intelligence. I can assure my colleagues: intelligence gives America a huge advantage in policymaking, in defense, and in the international aspects of law enforcement.

This year's authorization bill addresses today's and tomorrow's threats. We have focused on international terrorism, the proliferation of weapons of mass destruction, and on narcotics trafficking from foreign countries. We have also stressed counterintelligence and the need for more advanced research and development. Good science is essential to keeping and extending our edge in intelligence, and we do not recommend standing pat in this key area. Our bill also reflects our understanding that despite the good relations we now enjoy with Russia, our intelligence agencies need to continue to pay attention to Russian nuclear warheads which still pose the greatest threat, just in terms of capability, to our national life and the lives of our citizens.

The bill also has some important legislative provisions, which are unclassified. The most important, in my view, is the requirement for the executive branch to make crystal clear to every employee of the national intelligence community that he or she has the right to disclose classified information to the appropriate congressional oversight committee, if the employee believes the information provided gives evidence of wrongdoing. This provision, like the rest of this bill, does not have a partisan basis. We simply intend it to preserve the ability of Congress to perform oversight, which cannot be done without information. In most circumstances, I hope an employee who felt the obligation to report something classified to Congress would first approach his superiors and get their views on how the information should be presented. But in some circumstances, such as when the employee suspects his superiors of complicity in the alleged wrongdoing, the employee should not fear to communicate with the appropriate committee member or cleared staff. The administration does not agree, and believes they have greater authority, by virtue of Executive Order 12356, to control the release of executive branch classified information to Congress. But, given the guarantees in the bill for responsible handling of the received classified information by Congress, I would hope every Member of the Senate would support Congress' right to be informed.

This legislation also provides subpoena powers for the CIA inspector general to obtain documentary evidence in support of investigations. The CIA IG is the only inspector general in any of the major national security agencies who lacks this power, and its absence has adversely affected investigations. We have made clear in the bill that subpoena power will remain strictly in the service of the IG for investigative purposes, and will not be used by or in behalf of any other element of the CIA.

The Intelligence Committee in 1989 originated the legislation creating the CIA inspector general, and in the past year the Audit Team of the Select Committee on Intelligence conducted a review of the performance of the IG and his office. The confidence of the oversight committees and ultimately the public is essential if the IG is to do his job properly. If I may quote from the report accompanying the bill, ''the [IG] office has increased the level of trust and respect from within the Agency, the Oversight Committees, and the Intelligence Community.''

Mr. President, the distinguished chairman has described other highlights of the bill, one of which we learned from the Khamisiya nerve gas experience and is intended to ensure intelligence better supports our deployed forces, and another which enables Americans whose family members are victims of murder or kidnapping overseas to be kept better informed by their Government. These provisions, like others I have already described, are the result of investigations or hearings by the committee and represent, as does the entire bill, the committee's reasoned view of what is necessary to keep the Nation safe and informed in today's world.

Finally, I would like to call the Senate's attention to the arrest and return to the United States, this past Tuesday, of Mir Aimal Kansi for the murder of two CIA employees and wounding of three others at the gate to CIA headquarters several years ago. The CIA and FBI pursued this man to the ends of the Earth, just as former Director James Woolsey promised at the time of the crime. Mr. President, this is a great triumph for U.S. intelligence and law enforcement, working in a harmony which could not have been imagined just a few years ago. All involved in this mission have my deepest respect and congratulations.

The Kansi case underlines the quality and dedication of the remarkable people who work for the American people in our intelligence organizations. They are selfless and patriotic, many of them risk their safety for the sake of our country, and many more are denied the gratification of the ego that comes from being able to talk freely about their professional accomplishments. A lot of our talk here is meaningless without the commitment of people like these to actually do something or learn something for America's benefit. The annual authorization bill debate is a chance to thank them, and I do.

Mr. President, I look forward to the Senate's deliberations on this bill and I yield the floor.

Mr. LEVIN. Mr. President, I rise to support S. 858, the fiscal year 1998 intelligence authorization bill. The legislation comes to the floor having been reported out of the Select Committee on Intelligence earlier this month and approved, on referral, by the Armed Services Committee. As a member of both committees, I believe S. 858 is a responsible, bipartisan bill which reflects our mutual oversight concerns and policy priorities. While there may be some areas in which the two committees disagree, I want to praise Intelligence Committee Chairman RICHARD SHELBY and Vice Chairman BOB KERREY for their efforts in seeking a consensus with the Armed Services Committee on the funding and legislative provisions contained in the bill.

Most notably, S. 858 reflects our shared concern that intelligence community activities must reflect the new, post-cold-war era threats and challenges to U.S. security. Additionally, there is strong agreement between the two committees and the administration that continued emphasis must be given to improving the collection and distribution of timely intelligence to the warfighter in the cockpit, in the tank, aboard ship, and in the command post. One of the overriding lessons learned from the Persian Gulf war was that high quality tactical intelligence, if provided to the warfighter in a prompt fashion can save American lives and carry the day on the field of battle. Improving this qualitative advantage enjoyed by our Armed Forces must remain a top priority in my view and I am pleased to see it reflected in S. 858.

Also included in the intelligence authorization bill is a provision I sponsored asking that the Director of Central Intelligence examine the full range of threats to the United States from weapons of mass destruction, not just the threat from ballistic and cruise missile weapons, which formed the basis of the last intelligence estimate of this kind in 1995. The intelligence threat assessment required by S. 858 will be submitted to Congress annually beginning February 15 of next year and provide us with our first comprehensive understanding of the emerging ''nontraditional'' threat facing our Nation, including the ability of terrorist groups and hostile governments to produce and deliver nuclear, chemical, and biological weapons into the United States, the probability that such an attack would come from ballistic missile, cruise missile, or any other means of delivery, and the vulnerability of the United States to such an attack. One month after the completion of the intelligence community's threat estimate, the President is required to submit a report to Congress identifying how Federal funds are dedicated to defending against this full range of threats. Linking the probability of a certain type of attack using a weapon of mass destruction, such as a terrorist chemical attack versus a Russian ballistic missile attack, with the level of funds being spent to defend against such a threat will be extremely helpful, in my view, as the Senate debates national defense spending priorities in the upcoming years.

In closing, I again want to commend the leadership of the Senate Intelligence Committee for its willingness to work with the Armed Services Committee on the numerous issues of mutual concern, and I look forward to continued cooperation between the two committees as we move into conference with the House of Representatives on our respective bills.

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

AMENDMENT NO. 415

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 415.

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

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

The amendment is as follows:

At the appropriate place, insert the following: ''It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.''

Mr. WELLSTONE. Mr. President, I say to my colleagues, we did not formally agree to a time agreement. I know that the policy committees are meeting. I think I will take 20 minutes rather than 15, because I do not think we will have a vote before 2 o'clock, in any case.

Mr. FORD. Mr. President, there will be other amendments, at least one other amendment, before final passage. So that will take us well beyond that. If the Senator would not object, we would probably like to stack his vote, if that would be agreeable?

Mr. WELLSTONE. I say to the Chair, 15 minutes is what we had talked about. I would be pleased to do that. I just remind my colleague, I do not think there will be any votes until 2, in any case.

Mr. KERREY. We will need a consent agreement to set time for the votes.

Mr. FORD. Mr. President, I ask unanimous consent the distinguished Senator from Minnesota have from now until 2 o'clock on his amendment; at the end of that time, no vote will occur until we have an opportunity to work out maybe back-to-back votes. The other one amendment I think we can work a time agreement on.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just read this amendment because I want colleagues to know exactly what it says. I want them to know what they are voting on, because if there is going to be strong support for this amendment, that's fine. It is a sense-of-the-Senate amendment, but people are on record. This will be a test that I want to use, as a Senator, to look at what we are doing vis-a-vis tax policy. This amendment says:

It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper—

Mr. KERREY. I wonder if the Senator will yield for a unanimous consent to set the other vote? Mr. President, I ask unanimous consent that the only amendments in order to S. 858 be an amendment offered by Senator TORRICELLI regarding funding, an amendment by Senator WELLSTONE regarding tax fairness, and, further, no other amendments be in order, that the amendment offered by Senator TORRICELLI have 40 minutes equally divided, and that the vote on these two amendments be stacked and begin at 2:45.

Mr. WELLSTONE. Mr. President, reserving the right to object, might I inquire if it would be part of this agreement to have no second-degree amendments? Is that correct?

Mr. KERREY. No second-degree amendments on either amendment.

Mr. WELLSTONE. I thank the Chair.

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

Mr. WELLSTONE. Mr. President, I shall go on reading, then, this amendment, that whatever we do by way of this tax legislation ''should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.''

Mr. President, I want colleagues to listen to this because it is my sense that there is going to be strong support for this. I will do everything I can as a Senator to hold my colleagues accountable for their support.

Understand, I say to Democrats and Republicans alike, that if you vote for this, then what we need to do is look at what we are now discussing in the Finance Committee and what came out of the Ways and Means Committee. Look at the Finance Committee tax bill—it is quite unbelievable—if you are at the top 1 percent of the population, making over $400,000 a year, you are going to get a break of a little bit over $7,000 a year. If you are in the top 20 percent of the population, and have an income of $200,000 a year and over, you will get a break of about $3,706. $200,000 and over, you get $3,706; $100,000 to $200,000 —we are not middle class yet, I remind my colleagues—you get $1,440; $75,000 to $100,000, you get $804.

Now look what happens when we get to incomes of $75,000 and below, and more so when we get into the $40,000 to $50,000, $30,000 to $40,000, and $15,000 to $30,000 range. For these hard-pressed people—what do you get? A pittance. Low income families get a dollar a week, if that.

Mr. President, we are talking about a tax bill that provides benefits to people in inverse relationship to need. The less you need, the more you get; the more you need, the more hard pressed you are, the more you are trying to provide for your family, trying to make a decent living and raise your children successfully, the less you get. This is a Robin-Hood-in-reverse policy.

If I could turn to the next chart: here we see that the House bill is even

worse, really, skewed in the favor of higher income Americans. The top 1 percent get $10,000; and then you get down to $40,000 to $50,000, $30,000 to 40,000—they get $167, or $300, or some similar tiny amount.

So, Mr. President, we are giving $10,000 and $12,000 per year tax breaks to upper-income and wealthy people, and then hard-pressed people in the States of Wyoming or Minnesota are getting practically nothing.

I say to my colleagues, this is a sense-of-the-Senate amendment, and maybe people don't want to debate it and maybe people don't want to vote against it. But if you vote for it and then you go and vote for this tax bill, you are going to have to come out with some other data that shows that this tax bill, in fact, is based on some standard of fairness. I haven't seen one shred of evidence to that effect.

The next chart, Mr. President, reflects on the issue of deficit reduction. The chart is from the Joint Tax Committee and the Center on Budget and Policy Priorities—the first two charts were from the Department of the Treasury—and shows how the tax cuts are backloaded. Look at this. We are talking about an erosion of revenue between 2000 and 2017, to the tune of $950 billion.

Mr. President, I have said it before on the floor of the Senate, there is an old Yiddish proverb: you can't dance at two weddings at the same time. You can't be talking about deficit reduction and say you want to invest in education and opportunities for all our citizens and you are for the children and at the same time vote for tax cuts that are going to explode the deficit, and the worst thing of all is provide the lion's share of the benefits to those people who are the wealthiest citizens. Maybe this is the difference between the Democrats and the Republicans. If so, I am pleased to have that division reflected in this vote on this sense-of-the-Senate amendment.

There has been a lot of discussion about higher education. This is near and dear to my heart, because I really do believe that what we do here today has so much to do with whether or not our children or our grandchildren will do well in life and have access to a higher education. Again, coming over from the House Ways and Means Committee, Chairman ARCHER's higher education tax cuts are unbelievable. If you are in the top 1 percent of income earners—just take a look—you are getting up to $600 by way of a break. If you earn around $59,000, you are getting about $100. If you earn around $36,000, you may get $50, and below that, below $30,000 a year, you don't get anything at all.

What kind of tax breaks are we talking about? I am telling you something, this tax bill makes the best argument for campaign finance reform I have ever seen since I have been here in the Senate. If you are a heavy hitter and you are well heeled and you are a player and you are over there in that tax committee room and you are lobbying every day, you are sure going to get your piece. But I have news for you working Americans. I am bringing this amendment to the floor today because it is a wake-up call. You are getting the short end of the stick.

We have been talking about affordable higher education. I must say, even the President's proposal is far better than what we are looking at right now.

I was speaking at Inver Hills Community College last Friday at graduation and talking to the president. It is wonderful. I love going to those graduations, because when you go to the community college graduations, always, at least one time, someone will yell out, ''Way to go, grandma.'' These are different students. They are not 19 years old. Many are older, many are hard pressed, many come from families with incomes under $30,000.

If the tax credit isn't refundable, they are not going to get anything. So let's stop making claims that just do not hold up, and let's not brag about a tax bill that provides a huge amount of assistance to those people least in need. When it comes to those at the very top, this bill provides great breaks. When it comes to middle income, this bill gives a little bit, and when it comes to working families, low- and moderate-income families, this bill gives nothing. And this is called fairness?

So, I say to my colleagues, if you vote for this amendment, then I certainly hope that you will not then separate your votes on the reconciliation bill next week from the words to which you have ascribed today. Some people sort of just pooh-pooh sense-of-the-Senate amendments, and they say it is just a wish list, it doesn't mean anything. I say you are on record.

We have an important piece of legislation out here. I made this a sense-of-the-Senate. I am not talking all afternoon on this, but, by golly, we are focused on tax policy, and we are seeing a bill moving through these committees which is absolutely outrageous. It is no wonder that people in cafes in Minnesota and around the country think there has been a hostile takeover of the Government process. When they find out what this bill does and who benefits and who doesn't, they are going to be furious, and they are going to say the same thing they are saying already, which is, ''Boy, I tell you something, we're locked out. Those folks in the Congress, they do a heck of a good job of responding to the well heeled, but they sure don't do a very good job of responding to our families.''

According to the Treasury Department, on June 17, just look at where we are heading right over here in the Senate Finance Committee. Sixty-five-point-five percent of the benefits of these tax proposals go to earners in the top 20 percent; 10 percent goes to those making $50,000 or under; 5 percent goes to families making between $40,000 and $50,000; 3 percent goes to those making between $30,000 and $40,000; and 1.8 percent goes to families between $15,000 and $30,000 a year. I am actually surprised that they even got 1.8 percent. And the bottom of wage-earners? Nothing. If you earn below $15,000 a year, you get nothing.

Mr. President, again I say to my colleagues, if you vote for this sense-of-the-Senate amendment, that is great, but I don't think you are going to then be able to vote for what is coming out of the Finance Committee or what is coming out of the Ways and Means Committee, unless you come out here with other data, unless you come out here with another analysis as to what the distributional effects are.

If this sense-of-the-Senate is adopted—and I think it will be, or I hope it will be—then I will come out with a tougher amendment on the Department of Defense bill. We are going to have some discussion today on the floor of the Senate about tax policy. I cannot believe the silence on the floor of the Senate. We are going to have a debate about this. This isn't just going to move through next week quickly and silently, as we do with reconciliation bills. People in the country have a right to know how this is going to affect them, who exactly is making the decisions, who exactly is going to benefit, and who exactly gets the short end of the stick. Working families, you get the short end of the stick. Don't you for a moment let anybody tell you that you and your children are getting a heck of a lot of assistance. You are not. But, by golly, if you are wealthy and at the very top, you are going to get a lot by way of assistance.

Mr. President, I ask unanimous consent that a very fine piece by Robert Kuttner in the Washington Post today be printed in the RECORD.

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

[From the Washington Post, June 19, 1997]

CONTENDING OVER CAPITAL GAINS CUTS

(By Robert Kuttner)

For two decades, cutting the capital gains tax has been an object of almost religious fervor for the Republican right. Now the grail seems at last within reach. Only, with the stock market setting new records, the timing is a bit off.

The Republican plan would cut the top tax rate on capital gains from 28 percent to 18 percent and phase in indexing of gains for inflation. These and other tax changes would reduce government's revenue by hundreds of billions of dollars over 10 years. Given bipartisan obsession with budget balance, the revenue cuts would translate directly into cuts in public outlay—in medical care and countless other public programs.

Supposedly, capital gains cuts will help the economy grow. With investment offering greater after-tax rewards, people will save more, invest more and be freer to shift assets to more efficient investments. All of this in turn will make the economy more productive.

But here the timing doesn't compute. The stock market, of course, is setting records. It's hard to argue with a straight face that

the prospect of paying capital gains tax is deterring much productive investment.

Venture capital markets are booming, and new issues are having little difficulty fetching buyers. The overall strength of the American economy and the healthy dollar make U.S. capital markets a magnet for the entire world.

Another old chestnut is that inflation overstates the real capital gain. True, but in a low-inflation environment, the effect of inflation on capital gains is not significant. Stock values have doubled in two years, while inflation has gone up less than 6 percent. Taxpayers with serious money in the market are crying all the way to the bank.

Moreover, if there is a real problem with U.S. capital markets, it is too much trading and not enough patient investment for the long term. Capital gains cuts would make the stock market even more of a traders' market. Indeed, the present capital gains tax is one of the few forces keeping the stock market from becoming a pure casino.

Also, nearly half of the holdings in financial markets are tax-exempt. This includes life insurance portfolios, pension funds, IRAs and Keoughs. Capital gains cuts do nothing to influence these institutional Investors, because they can already trade stocks to their hearts' content and pay no capital gains tax.

One other factor makes this a dubious crusade—the Federal Reserve Board. If the capital-gains cutters have a near-messianic zeal, the Fed has an equally religious conviction that the economy can only grow so fast.

The economy's supposed speed limit is about 2.5 percent per year. Whenever the growth rate exceeds that pace, the Fed scents inflation and raises interest rates. So even if capital gains cuts did allow more investment and higher potential growth, you could count on the Fed to nip it in the bud.

The real issue here is not growth but political power—who gets what from government policy. The Republican majority in Congress wants to reward its well-heeled friends.

Despite misleading claims of ''people's capitalism,'' ownership of financial wealth remains astonishingly concentrated. Roughly 40 percent of stocks and bonds are held by the richest one percent of Americans. The next 5 percent own most of the rest. These are the people benefiting from the present uneven boom, and these people will profit from capital gains cuts.

The stocks and bonds held on behalf of non-wealthy Americans—mostly in pension plans, annuities and life insurance savings—are already tax-exempt. So a capital gains cut will do nothing for them, unless you think it will boost the value of stocks generally. But a lot of smart people think the market is already dangerously overvalued.

The Democrats, rather belatedly, are weighing in with an alternative tax plan. It will cost roughly the same $85 billion in net tax cuts over the next five years (and much less in the long run), but it will allocate the cuts quite differently.

The Democrats' plan offers only modest capital gains cuts and spends more on tax relief for families with incomes below $75,000 through a child-tax credit and tax breaks for tuition. It we are to cut taxes at all, given the quest for budget balance, these priorites make much more sense.

In today's economy, stockholders are doing just fine, thank you. It's other Americans who are struggling. The case that capital gains relief would trickle down and broaden prosperity just hasn't been made.

Mr. WELLSTONE. I thank the Chair. Mr. President, I will read a brief relevant section:

The Republican plan would cut the top tax rate on capital gains from 28 percent to 18 percent and phase in indexing of gains for inflation.

I believe that is not going to be done on the Senate side, and that is an improvement.

These and other tax changes would reduce Government's revenue by hundreds of billions of dollars over 10 years. Given bipartisan obsession with budget balance, the revenue cuts would translate directly into cuts in public outlay.

That is another way we can do it with the erosion of revenue, either the deficit explodes or we make further cuts in health care and education.

Supposedly, capital gains cuts will help the economy grow. With investment offering greater after-tax rewards, people will save more, invest more and be freer to shift assets to more efficient investments. All this in turn will make the economy more productive.

But, Mr. President, it is not like people's stockholdings are not doing well.

Stock values have doubled in two years, while inflation has gone up less than 6 percent. Taxpayers with serious money in the market are crying all the way to the bank.

Who are we trying to help here? Wall Street investors and bondholders are doing just great. They are doing fine. I think the real issue is political power. The real issue is political power. Who has the say? Who are the well-heeled? Who are the folks who are well represented? But working families and their children get the short end of the stick.

Mr. President, I have a June 16 piece in the New York Times by David Rosenbaum. I ask unanimous consent that this be printed in the RECORD.

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

[From the New York Times, June 16, 1997]

TAX BILL'S COMPLEXITIES OFTEN AID WEALTHY

(By David E. Rosenbaum)

WASHINGTON—''Beset with invisible boomerangs.''

That's the way Justice Robert Jackson of the Supreme Court described the hidden dangers of tax laws in a 1952 opinion.

The bill the House Ways and Means Committee approved last week is a good illustration of what Jackson was talking about.

Take, for example, a provision in the bill that would exempt from capital-gains taxation up to $500,000 of the profits a couple made from the sale of their home but would set the exemption for a single person at $250,000.

That caused great mirth among several of the lawyers, lobbyists and accountants who spent breaks in the committee's sessions last week trying to puzzle out unintended consequences in the bill the way other people might work on crosswords.

An accountant said he had an elderly client outside Philadelphia who had a house worth more than $1 million and who he knew would look for a marriage of convenience if the $500,000 exemption became law.

''I can just see this guy finding himself an old lady somewhere and getting married and selling his house and then dumping her like a sack of potatoes,'' the accountant said.

A lawyer thought of a corollary: ''Say your husband's on his death bed and you've got this house with a big capital gain. You'd better sell it quick before he dies.''

These people were mostly joking. But they also saw a more serious consequence that was being overlooked in the section of the bill dealing with capital gains, which are profits from the sale of investments.

The bill would lower the top capital-gains tax rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and to 20 percent for those who were better off.

The main beneficiaries of the 10 percent rate, the tax experts said, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who were selling stock to pay for their children's tuition. They could cut the taxes in half by giving their appreciated stock to their children and having the children sell it, rather than selling it themselves and paying the higher tax because of their higher income.

That is not the only instance in which the bill would give a better tax break to affluent people sending their children to college than it would give to taxpayers who were less well off.

The bill would allow parents to put money into an educational investment account, similar to an individual retirement account, in which interest and dividends would accumulate tax-free. The money could then be withdrawn to pay college expenses.

The Democratic staff of the Ways and Means Committee calculated that a family that could afford to invest $50,000 in such an account when a child was 8 years old would save almost $4,000 a year in taxes on a $22,500 annual tuition bill when the child reached college age.

Under the bill, a family that could not afford to put aside so much money in advance and had to meet the college costs from income and student loans would get a tax break of only $1,500 a year, and that would be available only for the first two years of college.

If all this sounds complicated, it is. That is somewhat embarrassing to the principal author of the bill, Rep. Bill Archer, R–Texas, who is chairman of the Ways and Means Committee and who has made a career of complaining about how complicated the income-tax system is.

Archer commented on the paradox in his opening statement to the committee on Thursday evening. Holding up the 422-page bill, he said, ''When you look at a tax bill that's this thick, you know it's not going to simplify things for the taxpayer.''

Then to make sure no one thought he had changed his stripes, he quickly added, ''This in no way hinders my ultimate goal of abolishing the income-tax system.''

The most ''fabulously complicated'' part of the legislation, said Jeffery Yablon, a prominent tax lawyer in Washington, is the provision that would allow investors to adjust the value of their capital gains to take account of inflation, a process known in tax lingo as indexation.

Here is how it would work. Say an investor bought stock for $100, held it for three years and then sold it for $110, and assume the inflation in overall prices in the economy was a total of 9 percent for the three years.

Under the current law the investor would report a capital gain of $10. But if the law allowed indexation, the taxable gain would be only $1.

Sounds simple enough. But here is the problem. Many people buy stock with borrowed money and take a deduction for the interest they pay on their loan. So if the investor borrowed the money at an interest rate of 4 percent, his tax statement would show a loss of $3 ($1 profit minus $4 deduction), although he had actually made a profit on his investment even after adjusting for inflation.

Mr. WELLSTONE. I quote:

The bill would lower the top capital-gains tax rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and to 20 percent for those who were better off.

The main beneficiaries of the 10 percent rate, the tax experts said, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who were selling stock to pay for their children's tuition. They could cut the taxes in half by giving their appreciated stock to their children and having the children sell it, rather than selling it themselves and paying the higher tax because of their higher income.

That is not the only instance in which the bill would give a better tax break to affluent people sending their children to college than it would give to taxpayers who were less well off.

Well, Mr. President, this happens every way you look at it.

The Center on Budget and Policy Priorities talks about the children's tax credit. I don't know what is going to happen. I understand Chairman ARCHER and the Republicans are changing their minds. Good. The more we speak out, the better chance we have of other people changing their minds. That is why I am on the floor today.

The Senate did an analysis based on data from the Congressional Budget Office that show that the child credit, given where it was heading, where EITC is essentially used to offset it, that there are 28 million children, 2 of every 5, who will receive no child tax credit because their incomes would not be high enough to qualify. Because their incomes won't be high enough to qualify? Unbelievable.

You have a tax bill that is going to give a child tax credit, all in the name of helping families, but not if you are in the bottom 40 percent of the population. Unbelievable. Absolutely unbelievable.

Let me just simply go back to this amendment, because I have been here now long enough to realize what I think is happening, and I just want to be very honest with my colleagues, all of whom I appreciate whether or not we agree or disagree on other things. I bring this amendment to the floor to essentially sound the alarm, because we have tax bills that are absolutely unbelievable. There is no standard of fairness.

Ninety-nine percent of the people in any cafe in any of our States would say, ''What? No, can't be; it can't be. We were thinking about tax cuts that would provide us with some relief. You mean, this is going to people with incomes over $400,000 a year and over $200,000 a year, and they get the lion's share of the benefits and hardly anything comes to us, those of us where both are working and we are making $35,000 a year? Say what? No, can't be, Senator WELLSTONE.''

Well, it is.

Or families are going to be saying in Minnesota, ''Wait a minute, I heard higher education was going to be more affordable. Wait a minute, you are saying to me now basically folks with IRA's are going to get the breaks and the breaks will mainly go to high-income people? And, by the way, the tax credits aren't going to be refundable, so if we are making $28,000 a year we'll be cut out?'' I meet these students all the time at community colleges. You have a woman or a man, she is 40, he is 45, they are going back to school, but their income is $28,000. They are not going to get a thing, hardly a thing. People are going to say, ''What? That's not what we understood was going to be the case.''

So, I ask my colleagues to bring out other data, other charts—I would be delighted for them to do so. I have about 2 minutes remaining. Let me read this again—

It is the sense of the Senate that any tax legislation enacted—

Just for staff who are listening or colleagues listening—

by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers * * *

By the way, I don't think anybody in the Congress will say middle-income taxpayers are $250,000 a year. We all know what we are talking about here:

and that any such legislation should not disproportionately benefit the highest income taxpayers.

If my colleagues vote for this sense-of-the-Senate amendment, I will be delighted. Then I will come back with a slightly tougher one on the next bill, and if I get a strong vote for that, I will be delighted as well. But I want to tell you something, sense of the Senate or not, you are on record. You are on record and people in the country are going to be taking a close look at what we are about, and they are going to ask the question whether this tax relief is going to us or is it basically going to the same folks that all too often are the ones who always get the lion's share of the benefits.

This is all about political power, who decides, who benefits and who sacrifices. The folks who are benefiting are at the very top of the economic ladder, and the folks who are really paying the price are the people most in need of the assistance.

So, we will have this vote later on. Maybe people may vote against it, in which case you don't agree with this proposition. If you vote for it, don't think that your vote is just symbolic. I will have a tougher amendment on the next bill and all next week, any way I can, I will be talking about what you are on record for and how that is opposed to what is coming out of these tax committees.

Mr. President, I assume Democrats are going to have an alternative, in which case it will be good, because then people will say there are differences between the parties and those differences matter.

Mr. President, I ask unanimous consent for 30 more seconds.

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

Mr. WELLSTONE. Mr. President, I think that this debate is healthy for the body politic. People don't want to see us bitterly angry, but they do want to see us genuinely debate issues that directly affect them and their children and their families. I am telling you something, this amendment, that is what this amendment is all about. These tax bills, that is what they should be about.

I thank my colleagues for their courtesy.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that immediately following the disposition of the two amendments that we have been talking about, that the bill be read a third time, and the Senate proceed to a vote on passage of S. 858, as amended, if amended.

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

Mr. SHELBY. Also, for the information of all Senators, this now means that all Members can expect up to three consecutive rollcall votes beginning around 2:45 this afternoon.

Mr. President, the committee has received the Congressional Budget Office cost estimate for S. 858. CBO found that the public bill would not affect direct spending or receipts in 1998; thus, pay-as-you-go procedures would not apply to it. In addition, the Unfunded Mandates Reform act [UMRA] excludes from application of the act legislative provisions that are necessary for the national security. CBO determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for Senate bill 858, the intelligence authorization bill, be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 1997.

Hon. RICHARD C. SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 858, the Intelligence Authorization Act for Fiscal Year 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dawn Sauter.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 858—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Summary: S. 858 would authorize appropriations for fiscal year 1998 for intelligence activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS).

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting S. 858 would result in additional spending of $91 million over the 1998–2002 period, assuming appropriation of the authorized amounts. The unclassified portion of the bill would not affect direct spending or receipts in 1998; thus pay-as-you-go procedures would not apply to it. The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 858 is shown in the following table. CBO was unable to obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. The estimated costs, therefore, reflect only the costs of the unclassified portion of the bill.

The bill would authorize appropriations of $91 million for the Community Management Account and $197 million for CIARDS. The funding for CIARDS would cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

For purposes of this estimate, CBO assumed that S. 858 will be enacted by October 1, 1997, and that the full amounts authorized will be appropriated for fiscal year 1998. Outlays are estimated according to historical spending patterns for intelligence programs.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Estimated authorization level [1]	102	0	0	0	0	0
Estimated outlays	95	46	22	5	0	0
Proposed changes:						
Estimated authorization level	0	91	0	0	0	0
Estimated outlays	0	50	23	14	5	0
Spending under S. 858:						
Estimated authorization level [1]	102	91	0	0	0	0
Estimated outlays	95	96	45	19	5	0

[1] The 1997 level is the amount appropriated for that year.

Note: The costs of this legislation would fall within budget function 050 (national defense).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Estimate prepared by: Federal Cost: Dawn Sauter; Impact on State, Local, and Tribal Governments: Pepper Santalucia; Impact on the Private Sector: Eric Labs.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. SHELBY. Mr. President, I will be brief on the Wellstone amendment.

I think just about everybody in the Senate would agree that whatever tax bill we enact this year should meet a standard of fairness in the distributional impact on all Americans, on upper, middle and lower taxpayers, as he is talking about. I have no quarrel with the amendment, the Wellstone amendment. I do not believe it belongs on the Senate authorization bill dealing with intelligence activities, but I have no opposition to the content of it or the substance of it.

Mr. WELLSTONE. Mr. President, I thank the Senator for his courtesy and inform him I appreciate him. And after the vote, I think I will ask unanimous consent that the Finance Committee be immediately notified of the result of our vote in the Senate.

Mr. SHELBY. They will be notified.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

AMENDMENT NO. 416

(Purpose: To require an unclassified statement of the aggregate amount of appropriations for intelligence activities)

Mr. TORRICELLI. Mr. President, I have an amendment filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. SPECTER, Mr. KERREY, and Mr. BUMPERS, proposes an amendment numbered 416.

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

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

The amendment is as follows:

On page 14, between lines 19 and 20, insert the following:

SEC. 309. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submittal under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the Senate is faced with an issue as old as the Republic itself. It is the continuing debate between the public's right to know and the Government's need to retain information only unto itself. It is an old argument, but it is one that has largely been settled through time.

We have decided as a country that the best source of good judgment in this Nation remains with the people and that they should be trusted with the public welfare in having a maximum exposure to the facts and judgments that govern our society.

Indeed, it was that wisdom which led to the first amendment to the Constitution itself, and equally significantly as it led to article I, section 9, clause 7 of the Constitution, which reads:

* * * a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

For a long time, Mr. President, despite these national ambitions, this consistency with our greatest national principles, we as a Congress determined this was not possible because of the dangers of world war and the continuing struggle in the cold war.

It was the judgment of this Congress that even the total aggregate amount of expenditures for our intelligence agencies, including the Central Intelligence Agency, would remain private and not be published and shared with the people.

The end of the cold war has raised this question anew. Not only for the intelligence community, but indeed for all of the U.S. Government. And most of this Government has responded appropriately.

The Defense Department began to share information about programs it was developing, technologies that it possessed. Weapons hitherto unknown were shared with the press and the public. And perhaps predictably that is why since 1980, according to the bipartisan Brown Commission, defense expenditures of the United States in real terms have declined by 4 percent.

Accountability by the people themselves led this Congress to adjust our national priorities to deal with the new emerging security situation internationally. No doubt, an equal reflection of the fact the intelligence community retained privacy of its budget is that the bipartisan Brown Commission found that since 1980 the intelligence community's budget, in adjusted terms, increased by 80 percent.

Mr. President, what we are facing today in honest debate can no longer be concluded to be whether or not adversaries of the United States will gain information about our intentions and abilities of our intelligence community, because our adversaries have neither the means to respond nor probably the ability in all cases to understand the operations of our intelligence community. The only people being shielded from this information are not adversaries, but the taxpayers of the United States.

Indeed, general accountings, in estimates, of American intelligence expenditures appear in all of our major newspapers. Only the exact aggregate numbers are denied, and not denied to adversaries; they are denied to the people of this country who need to make informed judgments as voters, as taxpayers about our national priorities.

So I rise today with an amendment that this Senate has considered before. It is simply this: To publish, not the details of the CIA expenditures, not to reveal their programs, to share no numbers and no estimates on any technology, any element of spending of the intelligence community but one, the total aggregate amount of money spent in the U.S. Government for the Central Intelligence Agency.

This one number would allow the American people, as an informed electorate, to make their judgments on a

comparative basis about whether or not, as compared to defense, social programs, foreign assistance, and the intelligence community, this Congress is making the right judgments.

And yet, it will be argued that our adversaries would have this information and use it for their own purposes. I understood that argument when we were concerned that the Russians, the Soviet Union with all of its capabilities, as our principal adversary would have this information and could adjust their own intelligence programs to respond.

There is no Soviet Union; and the cold war has ended. The decline and change of our national defense expenditures give the best testament to the fact that this Senate has accepted that fact.

Now we face new adversaries, terrorist organizations, a list of pariah states from North Korea to Libya, to Iraq and Iran. And so the question begs itself, what if these nations possessed this one aggregate number, of what value would it be to them? By most press estimates, total expenditures of the Central Intelligence Agency are not only more than the intelligence expenditures of each of those countries, it is more than all those countries combined.

Indeed, the United States, by most published estimates, spends more on its intelligence community than the gross national product of every one of these potential adversaries of the United States. And so for those who will argue that we cannot share this information with the American people, I ask, what is it North Korea would do with this information or Libya or Iran? What possible change would they have in their own programs or their own expenditures? They have not the means to respond or to change.

I repeat in my argument, Mr. President, as I began. There is only one people on this Earth that need this information to make important judgments about their future who are being shielded from it, and it is the people of the United States.

Mr. President, if this argument seems familiar to Members of the Senate, it is because it is not new. This Senate voted on this question in 1991, a sense-of-the-Senate resolution in 1992, and again in 1993.

Indeed, most Members of the Senate who in a matter of moments will vote on this question have already voted in previous years to share this information with the American people.

Eighty members of the House of Representatives have cosponsored legislation to do so.

The Federation of American Scientists have gone to Federal court to compel its release on constitutional principles.

But perhaps most significantly, the President of the United States himself, our Commander in Chief, who has the ultimate authority for the security of the United States, suggested if the Congress would concur, he would release this information.

This Senate on previous occasions has confirmed for the directorship for the Central Intelligence Agency Admiral Turner, Mr. Gates, Mr. Deutch. Each of those CIA Directors themselves have argued that concealing this information serves no purpose and it should be shared with the people.

This Congress has disagreed on this issue before. And so a bipartisan commission, chaired by former Secretary of Defense Brown, and by our former Senate colleague, Senator Rudman, addressed this question in their own report. And they urged the public release of this information.

To my colleagues, when you have voted on this question previously, when Directors of the Central Intelligence Agency, the President of the United States, and a commission charged for this very purpose argues that this single individual aggregate amount of spending should be released, by what possible logic do we continue to shield the American people from these facts?

But if, Mr. President, in their individual judgment my colleagues are still convinced that because of the danger of these new pariah states and the rise of international terrorism, this expenditure must be concealed from our people, I urge them to consider the fact that we are also not the first of the allied nations to face this judgment.

The British Parliament has had this debate. And Britain decided its people should share with this information. The Canadian Parliament, the Australian Parliament, and perhaps most significant, the Israeli Knesset—no nation on Earth is faced with the threat of terrorism more than Israel—but they have decided, in spite of the fact that their program cannot conceivably have our capabilities nor the relative advantage versus their adversaries as we face as opposed to our own, they share this information with the people of Israel.

We remain the exception.

Fifty years since the Second World War when a judgment was made that for national security, a judgment appropriately made for national security, that this information was best concealed, we retain this last relic of the cold war.

Mr. President, this is a national policy to conceal the gross expenditures of the Central Intelligence Agency that has lost its rationale. It is time for this Senate once again, as it has on three previous occasions, to vote to allow the sharing of this information with the American people. But we do so not because we believe it is a compromise with national security that has become necessary, but because indeed many of us believe it would enhance our national security.

Perhaps most significantly in the Brown report was a conclusion that, in the commission's words, ''Most intelligence agencies seem to lack a resource strategy apart from what is reflected in the President's 6-year budget projection. Indeed, until the intelligence community reforms its budget process, it is poorly positioned to implement strategies.''

Efficiency, accountability, proper judgments for national security, like all other aspects of the governance of the United States, are best made under the careful scrutiny of the people themselves. National security is not only the exception, it may be the best rule. It is the lives of the people of this country themselves—from terrorism and from a new group of potential adversaries—that we are charged with protecting. Allow the people of the United States to participate in this judgment.

I urge my colleagues, once again, as you have done on several previous occasions, to join with the previous leadership of the Central Intelligence Agency in concurrence with the commission report that you commissioned to be done, and allow this single number, this one gross expenditure of the Central Intelligence Agency's budget, to be released to the American people.

I yield the floor.

Mr. SHELBY. Mr. President, I rise to oppose the Torricelli amendment. I oppose the public disclosure of the overall level of intelligence funding as proposed by the amendment offered by the Senator from New Jersey.

Mr. President, it does not, I repeat, it does not take an act of Congress to declassify the top line of the intelligence budget as this amendment would do if adopted. The President of the United States has always had and has today the authority to disclose this figure and has always chosen to keep it classified.

Determining classification is the responsibility and is the duty of the Chief Executive of the United States, the President, who is also, as we know, the Commander in Chief. Presidents Truman through Clinton have determined this figure is to remain classified, and I believe we should not overrule that judgment.

The purpose of maintaining a premier intelligence capability is to save lives and to prevent and, if we get in them, win wars. The foundation of an effective intelligence capability, as we all know, is secrecy. Secrecy protects not only the information that we collect, but also the brave people that put themselves at risk to do the collection of it. We are an open and a free society that generally abhors secret dealings by our Government. But in the case of intelligence collection and analysis, secrecy, I believe, is absolutely necessary.

Some of my colleagues argue that the American people have a right to know how much of their money is being spent to defend their Nation's security through intelligence-gathering operations. I assert today that, through its elected officials, the public interests are being effectively served.

As U.S. Senators, all of us we have been elected to represent the interests of our constituents and to act on their behalf. Therefore, the American people do know, in a sense, how much we spend on national security because their elected representatives know. As on many other issues, Mr. President, our constituents have a voice, and it speaks through the Senators and Representatives and the President of the United States.

Some of my colleagues will argue that disclosing the total budget amount will instill public confidence and enable the American people to know what portion of the Federal budget is dedicated to intelligence activities. It appears there is general agreement that the details of the intelligence budget should remain classified, however. I believe that the total budget figure is of no use to anyone but to those who wish to do us harm.

For example, what do the numbers tell our adversaries or potential adversaries in the world? In any given year, perhaps, not a great deal. But while watching the changes in the budget over time, and using information gathered by their own intelligence activities, sophisticated analysts can indeed learn a great deal.

Trend analysis, Mr. President, you are familiar with, is a technique that our own analysts use to make predictions and to reach conclusions. There are hostile foreign intelligence agencies all over the world that are focused solely on gathering every bit of information that they can about our own intelligence-gathering operations and our capabilities. Their ultimate goal is to exploit weaknesses and to deny access and to deceive our own intelligence collectors. Denial and deception is already a serious concern for the intelligence community, and providing our enemies or potential enemies with any insight as to what we spend on intelligence will only make it worse, not better.

Others will argue that the total budget figure is already in the public domain, and we should just acknowledge it. Mr. President, we never, never confirm or deny classified information that may have been published somewhere or spoken by someone. Classified information, as you well know, remains classified even if it wrongly makes it into the public domain.

We will also, Mr. President, hear from those who say disclosure is required by the statement and account clause of the Constitution, article 1, section 9, clause 7. Mr. President, I assert today that the current practice is fully consistent with the Constitution, and it carries forward a tradition of secret expenditures dating back more than 200 years. As a matter of fact, the Supreme Court of the United States observed in the U.S. versus Richardson case, ''Historical analysis of clause 7 suggests that it was intended to permit secrecy in operations.''

Further, Mr. President, the figure is available to all Members of Congress, the U.S. Senate and, the U.S. House to review.

As I reviewed the debate on this topic, I found a statement by my colleague from Rhode Island, Senator CHAFEE, in 1993, with which I totally agree, and which is appropriate today. Senator CHAFEE, the distinguished Senator from Rhode Island, said, disclosing the top line budget figure would only ''frustrate a curious public and politicize the intelligence budget.''

He pointed out further, ''What many proponents of disclosure want to do is to put a bull's-eye on the intelligence budget and hold it up as a target for public ridicule, recognizing full well that we cannot engage in a meaningful public debate regarding intelligence programs.''

I assure you, Mr. President, once the overall number has been released, there would be efforts to amend the overall funding for intelligence in open session. I do not believe it would be good for the Senate, the House, or the American people. Otherwise, I believe President Clinton and Presidents before him would have already declassified the number which they have the right to do.

I yield the floor.

Mr. TORRICELLI. Mr. President, I first thank my colleagues who have joined me in this effort today, most significantly, Senator SPECTER of Pennsylvania, who has led this effort previously and makes this a genuinely bipartisan effort to share this information with the American people, Senator BUMPERS of Arkansas, who has argued so passionately on this cause previously, and, of course, the ranking member of the intelligence committee, Senator KERREY of Nebraska.

Mr. President, I know that many Government agencies would have liked the right to keep the information of their expenditures on a proprietary basis. This logic must have occurred to the Defense Department. Indeed, it was difficult for the Defense Department, at the end of the cold war, to begin to share some of the programs, exhibit some of the technology and the assets it possessed that previously had remained secret.

This Congress and the leadership of this Government made a judgment that the people could not make the proper decisions about their elected representatives and we could not make the proper judgments for them without complete access to information. I want to remind my colleagues, we have faced this issue previously in 3 different years since the end of the cold war, and on each of those occasions this Senate has voted, even if contained in other legislation, either by law or by a sense of the Senate, to permit the publishing of this one single number. If we fail to do so today, it will be a change in the position of this Senate. It will be an inconsistency by a majority of Senators who served in this institution in those previous years.

By what logic would we now change our minds? Because it will endanger an employee of the Central Intelligence Agency? On what basis and by what theory would anyone be endangered because they knew a total amount of money spent by the intelligence community? Because an adversary will change their plans, initiate a new program, compete with the intelligence community of the United States—when I have demonstrated that every and each potential adversary of the United States has a gross national product that is, according to published reports, smaller than the gross expenditures of the American intelligence communities?

Mr. President, I conclude as I began: There is only one group of people who have real need of this information upon which to make decisions, and it is the taxpayers of the United States. This is the last cloud of secrecy necessitated by war, cold war and struggle, that should be removed by this Government. My colleagues have decided to do so before, but we have been frustrated in conference, and our will has not been done. It can be done now.

I urge an affirmative vote to allow the public release of the aggregate expenditures of the United States intelligence community, a single number, published each year. The people of our country can make a good and accurate judgment.

I want to thank again Senator SPECTER, Senator BUMPERS, and Senator KERREY for joining me in this and each of my colleagues who have voted previously on a majority basis to allow its release.

I yield the floor.

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

Mr. KYL. Mr. President, I rise in the strongest possible opposition to the Torricelli amendment. My grandmother used to say there are some things that are better not to know, and that is the case with certain highly classified information that is important to the national security of American citizens. One of those things is how much money is spent on our intelligence activities, information which is very useful to our opponents, and not particularly useful to the average American taxpayer.

The public's right to know, as has been pointed out by the distinguished chairman of the Intelligence Committee, is adequately protected by our elected representatives. That is why we have special provisions of law, Mr. President, that call for certain Members of Congress only—not every Member of Congress, but only certain Members of Congress—to be apprised of certain operations and certain details of our intelligence operations.

For example, in an operation such as that which nabbed the terrorist Mir Aimal Kansi just last Saturday, it was known to only a handful of our elected representatives because that is what the law provides. The American people did not need to know that, and, indeed,

it would have jeopardized American lives, the people who were involved in this operation, had there been more widespread knowledge. There is a reason why this information is not public.

The irony is, Mr. President, that revealing the top-line number, the aggregate amount we spend on intelligence, would be of very little use to the average American debating whether or not it is the proper number, but it means a great deal to clever potential adversaries who do trend analysis and extrapolation from year to year to see whether or not there are changes and who try to determine whether or not we have, therefore, made certain commitments to our intelligence that would be of interest to. So on the one hand it doesn't help the average American much. On the other hand, it could easily help opponents a great deal. Unfortunately, there is no way for us to defend that budget. If the top line is $10 billion, or $100 billion, or $50 billion, just hypothetically, whatever number, somebody might say, ''I don't think that is a good number.'' How do you defend that number without getting into all of the sensitive, classified information that comprises the budget? So it is not a good idea.

No other friend or ally of the United States reveals the amount that it spends on intelligence. It would set a terrible, terrible precedent, Mr. President, because right after the aggregate budget was revealed, everybody would realize that, to the average American, that doesn't say much and so the calls would be very quick for more information. ''You gave us the top line; how about the categories on which it is spent?''

This is a slippery slope, Mr. President. Reveal the first number and it will be just a matter of minutes before there will be a call to reveal more information. As a matter of fact, our colleague from New Jersey, in effect, just did that by saying that ''in the area of defense spending we have determined that we need complete access to information,'' to use his quotation. And the defense budget is known. Yes, the defense budget is known, but there is still much about defense that is highly classified. That is the way it needs to be.

Another argument of our friend from New Jersey is that there have been leaks and there is no reason to continue to withhold the information. Of course, the proper policy when there are leaks is to find them. They can be very damaging to our national security. The answer is not to, therefore, let all the information out. The object is to try to prevent those leaks from causing more harm.

In conclusion, Mr. President, if this is such a good idea, one wonders why previous Presidents haven't done it. They have the authority and power to do it, and they have not done it because they know full well that it is not the right thing to do. I just suggest that it would be highly, highly dangerous to the national security interests of the United States, to the lives of Americans who literally put their lives on the line to work operations that are very dangerous that the public never hears about, because, obviously, they can't, or it would compromise the sources and methods by which we obtain information. It would be very dangerous to these people if our potential adversaries could soon begin to pick apart the budget and learn what kind of capabilities we have to use against them.

I urge, in the strongest possible terms, that we vote against the Torricelli amendment and urge my colleagues, when we have that vote, to do so.

Mr. SHELBY. Mr. President, I yield to my friend from Ohio as much time as he might need.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I rise today in strong opposition to the amendment proposed by my colleague and friend from New Jersey. It is an amendment that would disclose the total intelligence budget.

Mr. President, intelligence budgets and programs are kept secret for a good reason: to keep our enemies—and, yes, we still do have enemies—from knowing how much we are spending on intelligence and, of course, on what programs. Mr. President, disclosure of the total budget might well be the first step leading to a demand to disclose individual agency budgets, as my colleague from Arizona has just stated, and inevitably to disclose specific programs.

Mr. President, the reality is that a single budget figure with no additional detail or disclosure of capabilities does not, in my view, provide a sufficient basis for a meaningful public debate. Therefore, I think there would be pressure to disclose more. But such a disclosure would only help our enemies. It would provide them with vital information on our Nation's resource allocations. It would undermine our commitment to early warning for our policymakers, as well as our ability to provide our military the intelligence information that is essential to making them the best in the world.

President Clinton—as the chairman of the committee has already pointed out—has the authority to disclose the total budget on his own. However, he has not done so. President Clinton joins every President since Harry Truman in making that same policy decision—that it is not in the best interest of this country to disclose this dollar figure.

Mr. President, the practice of keeping the budget secret is fully consistent with the Constitution, and it carries forward a tradition of secret expenditures dating back more than 200 years. The Supreme Court observed in U.S. versus Richardson that ''historical analysis of clause 7 suggests that it was intended to permit secrecy in operations.'' It is clear, Mr. President, the Constitution provides for this secrecy.

This intelligence figure is available to all Senators, as is the entire classified schedule of authorizations and classified annex to the Intelligence Authorization Act. Members of the Intelligence Committee, members of the Armed Services Committee, members of the Appropriations Committees in both the House and the Senate do provide vigorous oversight of the intelligence community and of its budget. There is full scrutiny through the people's elected representatives, while at the same time providing protection for intelligence operations.

Mr. President, to disclose the budget would break with tradition. I believe it would help our enemies and it would not provide the public with any meaningful information. For these reasons, Mr. President, I urge my colleagues to vote ''no'' on this amendment.

I believe that little can be gained, but much can be lost over time by this type of disclosure.

I thank the Chair and my colleague from Alabama.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TORRICELLI. I yield the remainder of our time to Senator SPECTER of Pennsylvania, and I thank him for his leadership.

Mr. SPECTER. Mr. President, I support public disclosure of the overall funding law and would start with the language of the Constitution, which I believe supports that disclosure:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

On the base, that calls for public disclosure. I know some courts have limited that interpretation to what Congress says. But I believe, as a constitutional matter, disclosure ought to be made. And beyond that, as a public policy matter for the Congress, disclosure ought to be made.

In the 8 years I served on the Senate Intelligence Committee—2 years as chairman—it seemed to me that much too much is kept secret, and disclosing the overall amount is not to disclose the programs. We have seen terrorism as the instrumentally for political purposes, replacing war. Intelligence is very important to fight terrorism, and I believe if the American people knew how much money was being spent on intelligence gathering, the people would want more spent and not less.

Just yesterday, the chairman of the House Intelligence Committee took issue with the way the Central Intelligence Agency is being run, saying it is not being run effectively. Much too much is being kept secret, Mr. President. We can protect important sources and methods and means from being disclosed, but still have a great deal more candor for the American people about what is going on in intelligence. When we look at the budget of the CIA or the

FBI for domestic intelligence, those are items which ought to be subject to public debate. The public ought to be demanding more. The public ought to be receiving more. As a very basic first step, it is my sense—having some familiarity with the Intelligence Committee operations and overall budget—that the funding level ought to be disclosed.

I thank the Chair and inquire how much of the 2½ minutes is left.

The PRESIDING OFFICER. There are 19 seconds remaining.

Mr. SPECTER. I leave that to the sponsor of the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I believe I have consumed all of my time.

The PRESIDING OFFICER. The Senator has 10 seconds.

Mr. TORRICELLI. The 10 seconds I have remaining I yield to the Senator from Nebraska.

Mr. KERREY. Mr. President, I support the amendment offered by Senator TORRICELLI to declassify the aggregate intelligence budget. This body has been on record a number of times over the years as supporting disclosure of the intelligence budget total. Last year the Intelligence Authorization Act as reported by the SSCI and adopted by the Senate required the President to disclose in his annual budget submission to Congress each year the total amount appropriated for all intelligence and intelligence-related activities, that is, the total of NFIP, JMIP, and TIARA, in the current fiscal year and the total amount requested for the next fiscal year. As has happened on each previous occasion that the Senate has voted in favor of disclosure, the provision in last year's bill ultimately was dropped in conference with the House.

The Senate's support for this position dates back at least to the Church committee, in 1976. The following year the Select Committee on Intelligence was established and the members of that committee voted in 1977 for public disclosure of the aggregate intelligence budget. In the years since, the Senate has regularly voted to disclose the aggregate amount of intelligence spending.

Senators will recall that in 1994 we chartered a commission to conduct a comprehensive review of American intelligence. Part of the statutory mandate of this commission was to study the issue of budget disclosure and resolve it once and for all. The Aspin-Brown Commission unanimously recommended that the total amounts appropriated and requested be disclosed. Senators WARNER and Rudman and other traditional opponents agreed. In fact, Senator Rudman and former Defense Secretary Brown would declassify the CIA budget as well in order to show it is only a fraction of the overall budget.

Public disclosure of total budget amount for intelligence is symbolically important: it sends a message that intelligence is a legitimate and open governmental function. It helps to instill public confidence and enables the American people to know what proportion of the entire Federal budget is spent on intelligence, as compared with other functions. Moreover, there is an argument that disclosure is constitutionally required by the statement and account clause of the Constitution (Art. I, Sec. 9, clause 7), which provides that ''A regular Statement and Account of the Receipts and Expenditures of all public money shall be published from time to time.''

Disclosure of the aggregate budget amount will not harm our national security. Disclosure of the top-line number is not sufficient to alert adversaries to deployment of new systems; spending on new systems doesn't occur in 1 year, it's stretched out over a number of years. There has been no history of conspicuous spikes in intelligence spending. It is interesting to note that our major allies disclose their intelligence budgets. The United Kingdom recently decided to disclose the total budgets for MI–5 and MI–6.

The reality is that this number is already in the public domain in approximate terms. The intelligence budget is already widely reported in the press. A congressional committee released the actual numbers for all agencies a couple of years ago by mistake. Even efforts to talk around the budget numbers, by using percentages, for example, instead of actual numbers, have given industrious reporters and analysts sufficient information to extrapolate the dollar figures. Knowledge of the top-line does not give an adversary useful information about intelligence targets, sources, or methods.

Nor has the de facto disclosure of the budget total taken us down the so-called slippery slope of more detailed disclosures. In fact, I believe this disclosure will actually strengthen our ability to protect vital national secrets by bolstering the credibility of our classification decisions—officially revealing the budget total tells the American public that we are using classification to protect vital national secrets, not to conceal information that might be inconvenient to defend. And I think it would not be difficult to defend the size of the intelligence budget, given the complex world we live in today.

For these reasons, Mr. President, I support this amendment and urge my colleagues to do the same.

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. SHELBY. I will try to be brief.

Mr. President, as former Director Woolsey of the CIA once said, ''It is impossible to conduct a meaningful debate on the effects of such amendments without explaining the component parts of the intelligence budget.''

Think about that a minute. How much is spent for the CIA? How much is spent for signals intelligence? How much are we spending on satellites, and so on?

It is that discussion which creates the likelihood of disclosure of sensitive intelligence information that would be of benefit to our adversaries.

Mr. President, there are many opportunities to debate and discuss the details of the intelligence budget among the Intelligence, Armed Services, and Appropriations Committees. We all do this. This is not a topic that goes unexamined by the people's representatives in the Senate or the House.

Mr. President, the Senate Intelligence Committee was established to ensure vigorous oversight of our intelligence activities. I believe myself that the committee faithfully represents the American people. Our goal is to maintain a robust intelligence capability while ensuring that our intelligence activities are conducted in accordance with American values and constitutional principles.

The members of the committee take their responsibilities very seriously, and I pledge to the American people that we will continue to represent the best interests of this Nation.

Mr. President, our intelligence capabilities are a critical national asset and, as chairman of the committee, I will not support an effort to disclose classified information when there is no compelling argument to do so. Therefore, I strongly urge my colleagues to oppose the Torricelli amendment.

I yield the remainder of my time.

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

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

VOTE ON AMENDMENT NO. 415

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment to S. 858.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—99

Abraham	Ashcroft	Biden
Akaka	Baucus	Bingaman
Allard	Bennett	Bond

Boxer	Graham	McCain
Breaux	Gramm	McConnell
Brownback	Grams	Mikulski
Bryan	Grassley	Moseley-Braun
Bumpers	Gregg	Moynihan
Burns	Hagel	Murkowski
Byrd	Harkin	Murray
Campbell	Hatch	Nickles
Chafee	Helms	Reed
Cleland	Hollings	Reid
Coats	Hutchinson	Robb
Cochran	Hutchison	Roberts
Collins	Inhofe	Rockefeller
Conrad	Inouye	Roth
Coverdell	Jeffords	Santorum
Craig	Johnson	Sarbanes
D'Amato	Kempthorne	Sessions
DeWine	Kennedy	Shelby
Dodd	Kerrey	Smith (NH)
Domenici	Kerry	Smith (OR)
Dorgan	Kohl	Snowe
Durbin	Kyl	Specter
Enzi	Landrieu	Stevens
Faircloth	Lautenberg	Thomas
Feingold	Leahy	Thompson
Feinstein	Levin	Thurmond
Ford	Lieberman	Torricelli
Frist	Lott	Warner
Glenn	Lugar	Wellstone
Gorton	Mack	Wyden

NOT VOTING—1

Daschle

The amendment (No. 415) was agreed to.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the next two votes be reduced to 10 minutes time limit.

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

Mr. LOTT. Mr. President, also, I would like to include in that consent that there be 2 minutes of debate before each vote, equally divided, so an explanation can be given of those.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that members of the Finance Committee be immediately informed of the result of this vote.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 416

The PRESIDING OFFICER. The question now occurs on amendment No. 416, offered by the Senator from New Jersey. We have 2 minutes for debate. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank Senator SPECTER and Senator KERREY for joining me in this effort. We asked the Senate to do that which you have done three times before, that which three previous Directors of the Central Intelligence Agency have endorsed, that which the Brown Commission, in a bipartisan review of this issue, has endorsed—that is to share with the American people and the Members of this Congress the total aggregate amount spent on intelligence activities by the U.S. Government. No details, no programs, no internal facts—one aggregate number, so the people can make their own judgments whether the direction and the amount of intelligence spending is appropriate and proper for the U.S. Government. I urge an affirmative vote.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the public disclosure of the overall level of intelligence funding as proposed by the Torricelli amendment. It does not take an act of Congress to declassify the top line of intelligence spending. The President of the United States has always had the authority to disclose this figure, and has always chosen to keep it classified. Determining the classification is the responsibility and, I believe, the duty of the Chief Executive and Commander in Chief. Presidents Truman through Clinton have determined that this figure is to remain classified and we should not overrule that judgment.

I yield the remainder of my time. I ask my colleagues to vote no on the Torricelli amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—43

Akaka	Feinstein	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Specter
Conrad	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

NAYS—56

Abraham	Ford	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lieberman	Thurmond
Enzi	Lott	Warner
Faircloth	Lugar	

NOT VOTING—1

Daschle

The amendment (No. 416) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

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

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

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the agreement, there will now be 2 minutes for debate equally divided.

Mr. SHELBY. Mr. President, I yield back the minute that was allotted to us.

The PRESIDING OFFICER. The Senator from Alabama has yielded back his time.

Mr. FORD. Mr. President, I yield back whatever time is on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—98

Abraham	Durbin	Landrieu
Akaka	Enzi	Lautenberg
Allard	Faircloth	Leahy
Ashcroft	Feingold	Levin
Baucus	Feinstein	Lieberman
Bennett	Ford	Lott
Biden	Frist	Lugar
Bingaman	Glenn	Mack
Bond	Gorton	McCain
Boxer	Graham	McConnell
Breaux	Gramm	Mikulski
Brownback	Grams	Moseley-Braun
Bryan	Grassley	Moynihan
Bumpers	Gregg	Murkowski
Burns	Hagel	Murray
Byrd	Hatch	Nickles
Campbell	Helms	Reed
Chafee	Hollings	Reid
Cleland	Hutchinson	Robb
Coats	Hutchison	Roberts
Cochran	Inhofe	Rockefeller
Collins	Inouye	Roth
Conrad	Jeffords	Santorum
Coverdell	Johnson	Sarbanes
Craig	Kempthorne	Sessions
D'Amato	Kennedy	Shelby
DeWine	Kerrey	Smith (NH)
Dodd	Kerry	Smith (OR)
Domenici	Kohl	Snowe
Dorgan	Kyl	Specter

Stevens	Thurmond	Wellstone
Thomas	Torricelli	Wyden
Thompson	Warner	

NAYS—1

Harkin

NOT VOTING—1

Daschle

The bill (S. 858), as amended, was passed, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fifth Congress.

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

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

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

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $90,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 278 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(3) CONSTRUCTION.—Authorizations in the classified Schedule of Authorizations may not be construed to increase authorizations of appropriations or personnel for the Community Management Account except to the extent specified in the applicable paragraph of this subsection.

(d) REIMBURSEMENT.—During fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) DETAIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of a department or agency having jurisdiction over an element in the intelligence community or the head of an element of the intelligence community may detail any employee of the department, agency, or element to serve in any position in the Intelligence Community Assignment Program.

(2) BASIS OF DETAIL.—

(A) IN GENERAL.—Personnel may be detailed under paragraph (1) on a reimbursable or nonreimbursable basis.

(B) PERIOD OF NONREIMBURSABLE DETAIL.—Personnel detailed on a nonreimbursable basis shall be detailed for such periods not to exceed three years as are agreed upon between the heads of the departments or agencies concerned. However, the heads of the departments or agencies may provide for the extension of a detail for not to exceed one year if the extension is in the public interest.

(b) BENEFITS, ALLOWANCES, AND INCENTIVES.—The department, agency, or element

detailing personnel to the Intelligence Community Assignment Program under subsection (a) on a non-reimbursable basis may provide such personnel any salary, pay, retirement, or other benefits, allowances (including travel allowances), or incentives as are provided to other personnel of the department, agency, or element.

(c) EFFECTIVE DATE.—This section shall take effect on June 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out ''January 6, 1998'' and inserting in lieu thereof ''January 6, 2001''.

SEC. 305. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

''(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

SEC. 306. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the executive branch, and employees of contractors carrying out activities under classified contracts, that the disclosure of information described in paragraph (2) to the committee of Congress having oversight responsibility for the department, agency, or element to which such information relates, or to the Members of Congress who represent such employees, is not prohibited by law, executive order, or regulation or otherwise contrary to public policy.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to evidence—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(b) REPORT.—On the date that is 30 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

SEC. 307. PROVISION OF INFORMATION ON VIOLENT CRIMES AGAINST UNITED STATES CITIZENS ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

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

(1) it is in the national interests of the United States to provide information regarding the murder or kidnapping of United States citizens abroad to the victims, or the families of victims, of such crimes; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the murder or kidnapping of United States citizens abroad; and

(2) subject to subsection (c), make such information available to the victims or, where appropriate, the families of victims of such crimes.

(c) CLASSIFIED INFORMATION.—The Secretary shall work with the Director of Central Intelligence to ensure that classified information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable without jeopardizing sensitive sources and methods or other vital national security interests, made available under that subsection.

SEC. 308. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1).

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 309. SENSE OF THE SENATE.

It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) in paragraph (e), by striking out ''without regard'' and all that follows through the end and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (f) as paragraph (g); and

(3) by inserting after paragraph (e) the following new paragraph (f):

''(f) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for lease terms of not to exceed 15 years, except that—

''(1) any such lease shall be subject to the availability of appropriations in an amount necessary to cover—

''(A) rental payments over the entire term of the lease; or

''(B) rental payments over the first 12 months of the term of the lease and the penalty, if any, payable in the event of the termination of the lease at the end of the first 12 months of the term; and

''(2) if the Agency enters into a lease using the authority in subparagraph (1)(B)—

''(A) the lease shall include a clause that provides that the lease shall be terminated if specific appropriations available for the rental payments are not provided in advance of the obligation to make the rental payments;

''(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying costs associated with terminating the lease shall remain available until such costs are paid;

''(C) amounts obligated for payment of costs associated with terminating the lease may be used instead to make rental payments under the lease, but only to the extent that such amounts are not required to pay such costs; and

''(D) amounts available in a fiscal year to make rental payments under the lease shall be available for that purpose for not more than 12 months commencing at any time during the fiscal year; and''.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.''.

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3) of that section is amended by inserting '', or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,'' after ''or investigation''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. ACADEMIC DEGREES IN INTELLIGENCE.

(a) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

''§ 2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence

''Under regulations prescribed by the Secretary of Defense, the President of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer the degree of master of science in strategic intelligence and the degree of bachelor of science in intelligence upon the graduates of the college who have fulfilled the requirements for such degree.''.

(b) CONFORMING AMENDMENT.—The item relating to section 2161 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence.''.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out ''for fiscal years 1996 and 1997'' and inserting in lieu thereof ''for fiscal years 1998 and 1999''.

SEC. 503. MISUSE OF NATIONAL RECONNAISSANCE OFFICE NAME, INITIALS, OR SEAL.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

''§ 426. Unauthorized use of National Reconnaissance Office name, initials, or seal

''(a) PROHIBITED ACTS.—Except with the joint written permission of the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity, in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary or the Director, any of the following:

''(1) The words 'National Reconnaissance Office' or the initials 'NRO'.

''(2) The seal of the National Reconnaissance Office.

''(3) Any colorable imitation of such words, initials, or seal.

''(b) INJUNCTION.—(1) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

''(2) Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''

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

''426. Unauthorized use of National Reconnaissance Office name, initials, or seal.''.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 939 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. LOTT. Mr. President, I am very pleased to be able to ask unanimous consent that the Senate now turn to the consideration of Calendar No. 88, S. 936, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate is now considering the defense authorization bill. Several amendments are expected to be offered to the bill; therefore, votes can be expected throughout the remainder of the afternoon and into the night. We will have to get started and see what amendments are available, and then we will expect some votes, but we would like to get as much work done today as we can. And that could take us into the night.

Also, I want to make clear that we do intend for the Senate to resume consideration of the bill on Friday. I do expect rollcall votes on amendments relative to the DOD bill, at least until the noon hour on Friday. But, again, that will depend on exactly what amendments are pending. We recognize Senators do have commitments to go back to their States tomorrow afternoon, and we will try to accommodate that.

But I do think we need to get some work done on this important legislation. A lot of effort has gone into working out a way to be able to bring the DOD authorization bill to the floor. I think we can make some progress, and I encouraged the ranking member and the chairman to see right away if they could get some finite list of amendments that might want to be offered and be considered. Maybe we can get some understanding of when we could get a final vote on this legislation when we come back after the recess.

Next week, we again do intend to bring up the reconciliation spending bill on Monday, as I discussed with the acting minority leader, and we hope to run off time on that bill on Monday. We will talk further about exactly what will happen on Monday. We will do that tomorrow probably just as we wrap up consideration of this bill, complete the spending reconciliation bill Tuesday afternoon or Wednesday, and then go to the tax bill on Thursday, and stay until we finish the tax cut bill.

I do not know exactly how long that will take. We have a very bipartisan effort underway in the Finance Committee. The vote on the spending bill was 20 to 0, and we are working together right now on the tax cut provisions also. I expect it will be a bipartisan process and a bipartisan bill. It is possible it may not take that long, but it is very important legislation and we need to get it done, completed next week—both of those bills.

Assuming we cannot complete the DOD authorization bill tomorrow because of some concerns, and at least one issue that may come up, I know the Democratic leader would want to be here for that, so we may not be able to take that up until after we come back from the recess.

I want to thank the Members for their cooperation in getting this legislation before the Senate now. And I do want to announce that we will expect to complete action on it the week that we come back. Hopefully, it will not take all week, because we have a lot of other bills now that are ready for consideration. It will be the pending business when we come back—if we do not complete it tomorrow—when we come back from the recess.

I hope Senators will come to the floor now and offer their amendments. Some Senators were inquiring, ''Why do we need to vote during the middle of the afternoon on Thursday?'' I would like to suggest we have votes the rest of the day into tonight, on Friday, and we be prepared next week to work long hours, Monday, Tuesday, Wednesday, Thursday, and Friday, to get our work done. Then we can go to the recess period and feel good about our production.

Would the Senator from Kentucky have any comments?

Mr. FORD. No comments, Mr. President. I appreciate the courtesy that the majority leader has shown me in the absence of the Democratic leader. I am trying to fill in as best I can, and hopefully we can be accommodating. And I am sure the majority leader will be accommodating to us. We both have to work together. I think Monday we can work out something that would be amenable to both sides. Hopefully, tomorrow we might look at the DOD authorization bill with amazement.

Mr. LOTT. Yes.

Mr. FORD. We hope we can do that, I am sure. But there is one amendment that we will have to wait until into July, so we are not going to finish. We could be very close. I hope we could find out how many amendments are out there and maybe get some kind of resolution to how many we might have.

I will be glad to help the majority leader with that.

Mr. LOTT. That would be very helpful, Mr. President.

I thank Senator FORD.

It is a pleasure for me to yield the floor to the chairman of the committee so we can begin the debate.

Mr. THURMOND. Thank you very much.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to take a few minutes before the Senate begins consideration of the fiscal year 1998 Defense authorization bill to explain why the Armed Services Committee filed two separate Defense authorization bills.

Yesterday, as most of you observed, there was objection to a consent request to take up S. 924, the bill the committee reported to the floor for consideration. This objection was based on a number of provisions involving public depots—specifically—Air Force Logistics Centers. Senator INHOFE, the chairman of the Readiness Subcommittee included these provisions in his subcommittee markup. They were approved by the subcommittee and the full committee in the markup and therefore were included in the bill which the committee voted unanimously to report to the floor.

Senators from other States who did not agree to these provisions would not consent to S. 924 being considered by the Senate. I believe all Senators acted in the interests of their states and their perception of what was in the best interests of the Government. This issue affects a great many jobs in all of these States and is an important economic issue within each State.

I want to commend Senator INHOFE for stepping forward and offering to strip these provisions out of the bill. The committee met yesterday and, at his request, reported out a bill that does not include the provisions that provided the basis for objection. Therefore, the Senate can proceed to consideration of the Defense authorization bill, now S. 936. The committee did not publish a report to accompany S. 936 and deems Senate Report 105–29, minus sections 311, 312, and 313, as the report to accompany S. 936.

I understand the importance of this issue to each of you. I want to especially thank and commend Senator INHOFE for his courageous and unselfish act in moving to remove the basis for objection so that this bill, which is so critical to our Armed Forces and our national security, can be considered by the Senate.

I want to emphasize that all Senators reserve their rights to offer amendments on this issue on the floor while the bill is being considered. I understand that while the bill is on the floor, Senators and staff will continue to search for a solution to this very difficult issue.

I want to thank all Senators for their consideration. We hear a lot of talk on this floor about the loss of comity in the Senate. I believe this is an indication of how Senators can act cooperatively on difficult issues. In this case, it took a courageous Senator, Senator INHOFE, to make the difference and I thank him again on behalf of the committee.

Mr. INHOFE. Mr. President, first of all, let me thank the very distinguished chairman of our committee, Senator THURMOND, for the hours and hours that he put in and the way he ran the meetings. He was very fair and open. I appreciate personally very much his remarks that he just made. Thank you, Senator THURMOND.

As chairman of the readiness subcommittee I want to thank Senator ROBB who is the ranking minority member. We took care of a lot of the problems out there. I must say, Mr. President, that I think that our readiness is desperately underfunded. We did the very best we could in this bill with the resources we had but we are not going to be able to continue on the course we are on right now. We have problems.

As I go around the Nation, and around the world, actually, and visit bases, I have been in bases in the State of Alabama, and throughout the Nation, as well as some of the foreign bases, and I can tell you we are in an OPTEMPO rate which is unacceptable. Our divorce rates are going up, our retention rates are going down, and we need to do a better job of funding not just readiness but modernization and quality of life. I am very concerned about quality of life. As I go around I find that some of these kids are working about double the normal tempo that we have found to be acceptable. While they can sustain it for a while, and while the troops can sustain it, the spouses cannot. There will come a point in time where they will have to have more time with their families and have a more civil type of existence. We cannot do that with the way this administration has not allocated the proper amount of money to keep our system going to meet the minimum expectations of the American people. That is, to be able to defend America on two regional fronts.

Having said that, I say again that we did the very best that can be done, and in our readiness subcommittee we were able to reinstate money for flying hours. We are losing pilots on a daily basis to the airlines. So we will have to do a lot more than we have done, but we have done the very best that we can.

Let me make one comment about the depot issue. I know it is a difficult issue. A few years ago when one of the House Members, Congressman ARMEY, I believe, originally came up with the whole idea of the Base Realignment and Closing Commission concept, which means we know we cannot reduce excess infrastructure by doing it through the normal political process because everybody is concerned about jobs in their States. So they appointed an independent commission to be totally free from political influence to make recommendations and they went through, with round one in 1991, in 1993 another round, in 1995 a third round, and in doing this there is hardly a Senator in this Chamber that did not have major installations that have closed in their States. Certainly the State of Alabama lost a major one, and there were two major installations in the very State from which our chairman comes from, South Carolina, and virtually all the other States. So, we all bit the bullet.

However, it appears there is an effort now to disregard that and leave air logistic centers in California as well as in Texas open. While it is a difficult thing to go through we have to accept the fact, sooner or later, that you cannot have in the case of any specialty area, and specifically in this case, air logistic centers where you have five operating at 50 percent capacity. You cannot continue to do that. So they recommended closing two of them that they determined to be the least efficient of the five and transferring that workload to the remainder which would be around 75 to 80 percent capacity.

That makes a lot of sense. According to the GAO, that would save $468 million a year, and over 5 years, Mr. President, that is $2.34 billion. When I think about that and think about where those dollars are desperately needed in quality of life, in readiness, in force strength, in modernization, it breaks my heart to think we are maybe willing to just throw it away.

So I did make the gesture that the chairman referred to and no one asked me to do it. I felt it was the right thing to do because we have to have an authorization bill. Under the rules of the Senate, it is very possible for one Senator to keep a bill from coming up. I did not want that to happen to Senator THURMOND's bill. I did not want that to happen to our defense establishment. So I pulled the objectionable portions of how we treat depot maintenance out of the bill, but at the same time I announced I have every intention of reestablishing language that will accomplish what we want to get accomplished, and that is to be able to save that money that the GAO states is at risk.

So I do not know whether it will be an amendment on the floor by which I will try to do this or in conference but I think everyone understands clearly there will be an effort to reinstate language that we have had to take out.

With that, I will say this is a good bill and I want to move forward with it. I want to get a chance to really consider these amendments, and I know there will be a lot of amendments.

As the new chairman of the Readiness Subcommittee of the Armed Services Committee, I have a devoted a significant amount of time during the past few months traveling to military bases to discuss issues that impact the readiness of the Armed Forces and their ability to carry out assigned missions: European theater, including installations in England, Italy, Bosnia, Hungary; Camp Lejuene, NC; Fort Hood, TX; Corpus Christi Naval Base, Texas; Dyess Air Force Base; and Fort Drum.

We have also received testimony from the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the service chiefs, the unified commander-in-chief, and several other high ranking military and civilian officials from the Department of Defense.

While the administration claims to have provided strong support for training, maintenance, supplies and other essentials needed to keep U.S. Forces ready to fight and win decisively, its budget request reduced real funding for these areas by $1.4 billion.

Nothing I've heard during my base visits has made me feel like we are as ready as the administration asserts.

At each unit, maintenance personnel have resorted to cannibalizing good equipment to keep other equipment operating. These additional maintenance actions result in 12-hour average work days for our young troops—only because of a lack of good spares.

If readiness truly remains the administration's highest priority, then I have to wonder about the shape of the other accounts—modernization, quality of life, research and development—are they even more seriously underfunded?

Military units and the personnel within them, are being overused and underfunded to the point that I am afraid we are returning to the days of the hollow force. And the military personnel with whom I've spoken agree.

It is also apparent to me that our Forces are being stretched to the limit to support humanitarian and contingency operations such as the deployment of IFOR/SFOR in Bosnia.

Our high OPTEMPO is particularly troubling, since it results in more than just time away from home for the troops—it results in more equipment wear and tear; higher than planned consumption of spares; and canceled training.

At every base visited, I heard concerns about the quality of equipment.

Our lack of spares has caused us to cannibalize perfectly good engines to keep others operating, requiring my maintenance troops to work even more hours to keep our planes flying. Our normal work week is now 50—56 hours/week.—Lakenheath, AF Maintenance Officer.

Letter to Senator THURMOND from a non-commissioned officer:

We have old, worn out equipment that is difficult to maintain because we cannot always get the parts needed to repair them. It is the same way wherever we go; outdated, broken equipment, a lack of spare parts, overworked and underpaid GIs, resulting in an inability to perform our mission.

I do not question the fact that our military forces are the finest in the world. They are clearly performing their assigned missions superbly and they are capable of defeating any potential enemy of today.

But what about tomorrow? If this trend continues, I am concerned about how long we can maintain the present pace of operations. I am not alone in my concerns—they were echoed by many of the military personnel I had the pleasure of meeting. One officer summed it up nicely when he said ''the storm clouds are on the horizon.''

The Pentagon continues to omit these concerns from official reports we receive from the Committee—to the contrary, their reports reports indicate readiness levels are at an all time high. I find the remarkable discrepancy between what I see in the field and the official statements coming from the administration and the Pentagon very troubling. And I am concerned that unless we take the necessary steps to correct these problems now, our military capability will erode as we enter the 21st century.

The most troubling challenge is the need for additional modernization funding, for lack of new procurement has dramatic affects across all the other accounts: As our military equipment ages, it requires increased maintenance and thus more operations and maintenance [O&M] funding; since additional funding is not available to increase the O&M accounts, dollars are often robbed from training accounts; unfortunately, as the equipment ages, the problem will only get worse, and we will find ourselves in a death spiral.

The funding crisis is further aggravated by the continual deployment of forces to contingency operations such as Southern Watch and Provide Comfort. I have spoken many times, about the huge cost of these operations—between $6.5 and $8 billion for Bosnia alone—and the fact these expenditures will come at the expense of our defense budget.

While dollars are the most obvious issue in defense, I suggest that what we often overlook is the huge burden we are placing on our people and our equipment. We are wearing out our equipment and pushing our people so hard they no longer have time to train.

I heard comment after comment during my visits:

The high OPTEMPO at which our personnel are operating is definitely causing a strain on our people's families. Ultimately, this strain also affects my pilots' job performance.—Marine F—18 Squadron Commander.

''The number of days we fly to support Bosnia doesn't leave us with enough time to train. The only areas where we get training from our Bosnia missions is in reconnaissance and close air support. The rest of our training areas are suffering.''—Air Force F–16 Squadron Commander.

''Our average crew goes TDY 150—160 days per year—the Air Force goal is 120 days. These excessive taskings are straining my peoples' families as well as impacting the ability of my crews to receive adequate training.''—Air Force C—130 Squadron Commander.

Clearly, there are situations when the deployment of the U.S. military is necessary to protect America's vital interests. Unfortunately, it appears the Clinton administration will continue to keep a very low threshold for determining the need to commit our forces.

My friends, the United States cannot force its military to expend more resources than we are willing to provide and still expect it to remain a viable force for the future when it may be called upon to defend American interests. I am concerned, the committee is concerned, our military personnel are concerned, and the American people should be concerned. If we are to avoid losing our military edge, we must act decisively and begin providing the resources necessary to support the missions we continue to ask of our Armed Forces.

Mr. COVERDELL. Will the Senator yield?

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

Mr. COVERDELL. Senator, as I understand, you have been trying to facilitate this very important piece of legislation in conjunction with the distinguished chairman from South Carolina. I have been a vigorous supporter of your efforts to fulfill the BRAC recommendations to the Congress, the President, and the Nation, which called for there to be three logistic Air Force bases. Your efforts are to fulfill that recommendation, to make that aspect of the Base Realignment and Closure Commission fulfilled. It has been abrogated by the administration.

Mr. INHOFE. That is correct.

Mr. COVERDELL. And it is your intention, as I understand our conversations, to continue to pursue an appropriate conclusion to this avoidance of BRAC by the administration during the deliberations, the ongoing deliberations of the debate on the Department of Defense authorization?

Mr. INHOFE. That is my intent.

Mr. COVERDELL. The Senator from Oklahoma can be assured that he will have my undevoted attention to accomplishing this because not only have we lost half a billion dollars because the Base Realignment and Closure Commission was voided by the administration, we have lost the integrity of the discipline itself. It should never occur again in that form.

I suspect there will be a debate on that on this bill. The Base Realignment and Closure Commission has been sullied because it was a strict discipline that the people, the citizens of the country had to live by, the Congress had to live by, could not amend, gave up its prerogatives to amend, could only vote up or down, and then we found the administration could void it for whatever reason. That means that system no longer is of sound integrity, so if it is ever visited again it will have to be in a form that includes the President—not just the people and the Congress.

I assume the Senator from Oklahoma will agree with that.

Mr. INHOFE. I do agree with that. I want to give my assurance to the Senator from Georgia I have been living with this problem for a long period of time. We need an ultimate solution. In the interim, we need to make sure the recommendations of the BRAC Commission—that we protect the integrity of that system and they be acted upon—that we go ahead and fulfill the

expectations. Again, it is not just the money involved here.

I think about all of the Senators who had closures, and if we start making exceptions now I think it is very unfair to every Member of this Senate body who has had a closure to now say for political reasons we can take exceptions.

I know it is controversial when you say this, but if you just read the statements that the President made in August of 1996 right before the election, saying we will make sure those jobs do not leave, so what does that mean? It means regardless of what they do, whether it is competition or anything else, if the jobs stay in those areas we will still have five air logistic centers, so you have the same problem operating at 50 percent capacity.

Mr. COVERDELL. One last comment. It is my understanding that the total number of jobs in the two bases that BRAC asked be closed were 33,000 at the time of the recommendation and today, almost 2 years later, it is 31,000.

Mr. INHOFE. That is correct. In responding to the Senator from Georgia, we had a committee meeting on this with the GAO and we looked at how much that has cost so far. That has been 2 years ago. And still, almost the same number are there.

Now, there are other problems that come in, as the junior Senator from Utah brought up yesterday, that we are having a flight of expertise out of these areas, getting into other occupations, and if we do not do something quickly we are not going to be able to ever solve this problem.

I think for that reason we need to address this, address it in this bill. But again, to protect the bill so that we would have an authorization bill, I, personally, was willing, as you were willing, to take that out so we could come to the floor and take it up and work in a different work form—it may be the same form or a different form—but take it up as a floor amendment or in conference.

Mr. COVERDELL. I thank the Senator from Oklahoma, and I yield the floor.

Mr. THURMOND. Mr. President, national security remains the federal government's most important obligation to its citizens. The Committee on Armed Services recognizes its critical role within the Senate in carrying out the powers relating to national security which are granted to Congress in the Constitution. These include the power to: declare war; raise and support Armies; provide and maintain a Navy; make rules for the government and regulation of the Land and Naval Forces; provide for organizing, arming and disciplining the militia; give its advice and consent to treaties and to the nominations of officers of the United States.

The members of the committee further understand the importance of the committee's jurisdiction within the Senate over matters relating to the common defense, the Department of Defense, the Military Departments, and the national security programs of the Department of Energy.

The Armed Services Committee completed its markup last Thursday afternoon after 4 days of careful deliberation, voting unanimously to approve of the fiscal year 1998 defense authorization bill. I believe we have a good bill with a better balance between personnel quality of life programs, readiness, and modernization.

The budget agreement reached this year represents a historic endeavor by the Congress and the President to reach a balanced budget by fiscal year 2002. While the budget agreement protects our military forces from unrealistic and unwise cuts, the committee remains concerned that the funding levels for defense may not provide sufficient funds to adequately sustain over time the personnel, quality of life, readiness, and modernization programs critical to our military services. The committee intends that the achievement of a balanced budget will not adversely affect the readiness and capabilities of our military forces and will endeavor, within the funds agreed upon for defense in the budget agreement, to ensure their essential readiness and capabilities. Changes in the world situation or threat, and adverse impacts from funding shortfalls on general readiness or on vital operational capabilities, are among the trends that might indicate a requirement for additional funds for defense. In such cases, the committee believes that national security requirements must take precedence over lesser priorities within the budget.

In this bill, the committee worked to achieve a more appropriate balance between near-term and long-term readiness through investments in modernization, infrastructure, and research; maintenance of sufficient endstrengths at all grade levels and policies supporting the recruitment and retention of high quality personnel; fielding of the types and quantities of weapons systems and equipment needed to fight and win decisively with minimal risk to our troops; and ensuring an adequate, safe and reliable nuclear weapons capability.

The committee worked to protect the quality of life of our military personnel and their families. Quality of life initiatives include provisions designed to provide equitable pay and benefits to military personnel, including a 2.8 percent pay raise to protect against inflation, and the restoration of appropriate levels of funding for the construction and maintenance of troop billets and military family housing.

The committee remains concerned about military readiness. To ensure that U.S. Armed Forces remain the preeminent military power in the world, readiness requirements must be adequately funded.

The committee is also concerned about the continuing migration of modernization funds to operations and maintenance accounts. We have consistently recommended a more robust, progressive modernization effort which will not only provide capabilities requisite for future military operations, but will lower future operational and maintenance costs as well.

The committee has increased investment in the broad spectrum of research and development activities to ensure that U.S. military forces remain superior in technology to any potential adversary. We believe that effective development of advanced technologies will be a key factor in determining the victors on future battlefields. A program of stable, long-term investment in science and technology will remain vital to United States dominance of combat on land, at sea, in the air, and in space.

The committee also directed a more detailed programming and budgeting process for the reserve components. The utilization and effectiveness of reserve component forces are dependent on proper funding to enhance their readiness and capabilities.

Finally, the committee sought to accelerate the development and deployment of theater missile defense systems and to provide adequate funding for a national missile defense system to preserve the option to deploy such a system in fiscal year 2003. This bill also supports expeditious deployment of land and sea-based theater missile defense systems to protect United States and allied forces against the growing threat of cruise and ballistic missiles.

The committee intends that, within the balanced budget agreement, we will provide adequately for our men and women in uniform to defend our Nation. The committee will continue to examine the adequacy of the funds we allocate to our national security. At the same time, we must search for ways to improve the efficiency and effectiveness of our defense establishment—especially in the support structure—so that we can achieve savings to devote to the cutting edge of our military combat forces.

The national defense authorization bill for fiscal year 1998 reflects a bipartisan approach to our national security interests, and provides a clear basis and direction for U.S. national security policies and programs into the 21st century.

Let me make it clear to my colleagues—we do not have much time to complete action on this bill. If you have amendments, please come to the floor and introduce your amendment now. Remember that if you are adding anything to this bill that requires additional funding, you must provide a legitimate offset.

Mr. President, I want to close by thanking all the Senators on the committee and commend them for their hard work on this bill. All 18 Senators on the committee voted for the bill.

I also want to thank the staff on both sides and commend them for their hard

work on the bill. I also ask unanimous consent that a list of members of the Armed Services Committee staff be included at this point in the RECORD in recognition of their dedication and hard work.

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

SENATE ARMED SERVICES COMMITTEE STAFF

Les Brownlee, David S. Lyles, Charlie Abell, Tricia L. Banks, John R. Barnes, June Borawski, Lucia Monica Chavez, Christine Kelley Cimko, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie Fabrizio Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Richard W. Fieldhouse, Cristina W. Fiori, Jan Gordon, Creighton Greene, Patrick ''PT'' Henry, Larry J. Hoag, Andrew W. Johnson, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, George W. Lauffer, Peter K. Levine, Paul M. Longsworth, Stephen L. Madey, Jr., Michael J. McCord, J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Jennifer L. O'Keefe, Cindy Pearson, Sharen E. Reaves, Sarah J. Ritch, Moultrie D. Roberts, Steven C. Saulnier, Cord A. Sterling, Scott W. Stucky, Eric H. Thoemmes, Roslyne D. Turner, Amy M. Vanderwerff and Jennifer L. Wallace.

Mr. THURMOND. Mr. President, I believe we have a good bill and I urge all my colleagues to support it.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following members of the Armed Services Committee staff during the pendency of S. 924, the national defense authorization bill for fiscal year 1998, for today, each day the measure is pending and for rollcall votes thereon:

Les Brownlee, Charlie Abell, Tricia L. Banks, John R. Barnes, Lucia Monica Chavez, Christine Kelley Cimko, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie F. Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, and Richard W. Fieldhouse.

Cristina W. Fiori, Jan Gordon, Creighton Greene, Gary M. Hall, Patrick ''PT'' Henry, Larry J. Hoag, Andrew W. Johnson, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, George W. Lauffer, Peter K. Levine, Paul M. Longsworth, David L. Lyles, Stephen L. Madey, Jr., and Michael J. McCord.

J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Jennifer L. O'Keefe, Cindy Pearson, Sharen E. Reaves, Sarah J. Ritch, Moultrie D. Roberts, Steven C. Saulnier, Cord A. Sterling, Scott W. Stucky, Eric H. Thoemmes, Roslyne D. Turner, Amy M. Vanderwerff, and Jennifer L. Wallace.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I join the chairman of the Armed Services Committee in bringing S. 936, the national defense authorization bill, to the floor, and I want to congratulate the Senator from South Carolina for the extraordinary effort he has put in on this bill. He has really guided this bill through thick and thin, so that we are in a position where we can bring this bill to the floor. It is his commitment and his energy that he devotes to national defense that has made this possible. I congratulate him on that.

I want to reiterate the comments of the chairman of the committee that we are here debating S. 936, which is the bill that was reported yesterday. Now, this bill is almost identical to S. 924, which was the version of the defense authorization bill that was reported earlier this week. The exception is that the bill before us does not contain certain provisions relative to depot maintenance that were in the earlier bill. That has been the subject of a number of colloquies here this afternoon.

This bill meets the guidelines of the budget agreement and the fiscal year 1998 budget resolution. The members of the committee didn't agree on every provision; we never do, of course. There are several critical areas where I believe this bill needs to be improved. I will be working to make these improvements during the debate and during the conference. But despite the few disagreements that existed, there was—again, as this committee traditionally does—a very strong sense of bipartisanship and a spirit of cooperation that permeated the discussions and the markups. I want to join my friend, the chairman of the committee, in thanking all of the members of the committee and the staff for the hard work put up to get this bill to this point.

The chairman has summarized major provisions of the bill, and I want to take a few moments to give my perspective on some of the key provisions.

First, relative to the implementation of the quadrennial defense review recommendations, for the most part, this bill is consistent with the administration's defense policies and programs. The budget agreement this year demonstrated that there is a growing consensus between the President and the Congress over the level of defense spending for the next 5 years. It is not going to be possible, at these funding levels, to maintain today's force levels at their current readiness posture, provide the pay and the quality of life for our military members and their families that they deserve and that we are obligated to provide, and still to modernize our forces to meet possible future threats. We are not going to be able to do all that at the agreed-upon funding levels.

In my view, our forces must continue to have the technological edge over any potential adversary. In order to modernize our forces, we are going to have to accept, in my judgment, a somewhat smaller force in the future. But there are encouraging indications that technology is going to allow a smaller force to have the same or even greater lethality and combat effectiveness as our forces have today.

The recently completed quadrennial defense review begins to make some of the tradeoffs that we are going to need to make to be able to modernize our forces. In several important respects, this bill begins to implement the requested recommendations. For example, the bill reduces active duty personnel strength for the military services by 36,000 below the current levels and reduces Reserve component strength 16,000 below current levels.

The bill supports a major Army initiative, which was recommended at the quadrennial defense review, by increasing funding by approximately $150 million for the Army's Force 21 initiative. Last April, I visited the Army's advanced war-fighting experiment at the National Training Center. I saw, firsthand, the tremendous potential of the advanced situational technologies the Army is developing in their Force 21 initiative. The QDR recommended speeding up the fielding of these technologies, and the committee bill supports this important effort.

I may say that a number of our colleagues visited the center as well. I know the Senator from Indiana, for instance, also visited the National Training Center, and he is the chairman of our subcommittee. He was also very deeply impressed by the potential of these technologies, and he is primarily instrumental, I would say, for the increased resources that we are devoting to this initiative. I have been happy to support that effort. I believe very strongly in them. But I want to give credit to Senator COATS for the energies he has shown in this regard.

In order to be able to afford the modernization program for the military services outlined in the quadrennial defense review, it is important that the Congress and the Defense Department carefully limit weapons acquisition programs to only the levels necessary to meet the future requirements of the military services. In this regard, I am pleased that our committee included a provision prohibiting future production of B–2 bombers beyond the 21 currently planned for the Air Force. We don't need and we can't afford more B–2's.

Finally, Mr. President, in this area, we have heard from a number of Senators this year expressing concern over the levels of procurement funding for the National Guard and Reserve components.

The committee bill authorizes a total of $653 million above the budget request to buy equipment for National Guard and Reserve units. But now I want to turn to several areas of concern that I have with this bill.

First, on base closures: I am disappointed that the committee could not agree on a process for future base closures in the Department of Defense. Although there was strong support in the committee for more base closures, the amendment to authorize two additional base closure rounds—one in 1999 and one in 2001—failed on a 9 to 9 tie vote. I believe that the case for closing more military bases is clear and compelling.

From 1989 to 1997 the Department of Defense reduced total active duty military end strength by 32 percent. That figure is going to grow to 36 percent by the year 2003, as a result of the quadrennial defense review. So we have cut the size of our forces by 36 percent as of the year 2003, and already by 32 percent.

But even after the four base closure rounds, the domestic military base structure in the United States has been reduced by only 21 percent. And therein lies the problem. We have more structure than we need in our bases. So both the QDR, quadrennial defense review of the Department of Defense, and the national defense panel of outside citizens that we have selected to review the QDR division—both the QDR and that outside defense panel—have concluded that further reductions in the DOD base structure are essential to free up money that we need to modernize our forces.

Because we have to make some very difficult choices here, one of the critical choices is whether or not we are going to continue to keep excess structure when we are shorting modernization funding. And on June 5 the Armed Services Committee received a letter signed by all six members of the Joint Chiefs of Staff. The chairman, the vice chairman, the four service chiefs all signed one letter. It is rather unusual. But they did it in this case because of the strength of their views. And they urged us in this letter to ''strongly support further reductions in base structure proposed by the Secretary of Defense.''

Mr. President, every dollar that we spend to keep open bases that we don't need is $1 that we can't spend on modernization programs that our military forces do need. And I know that closing bases is a painful process. I have been through it. We lost all three of our Strategic Air Command bases in Michigan. One of them that was closed recently was in the upper peninsula of Michigan which was the largest single employer in the upper peninsula in a rural area, and it was closed. We argued against it. We lost. So the largest employer in the upper peninsula of Michigan shut down. We are surviving. A lot of good people are putting their shoulder to the wheel and we are going to be able to pull through. Is there some short-term pain and stress? You bet. Is it essential that we go through this process to reduce excess structure? It is.

Are there additional facilities in Michigan that might be addressed in future rounds of base closings? There are. And that has to make all of us worry. But we have really no choice. If we are serious about modernizing, about the need to modernize and to keep ahead of any potential adversary, and to make sure that our forces in the future have the best equipment that can possibly be developed and manufactured, we have to do what the Joint Chiefs have urged us to do in this 24-star letter; and that is to support further reductions in base closures which has closings which have been recommended by the Secretary of Defense. I don't see any other choice. The easy way is to not do it. But it is not the right thing to do, if we are going to maintain our qualitative technological edge. We just simply must continue to find a way to reduce our infrastructure costs. And, if that means that the next round of base closing we have to adjust it so that we don't run into the kind of argument that we have run into in the past round of base closings, if we have to put in the next round of base closing a provision that you can't privatize in place, for instance, without a specific recommendation to do that by BRAC, if that is what it is going to take, then so be it. But we have to continue down this road, if we are going to be true to the needs of our military.

Secretary Cohen pointed out in his testimony on the quadrennial defense review that the choice is clear. We can maintain the current base structure and fail to meet our modernization goals, or we can reduce our base structure and achieve the savings that we need to pay for the modernization that we all agree is necessary.

On the Air Force depot issue, there is no more contentious issue than this one. And I commend the Senators who permitted this process of bringing this bill to the floor to continue by removing the contentious provisions at this time. I commend them for it. In my view, the only way to resolve this issue is to have a fair competition, and determine the most cost-effective solution to redistribute the workload of these two depots, regardless of whether the result is privatization in place, privatization in some other location, or transfer to another Government depot.

There are many that believe and I know that the White House politicized this one aspect of the base closure process when the DOD privatized in place the work of the two closing Air Force depots. But I think it would be just as bad for Congress to politicize the base closure process by attempting to legislate a particular outcome. I don't think we can legislate a particular outcome.

I don't think we should. I think we should legislate a process which will guarantee that there be a full and fair competition. I tried that approach in committee. I didn't quite make it. But I think that is the best way to proceed.

We have base-decision amendments on this bill, and, even if we do not, we are going to face this issue in conference because the House bill contains provisions that do address the issue. Ultimately we will have to reach a compromise I believe that is fair and equitable to all.

On another subject, cooperative threat reduction programs: One of the most cost-effective and successful defense programs to reduce threats to our country and to enhance our national security is the cooperative threat reduction program that was started in 1991 by Senators Nunn and LUGAR. The cooperative threat reduction program at the Department of Defense and its companion program at the Department of Energy have produced important results in reducing the threat of proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons and their materials.

In my view, the committee decision to reduce the budget request for these programs by $135 million was shortsighted. I would have preferred to see an increase in funding for these programs because they are a very cost-effective approach to the most serious national security threat that we face today. That is the threat from the proliferation of weapons of mass destruction. Of all the security threats that we face, that is probably the most serious one—weapons of mass destruction in the hands of terrorists, or terrorist states.

This is a very modest investment in terms of defense budget, and it can significantly reduce the threat of proliferation by securing materials wherever they are—in this case Russia and some of the other former Soviet Union states. That is a real investment in our own security with a huge payoff.

It doesn't take much of this plutonium or enriched uranium to leak—to be transferred across the borders of these states to threaten us with massive destruction. About a hockey puck of plutonium can take care of one of our cities. That can be carried in one's pocket. That material literally can be carried in a pocket across a border. We need to secure that material; whatever it takes to secure it within reason.

These are reasonable amounts of money. We are talking about a major investment in American security.

So I think the decision to reduce the budget request for these programs, including security of nuclear material, was a mistake. And I know there is going to be a bipartisan effort to restore these funds for this important program. I hope that we will do so here on the floor.

Mr. President, on another part of the bill, the committee authorized $345 million to begin incremental funding of the construction of the next *Nimitz* class nuclear aircraft carrier called CVN–77. It did so based on claims of cost savings by the shipbuilder. Those claims, it seems to me, can be made reasonably. Those are claims that have some foundation.

Indeed, there was a report that we received. The Rand Corp. folks did a

study on this issue that said that the savings which were advertised here claimed by the shipbuilder can be achieved. It is possible. But what we failed to do in committee is to assure that the advertised and claimed savings would be achieved. We didn't adopt the safeguards to ensure that the taxpayers actually received the savings advertised by the shipbuilder on which this very unusual action is based.

We do not incrementally fund aircraft carriers. We do not say, ''OK, we will put a couple hundred million dollars in this year, and a couple hundred million dollars in next year'', and so forth, because it makes it very difficult for us when it comes to negotiating the contract to purchase the aircraft carrier to have any bargaining leverage. We have already incrementally funded, bought pieces of it, obligated funds for it, and we have lost our bargaining leverage when it comes to the price. So what we have done traditionally is authorized the whole thing at once in order to make sure that we get the best deal when it comes time to negotiate the price.

The Defense Department's current future years' defense program includes a total of $5.2 billion for the construction of the next aircraft carrier with what is called ''advanced procurement'' in the year 2000, and the balance of $4.5 billion in the year 2002. But earlier this year the shipbuilder came forward with a proposal, as I said, to incrementally fund this carrier beginning in this year's budget—the one that is in front of us—and continuing each year through 2002. According to the shipbuilder, this alternative funding proposal would save us $600 million in the cost of building the CVN–77. And this claim has been repeated many times in the last 2 months in some very highly visible advertising in the media.

As I said, the normal method of funding major defense procurement funding programs is to provide full funding in one lump sum in the year in which the program is started.

There have been certain exceptions and limited long-lead items which are funded through advanced procurement. And the reason for it is the one that I have given, which has to do with avoiding buy-ins—the situation in which it becomes more difficult to control total program costs in future and future cost growth.

But the Rand Corp. did that study I referred to, and it substantiated that savings were really possible here if we incrementally fund it as proposed by the shipbuilders, and the Navy's own analysis subsequently confirmed that this savings could be achieved.

So I am willing to support incremental funding as one Senator, but I am willing to do it only if this incremental funding approach assures us that the Government is going to receive the savings from this approach that had been promised by the contractor. And it is doable. We can do this. And I will be offering an amendment—and I hope there will be bipartisan support for this amendment—that will attempt to assure that this $600 million in advertised savings is, in fact, achieved in the purchase of this aircraft carrier. And we began, I think, to do this in a way which allows us to get the savings but also to assure the savings.

Mr. President, just one or two other items. Section 1039 of this bill prohibits the General Accounting Office from undertaking any self-initiated audits unless it can certify that it has completed all congressional requests. Since the General Accounting Office has hundreds of pending requests at any given time, this provision in effect is a total prohibition on any self-initiated work by the GAO.

I hope that this provision will be deleted or modified because it could hamstring the GAO in its very important efforts to identify waste, fraud and abuse in Government programs. Already 80 percent of the GAO work is in response to the requests of committees and Members of the Congress. But some of the work that they do fulfills work that has been carried out by them in the waste, fraud and abuse area which they have self-initiated and which has been very, very important to the Congress in identifying waste, fraud and abuse—not just in the defense area, in any area. And this provision applies not just to defense. The provision in this defense bill applies Governmentwide.

That is why the chairman of the Governmental Affairs Committee, Senator THOMPSON, and the ranking member of the Governmental Affairs Committee, Senator GLENN, both wrote a letter requesting sequential referral of this bill to Governmental Affairs so that they could have a look at this provision which is Governmentwide and would restrict the GAO. Sequential referral was not approved because, under the rules, the parliamentary rules, apparently in order for there to be sequential referral, a bill must have many more provisions in it relating to that second committee than this one provision. It has to predominantly belong within the jurisdiction of a second committee, and this bill obviously does not. This is one of a few provisions which touches the Governmental Affairs jurisdiction. But I do hope that we will be able to find a way to either delete or to modify this provision as it will hamstring the efforts of the GAO in doing some very important work.

Finally, Mr. President, section 363 of this bill gives the Secretary of Defense the unprecedented authority unilaterally to stop for 30 days certain administrative actions of other Federal agencies. The Secretary would have this authority without regard to the valid health or safety concerns that may have motivated other agencies in taking their action. This automatic stay could cover rules and orders intended to protect the environment and safeguard work safety or preserve private property and many other conceivable administrative actions and orders. This action exceeds the jurisdiction of the Armed Services Committee. It creates the appearance of placing the Department of Defense above the law. For these reasons, I do not believe that it should have been included in the bill, and I hope we can find a way to correct it.

Mr. President, I know there will be some vigorous debate on this bill, and I hope Senators will come to the floor and offer their amendments so that we can complete Senate action on the bill in a timely manner and in a fashion that the majority leader has announced, and then go to conference with the House.

And, again, I want to commend my friend from South Carolina for his leadership on the committee and in making it possible for this bill to come to the floor. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to take this opportunity to commend Senator LEVIN, the ranking member of this committee, for his fine cooperation, advice and assistance during the preparation of this bill. This cooperation on his part greatly enhanced the successful completion of the 1998 defense authorization legislation. We worked in a bipartisan manner for the benefit of our great Nation, and by doing this I think we have brought to the floor an excellent bill on behalf of our Nation.

Mr. MCCAIN. Mr. President, as we begin consideration of the Senate's version of the National Defense Authorization Act for Fiscal Year 1998, I cannot help reflecting on the increasingly illogical nature of the process through which we have arrived at this point. By that I refer to the task of marking up yet another defense bill while budgets continue to decline in real terms, force structure continues to contract, and operational requirements continue to climb, while Members of Congress continue to waste considerable sums on projects of questionable merit.

Let me say first that there is much in this bill that warrants our support, including an active duty pay raise, improvements in the way housing allowances for military personnel are calculated and applied, funding for tactical aviation modernization and missile defense programs, increased emphasis on defense against chemical and biological weapons, and much more.

The bill includes, for example, a provision authorizing the Department of Defense to waive CHAMPUS deductibles and annual fees for service members and their families who are stationed in remote duty locations within the continental United States. These families, most of whom are junior enlisted personnel, are geographically separated from military treatment facilities and TRICARE Prime sites and now rely to a great degree on standard CHAMPUS for health care

services. The legislation also approves several survivor benefit plans that will alleviate much of the emotional anguish experienced by surviving spouses of military retirees.

The committee also adopted an amendment that enhances aviation special pays. Compelling testimony from the service chiefs of the Navy, Air Force, and Marine Corps revealed that our Armed Forces are facing critical shortages of skilled aviators. It is clear that this provision will be crucial in retaining sufficient aviators to operate today's technically advanced aircraft. Any failure to address this issue would certainly have an enormous impact on future readiness.

I was particularly pleased that the Armed Services Committee continued to focus on improving the system by which the services determine unit readiness levels. The Department of Defense is directed to continue its study of the merits of maintaining units at differing levels of readiness, depending upon actual deployability and the likelihood of each unit actually responding to a crisis. With budgets being as tight as they are while fiscally daunting modernization decisions are fast approaching, it is worth examining whether savings in the operations and maintenance accounts—the largest portion of the defense budget and the most difficult to track—can be identified and reallocated to high priority research and development and procurement programs.

I recognize that there is already a considerable amount of tiering that occurs in the Navy simply by virtue of the deployment, training, and maintenance schedules it must follow in order to meet requirements. The Army and Air Force, however, may be a source of some savings if units whose deployability is highly contingent on air and sealift capabilities are permitted to relax their readiness levels to some degree. In fact, many Army personnel have expressed the sentiment that they would fare better if forced to perform fewer training exercises, which place a strain on people and equipment.

I am not arguing that units should be permitted to atrophy; on the contrary, I would like to think that none of us would acquiesce in the implementation of policies that would place U.S. interests and military personnel at risk. It is a legitimate question, though, whether certain units must be retained at the highest readiness levels despite the improbability of deployment, given operational plans, and the time it would take for such units to deploy given available lift assets.

One of the more significant actions taken by the committee involved termination of funding for the B–2 bomber, including of funds required to preserve that aircraft's industrial base. Opponents of the amendment to end the program once and for all argued that we need to maintain the ability to build more of these extremely technically complex aircraft in the event future contingencies require more stealth bombers. We already have enough strategic bombers in the inventory, however, and the Air Force has repeatedly testified that it does not want and cannot afford any more. Most important, the time it takes to build even one B–2 precludes our being able to surge produce them in the event of a major deterioration in the international environment. Should a major regional contingency arise, it will be fought with the bombers on-hand—not ones more than a year from being operational.

Unfortunately, for all that is good in this bill, there is much that is wasteful. The manner in which shipbuilding and conversion dollars are allocated no longer bears any resemblance to actual military requirements and available resources, nor does it correspond to essential industrial base preservation concerns. Rational discourse on whether to incrementally fund a $5 billion aircraft carrier cannot occur without other shipbuilding interests demanding something for themselves. After all, what's another destroyer above and beyond the number requested and budgeted for? What's another LPD-class ship, or an AOE fast support ship, or another submarine? For the last several years, we have seen a dangerous trend whereby decisions on shipbuilding matters, more than any other—save for the depot issue—are predicated solely on parochial considerations. This situation has to stop.

One of the more disappointing results of the Armed Services Committee's mark-up of this bill was the rejection of an amendment sponsored by Senators ROBB, LEVIN, COATS, and myself that would have statutorily mandated the two base closure rounds called for in the Quadrennial Defense Review. There is a broad consensus that the Defense Department, even after the previous four rounds of such closings, continues to maintain considerably more infrastructure than it needs. The expenditures associated with maintaining these installations and facilities constitute a major drain on declining resources allocated for national defense. Rejection of the amendment represented a serious setback in the efforts of some of us at instilling greater discipline into the budgetary process.

Mr. President, you can support the Reserve component of our total force without acquiescing in the thorough hemorrhaging of scarce military construction dollars for National Guard projects. The total military construction budget request for projects located inside the United States was $2 billion, not including another $2 billion for base closure activities. The request for National Guard and Reserve construction projects was $172 million. Of the 87 military construction projects added to the administration's request, 46—more than half—are for the National Guard and Reserve. The Senate bill includes over $900 million in National Guard and Reserve procurement items, the House version $700 million.

As I have already noted, the bill includes an ample supply of pork-barrel projects, including continued funding of High Frequency Active Auroral Research Program, or HAARP. This project, while certainly interesting from a purely theoretical perspective, is thoroughly lacking in merit and does not belong in a defense spending bill. Nor do additional dollars for the National Oceanographic Partnership Program. The Navy, out of whose budget this project is funded, derives no tangible return on its investment. This nondefense program may deserve to be funded in another area of the Federal budget, but it does not belong in this bill. Individually, projects like these are a serious waste of taxpayer dollars. Collectively, they constitute a serious drain on the resources needed to ensure future military readiness.

In short, Mr. President, it is regrettable that the propensity of Members to continue to add pork as though it were still the early 1980's remains as strong as ever.

AMENDMENT NO. 417

(Purpose: To strike section 3138, relating to a prohibition on recovery of certain additional costs for environmental response actions associated with the Formerly Utilized Site Remedial Action Project program, and to require a report on the remediation activities of the Department of Energy)

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. TORRICELLI, proposes an amendment numbered 417.

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

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

The amendment is as follows:

Strike out section 3138 and insert in lieu thereof the following:

SEC. 3138. REPORT ON REMEDIATION ACTIVITIES OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall submit to Congress a report on the remediation activities of the Department of Energy.

Mr. LAUTENBERG. Mr. President, first let me say to the distinguished chairman of the Armed Services Committee and the ranking member that I commend them for a job well done. I am very much aware of the complications that one has in the defense authorization bill. It is a large sum of money, a very complicated piece of legislation. It has research funds and it has operational money. It is quite a job, and I commend the both of them for moving this rapidly and getting this bill to the floor.

Mr. President, I have an amendment that would strike a section, section

3138 of this bill because this section prevents the Department of Energy from recovering any cleanup costs at sites under DOE's Formerly Utilized Site Remedial Action Project program other than the costs already covered in a written, legally binding agreement with the party involved in the site.

To put it more simply, this section would strike the Department of Energy's ability to recover costs already covered in a previous agreement with a party involved in the site.

As a practical matter, Mr. President, it would absolve W.R. Grace Company of millions of dollars of responsibility for toxic pollution costs by their actions. The effect of this provision from the analysis that we have conducted so far is to grant a special exemption from Superfund law to one company. The Superfund law, a law which I am proud to have helped author, embodies the principle that polluters should pay for the damage they do, and in this case W.R. Grace should pay for the cleanup of the mess that it created.

The deal was an unacceptable slap in the face to American taxpayers and the residents of Wayne, NJ, my home State. As a matter of fact, I lived in this community for some time. The residents of Wayne Township have been living with this problem for such a long period of time, and why this amendment is so outrageous is something that I want to explain.

A pile of approximately 15,000 cubic yards of potentially radioactive material has already been removed by the Department of Energy, and the Department of Energy says that there are still about 70,000 cubic yards more still buried at the Wayne site, and it is still deciding how to clean up the part that is on the surface and below. The Department of Energy estimates the entire cleanup may cost $120 million. The major contaminant in this soil is a contaminant called thorium, highly radioactive material. It is known to cause cancer and has a half life, Mr. President, that is far longer than perhaps this Earth can endure. It is 14 billion years. In other words, this stuff stays hot for that long a period of time.

This deadly waste was the result of industrial activity going on since 1948, almost 50 years ago. The contamination may affect the drinking water of 51,000 New Jersey residents resulting in untold harmful health consequences. The W.R. Grace company owned the property and contributed to this huge pile of waste. The Grace company signed an agreement with the Federal Government in which it promised to contribute to the cleanup, and then they went on to pay a tiny fraction of the ultimate cleanup cost for this site when they deeded over the property to the Government. They paid $800,000 as a down payment on $120 million. That does not sound like a very serious downpayment to me. But the agreement also said that the Federal Government maintained the right to come after W.R. Grace under other laws to remedy the threats caused by their pollution despite again the agreement they had signed. But nothing happened for many years.

In 1995, I urged in a letter to the Department of Energy to expedite the cleanup by negotiating with W.R. Grace, the responsible party, the polluter, to pay its share. Those negotiations began shortly thereafter. Over the last year, I have been assured a number of times by the Energy and Justice Departments that progress was being made. And for over 1 year now W.R. Grace has been engaged in a discussion with the Department of Justice, which I believe was in good faith, to determine what share Grace would pay for contributing so much to this mess.

Now I read the language in this bill and find that it effectively wipes out all of the progress that has been made, wipes out all of the obligation that W.R. Grace would have. This language takes away the Department of Energy's legal rights under the Superfund polluter pays liability system. It abrogates a legal commitment signed by Grace.

Mr. President, this puts the burden squarely on the American taxpayer instead of the polluters. Further, it will delay the cleanup and could poison the drinking water of the people of Wayne and the State of New Jersey. The Department of Energy, Mr. President, has limited cleanup dollars and numerous sites across the country under a program that is called FUSRAP, the Formerly Utilized Sites Remedial Action Program. These are the sites of industrial activity that may have contributed at one point to our Nation's defense. That does not mean they have a license to pollute thereafter. They have a responsibility.

Without an infusion of cleanup funds from the parties responsible for the mess in Wayne, there will be years of delay in this cleanup, years when the radioactive waste will continue to blight a community, years for that plume to migrate, to reach the drinking water source for that town.

Mr. President, the Senator from New Hampshire, Mr. SMITH, and I worked together on the Senate Environment and Public Works Committee and together we are trying to rewrite the Superfund law which is soon to expire. We worked together in good faith, and I believe we have narrowed the differences on many issues affecting Superfund. I hope that we are going to be able to produce a bill later this year with both our names as cosponsors of that legislation.

However, as far as the provision in this bill that deals with the Department of Energy cleanup at the site in Wayne, I oppose it strenuously. As the Senator from New Hampshire expressed to me, he had no scheme in mind to mitigate the obligation that W.R. Grace has to do the cleanup. That was an effect apparently unintended by the Senator from New Hampshire, but we have to deal in reality not the intent. W.R. Grace must stand up to their obligation. The reality is that the provision in this bill would not only slow down the Wayne cleanup program, but it would also transfer its costs from the responsible party to the taxpayer. We are not going to stand for that, Mr. President.

So I urge the adoption of my amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, the amendment of the Senator from New Jersey addresses a provision, section 3138, in the defense bill which relates to something called Formerly Utilized Sites Remedial Action Program [FUSRAP]. I just want to give a little background as to how and why the language the Senator is concerned about appeared in the legislation and also to indicate what its intent was and to discuss specifically his amendment.

Earlier this year it came to the attention of the Armed Services Committee this program, the so-called FUSRAP program, was not getting the sites cleaned up as quickly or as efficiently as it could. Of course, as all of us know who work on the Superfund issue, that is true of many, many Superfund sites around the country as well as these particular FUSRAP sites. So the committee felt we wanted to do something to expedite the cleanups, to get it done quicker, to respond to the concerns raised by Members who were not on our committee—that is the Armed Services Committee—and in some cases were not even on the Environment and Public Works Committee. In order to try to respond to those concerns, the Armed Services Committee unanimously adopted this language. It was hoped it would speed up the cleanup of these sites and provide an incentive for parties that were responsible for the contamination of these sites to come to the table, negotiate their liability allocations with DOE, and to contribute an appropriate amount to the cleanup costs—not to give anybody a sweetheart deal, not to remove people from the hook, so to speak, but rather to bring people to the table to pay their appropriate share of the cleanup costs. That was the goal and the objective of the language.

I might say, unfortunately, sometimes these disputes manage to make their way to the floor because they are not resolved before we get here. Had this Senator had some knowledge of concerns raised by members of the committee or other Members of the Senate prior to this time, we might have been able to address those concerns. But as I indicated earlier, it passed unanimously in the Armed Services Committee. There was absolutely no discussion of it in the committee. So it is unfortunate that we

have to deal with it here, but, be that as it may, that is what we will do.

The language included in the section would have limited DOE's ability to seek cost recoveries against some private parties. That is true. That is what Senator LAUTENBERG just said. But in no way would it have limited the similar powers, the collateral powers that the EPA and the Department of Justice has to obtain these recoveries, get these dollars recovered. So, given the fact that DOE may have some level of responsibility for liability at these sites, we on the committee believed it was an inappropriate conflict of interest for them to have control for recovering costs against private parties. So, by leveling the playing field, we believed it would be more likely that private parties would settle their liability at the site, and, given the fact that EPA and DOJ would still have enforcement authority, we knew no party would be let off the hook. That was the intention.

I believe in my own heart, as I read the language, that the language supports that intention. But I can understand there may be differences of opinion in terms of how you interpret it. There have been some concerns raised that we tried to address a single-party site here, to give somebody specific relief. That could not be further from the truth. I think the facts speak for themselves. This was a generic amendment. I might say the topic at hand here is the so-called FUSRAP sites, that is the Formerly Utilized Sites Remedial Action Project.

In a DOE Office of Environmental Restoration pamphlet that is dated April 1995, there are 46 FUSRAP sites, of varying degrees. I think it may be the case that the site in New Jersey could be singled out here as possibly being helped in one way or another by his provision. However, there are 46 sites, so I think the committee is on record here, being very clear that the intention here was to deal with 46 FUSRAP sites to try to expedite the cleanup. They are in States all across the United States.

Mr. President, I ask unanimous consent that a section of this pamphlet listing those 46 FUSRAP sites be printed in the RECORD.

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

SITE NAME AND LOCATION

MISSOURI

Latty Avenue Properties—Hazelwood
St. Louis Airport Site (SLAPS)—St. Louis
SLAPS (Vicinity Properties)—Hazelwood and Berkeley
St. Louis Downtown Site (SLDS)—St. Louis

NEW JERSEY

DuPont & Company—Deepwater
Maywood—Maywood/Rochelle Park
Middlesex Sampling Plant—Middlesex
New Brunswick Laboratory—New Brunswick
Wayne Interim Storage Site—Wayne

NEW YORK

Ashland 1—Tonawanda
Ashland 2—Tonawanda
Linde Air Products—Tonawanda
Seaway Industrial Park—Tonawanda
Bliss & Laughlin Steel—Buffalo
Colonie—Colonie
Niagara Falls Storage Site—Lewiston/Youngstown/Niagara Falls

OHIO

Associate Aircraft—Fairfield
B&T Metals—Columbus
Baker Brothers—Toledo
Luckey—Luckey
Painesville—Painesville

OTHER SITES

Madison—Madison, IL
W.R. Grace & Company—Curtis Bay, MD
Chapman Valve—Indian Orchard, MA
Shpack Landfill—Norton/Attleboro, MA
Ventron—Beverly, MA
General Motors—Adrian, MI
CE Site—Windsor, CT

CLEANUP COMPLETED

Acid/Pueblo Canyons—Los Alamos, NM
Alba Craft—Oxford, OH
Albany Research Center—Albany, OR
Aliquippa Forge—Aliquippa, PA
Baker & Williams Warehouses—New York, NY
Bayo Canyon—Los Alamos, NM
Chupadera Mesa—White Sands Missile Range, NM
Elza Gate—Oak Ridge, TN
Granite City Steel—Granite City, IL
HHM Safe Co.—Hamilton, OH
National Guard Armory—Chicago, IL
Kellex/Pierpont—Jersey City, NJ
Middlesex Municipal Landfill—Middlesex/Piscataway, NJ
Niagara Falls Storage Site Vicinity Properties—Lewiston, NY
Seymour Specialty Wire—Seymour, CT
C.H. Schnoor—Springdale, PA
University of California—Berkeley, CA
University of Chicago—Chicago, IL

Mr. SMITH of New Hampshire. So that was the intention here and the point I wanted to make regarding these sites.

Let me also say, because this is kind of a technical term—the so-called FUSRAP sites is a little hard to understand. We have a lot of acronyms here. I know it is difficult for people to comprehend some of these, but this program was initiated in 1974 by the Atomic Energy Commission under the Atomic Energy Act of 1954. They have 7 or 8 major objectives. I will just briefly highlight those.

One is to find and evaluate sites that supported the Manhattan Engineer District/Atomic Energy Commission's early atomic energy program and to determine whether these sites needed cleanup or control.

Second, to clean up or control these sites so that they meet current DOE guidelines.

Third, to dispose of or stabilize waste in an environmentally acceptable way.

Fourth, to complete all work so the DOE complies with the appropriate Federal laws and regulations and State and local environmental and land use requirements.

Fifth, to certify the sites for appropriate future use.

These sites are owned by either the Department of Energy, local governments, private corporations or private citizens or a combination thereof.

Again, the goal here was to try to craft something that would expedite these 46 FUSRAP sites, some with problems more serious in nature than others. Obviously the site the Senator from New Jersey is talking about is much more serious than some of the others. But the idea was to bring these parties to the table in a fair and equitable way, being certain that those PRPs that had put money on the table, had offered money on the table, would be encouraged to provide not only that money but more. That way, we could get a fair settlement so the taxpayers would be saved dollars and at the same time we would accomplish the goal of cleaning up these sites.

In a moment I am going to offer a second-degree perfecting amendment to the amendment of the Senator from New Jersey. Before I do that, I just want to say that I understand the concerns of the Senator. He has been very cooperative. We have talked about this at great length in the past few days to try to come to an understanding of what my intent was and what he believes the result to be. We may not be 100 percent in agreement here, but I think we can resolve this with this second-degree amendment which I believe addresses the concerns of the Senator and at the same time will lead us to accomplishing the cleanup goal that we want to achieve.

I do not want to preclude the Senator's debate. I would be happy to withhold offering the second-degree if the Senator wants to speak on this amendment? I will withhold that amendment and I will yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I just want to respond to my colleague. I do not object to the Senator's second degree amendment. If it is passed into law, DOE is going to have to report to Congress next year on the number of sites of this category, the FUSRAP program, on the cost of cleanup, the numbers of sites where private parties are involved, and on the progress DOE has made in pursuing them for a cleanup costs.

We want to do these sort of things. This reporting requirement is certainly a step in the right direction. DOE at last will be required to step up its efforts to make the private sector pay for the pollution it caused. It's only fair. The private sector profited enormously from participating in DOE's efforts to build the Nation's nuclear arsenal. The company, however, should not escape liability for the mess they created as they did that.

These former DOE sites, Department of Energy sites, contain some of the Nation's most dangerous and pernicious pollution problems. Their radioactive legacy—it is incredible—will endure for thousands if not millions of years. This stuff, unfortunately, creates the energy supply as well as the hazard for this period of time. DOE has been shamefully slow and their reluctance to bring W.R. Grace into the cleanup efforts is inexplicable. In fact,

DOE did not begin to go after Grace as a responsible party until I started urging them to do so, now over 2 years ago.

Sadly enough, Wayne is not the only New Jersey site being managed by the Department of Energy under the FUSRAP program. New Jersey has five of these sites, including another thorium site which threatens residents of Maywood, Rochelle Park and Lodi. Like the Wayne citizens, these residents, too, have been waiting patiently for lots of years to see that their particular site is cleaned up.

This report should prove helpful in encouraging faster cleanup at these sites. I support the amendment and I note the presence of my colleague from New Jersey on the floor, who has worked closely with me on matters affecting the communities, these communities that have these radioactive sites.

I am pleased to see him and to note that we worked together on these things. I assume the Senator from New Jersey wants to make some comments. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to identify myself with the remarks of my colleague, Senator LAUTENBERG, and I join with him in offering this amendment today. What we have before us is a classic case of adding insult to injury. The people of various communities in New Jersey have lived for 40 and 50 years with the problem of thorium. The stories are long and often involved, but the thorium is clearly dangerous in the case of Maywood and the thorium in Wayne. They are all the result of wartime production, the production of lanterns and bomb sights and other war material that required a low level of radiation.

In an extraordinary story of success of the U.S. Government, in the case of Maywood all the thorium involving residential communities has now been removed. Now we are beginning to do the same in the community of Wayne. But it is not enough that the people of Wayne have the thorium removed. The question remains who will pay the bill? This was not an operation of the U.S. Government. This was not a question where the Government was operating the facility and it was left for the residents. This is a profitmaking corporation that had public and private contracts, earned money on the site, left it polluted, and the taxpayers are now left with the bill.

To date, $50 million has been spent. It is estimated the final cost could be as high as $120 million to remove 100,000 cubic yards of waste material.

Mr. President, only several months ago, I, as Senator LAUTENBERG, in concern that as we began to make progress in the removal of this thorium, wanted to know the progress and who was going to pay the bill. We pressed the Department of Energy to seek legal recourse in recovering costs and assuring future contributions.

I, too, met with the W.R. Grace Corp., and I was very pleased after those meetings to receive this letter, as Congressman PASCRELL, who represents this district, received this correspondence and claimed ''we are entered into good faith negotiations with the Department of Energy in an effort to fairly resolve this matter.''

The letter from the Grace Corp. concluded:

Grace has acted in good faith and desires to achieve an amicable resolution to this problem.

Only to discover in this legislation a prohibition in section (a) and (b):

The Department of Energy may not recover from a party described in subsection (b) any costs of response actions for actual or threatened release of hazardous substances that occurred before reenactment of the act.

The net result would be that all of our efforts to ensure the Department of Energy uses all legal recourse and continues in good-faith negotiations, that the private parties that profited by these operations also bear the cost of removal of the thorium contamination, would have been lost and the taxpayers would be left with the entire cost, $120 million.

Mr. President, I am very pleased Senator LAUTENBERG and I have the chance today to strike this provision, and I am very pleased that Senator SMITH, in his secondary amendment, will simply seek good-faith efforts in negotiations to resolve this matter. But let the record be clear to the Department of Energy, a good-faith resolution is nothing less than the Federal policy of polluter pays prevails.

We fully expect the Department of Energy to seek those parties who profited and that they pay. We cannot allow an enormous environmental potential success to be transferred and transformed into a failure. As the communities of Maywood have seen much of the thorium now leave, Wayne is witnessing the first departure of that same thorium. We intend to see it not only removed, but the taxpayers not be left with a legacy of debt.

I am very pleased we have a chance to offer this amendment today, and I am glad Senator SMITH is now joining us in having good-faith negotiations proceed. I urge my colleagues to support both efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 418 TO AMENDMENT NO. 417

(Purpose: To create a report for Congress regarding the Formerly Utilized Sites Remedial Action program)

Mr. SMITH of New Hampshire. Mr. President, I think it would be appropriate at this time for me to offer the second-degree amendment, and then I believe we can get this matter resolved and go on to the next amendment.

So I offer a second-degree amendment to Senator LAUTENBERG's amendment to strike section 3138 from the national defense authorization bill for fiscal year 1998. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. LAUTENBERG, proposes an amendment numbered 418 to amendment No. 417.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site.

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities.

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination.

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination.

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites.

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis.

Mr. SMITH of New Hampshire. Mr. President, I am going to take a couple of minutes, and then we will move on.

This second-degree amendment would substitute a reporting requirement for the original section of section 3138 directed regarding cost recovery agreements at cleanup sites managed by DOE within the so-called FUSRAP program.

As you know, and as we indicated earlier, there had been some interest requested that limitations be placed on this Federal agency cost recovery from

potential responsible third parties. We were able to deal with those, and the Armed Services Committee does not have jurisdiction over these issues, but does have jurisdiction over defense-related cleanups of DOE sites. Section 3138 was intended to narrowly focus on concerns that were related to cost recovery of FUSRAP.

Mr. President, basically, there are six provisions that are part of that report language. They are self-explanatory. This is an attempt to try to get a reasonable compromise to see to it that we save taxpayers dollars, at the same time to be fair and to get both parties to the table as quickly as possible.

I yield the floor, Mr. President.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senators from New Jersey for this amendment and commend the Senator from New Hampshire for his support of it with a second-degree amendment.

It is a good amendment. We support it.

I ask unanimous consent that a letter from the Department of Energy, addressed to our chairman, dated June 19, strongly supporting, in effect, the amendment by stating their opposition to the provision, be printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC, June 19, 1997.

Hon. Chairman STROM THURMOND,
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN THURMOND: I am writing to express strong opposition to a provision, section 3138, in S. 936, National Defense Authorization Act for Fiscal Year 1998, that would prohibit the Department of Energy from recovering all legally available response costs for certain actual or threatened releases of hazardous substances at sites included in the Formerly Utilized Sites Remedial Action Program (FUSRAP). At some FUSRAP sites, the application of this provision would be inconsistent with the policy that the polluter should pay the cost of addressing the pollution created.

We strongly support removing this language and would be pleased to report to the Congress on our current efforts under the FUSRAP program.

Sincerely,

ALVIN L. ALM,
Assistant Secretary for Environmental Management.

Mr. LEVIN. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we support the amendment. I suggest a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment No. 418.

The amendment (No. 418) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 417, as amended.

The amendment (No. 417), as amended, was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 419

(Purpose: To prohibit the distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BIDEN, proposes an amendment numbered 419.

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

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

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1074. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(*l*) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

''(B) the term 'explosive' has the same meaning as in section 844(j); and

''(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates subsections'' and inserting the following: ''person who—

''(1) violations subsections'';

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

(3) by adding at the end the following:

''(2) violates subsection (*l*)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(2) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (*l*)''.

Mrs. FEINSTEIN. Mr. President, I send this amendment to the desk on behalf of Senator BIDEN and myself.

For 3 years, Senator BIDEN and I have sent an amendment to the desk which would prohibit the teaching of bomb making. Twice it passed this body by unanimous consent, and twice in conference the amendment was taken out.

Last year, when we made this amendment and this body graciously and, I believe, wisely accepted it, it was replaced in conference with the proviso that the Department of Justice would do a report to see whether this amendment was well advised and would stand a constitutional test.

On April 29 of this year, the Department of Justice published a report, and that report was entitled, ''Report on the Availability of Bomb Making Information, The Extent to Which Its Dissemination is Controlled by Federal Law, and the Extent to Which Such Dissemination May be Subject to Regulation Consistent with the First Amendment to the United States Constitution.''

The bottom line of the report is that the Department of Justice agrees that it would be appropriate and beneficial to adopt further legislation to address the problem of teaching bomb making directly, if that can be accomplished in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information or otherwise violate the first amendment.

In other words, the question presented by this is, when does the first amendment end and when does conspiracy to commit a felony begin?

So the language in the amendment that we submit to this body today has been reworked, strengthened and approved by the Department of Justice. I would like to briefly read it. The language is as follows:

It shall be unlawful for any person—

(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use

of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce . . .

Then there is an alternative:

or (b) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction . . . knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.

The penalty for violating this law would be a fine of $250,000 or a maximum of 20 years in prison, or both.

Mr. President, according to terrorism expert, Neil Livingston, there are more than 1,600 so-called mayhem-manuals in circulation. I outlined some examples of what I am talking about.

I will never forget, Mr. President, and you are a member of the Judiciary Committee—I don't believe you were on the committee at the time—but when a document entitled ''The Terrorist's Handbook'' was circulated, I believe at that time Senator KENNEDY and I couldn't believe it. So I went back to my office and asked my staff to download what is called ''The Terrorist's Handbook.'' The cover of ''The Terrorist's Handbook'' reads something like this:

Stuff you are not supposed to know about. Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, the Terrorist's Handbook is an invaluable guide to having a good time. Where else can you get such wonderful ideas about how to use up all that extra ammonium triiodide left over from last year's revolution?

And then this handbook, which I have in my hand, goes on to tell people how to break into a building, how to pick a lock, how to break into a chem lab in a college, how to look like a student. It produces techniques for picking locks. It goes on and tells you what useful household chemicals you should use. And then it goes on to explain, with specificity, how to make a lightbulb bomb, a book bomb, a phone bomb, and it goes on and on and on.

Mr. President, there is no legal, legitimate use for a phone bomb, for a book bomb, for a baby-food bomb, all of which are described in this handbook. When it is put in this context, the context of criminality, it is my belief that the person who puts this up on the Internet becomes a conspirator in the ability to commit a major crime in the United States.

An interesting thing that we have found is that individuals who have committed these crimes have actually had at least some of these publications in their home when they were arrested.

According to the Executive Office for U.S. Attorneys, the following publications were found among Timothy McVeigh's possessions: ''Homemade C–4, A Recipe for Survival.'' My staff just went over to the Library of Congress and tried to take out a copy of this. Incidentally, it is missing from the library.

''Ragnar's Big Book of Homemade Weapons and Improvised Explosives.''

So we know that materials on the Internet are used by terrorists to commit terrorist acts. We also know that the number of explosive devices now being found are increasing. Authorities have stated that the rise is attributable to a rise in Internet use. This is certainly true in Los Angeles County. During the first half of 1996, these numbers of explosive devices have increased dramatically; 178 were found compared to 86 total in 1995.

Responses by the Los Angeles Police Department to reports of suspected bombs have shot up more than 35 percent from 1994 to 1995. The LAPD found 41 explosives in 1995, more than double the number 3 years ago. And it goes on and on and on.

One thing is also very interesting. Not only are terrorists using this, but children are using this.

Not too long ago there was a cartoon in a newspaper. It really describes what is happening. A mother is on the telephone saying to a friend, ''* * * history, astronomy, science, Bobby is learning so much on the Internet * * *'' And there is Bobby sitting by his computer, and what Bobby is doing here is putting a timer on six sticks of dynamite looking at the Internet and following the recipe. Of course what that leads to is something like this:

Three Boys used Internet to Plot School Bombing, Police Say.

That is the New York Times.

Something like this:

Internet Cited for Surge in Bomb Reports. Police and sheriffs officials say Web sites provide youngsters with information on making explosives.

Yesterday, June 18, the Fort Lauderdale Sun-Sentinel reported on the pending trial of 15-year-olds Burke DeCesare and Adam Walker, who were charged with planting a bomb in their Catholic school. They are eighth graders. They live in the Bayview neighborhood. They broke into Saint Coleman Catholic School in Pompano Beach around 2 a.m. on February 24, 1996. They planted a gasoline bomb in the ceiling of classroom 116.

Bomb experts from the Broward Sheriff's Office said the device, made with gasoline, was wired to explode at the flick of a light switch. This is taught—the recipe for this is in one of these manuals. The boys told police they got the instructions to build the bomb from the Internet.

Nine days ago, on June 10, 1997, the Cleveland Dispatch reported the arrest of a North Side 15-year-old who built a homemade bomb with information he gathered from the Internet. The Columbus Fire Division bomb squad was required to remove devices from the kitchen and the basement of the parents' homes. Neighbors, who lived within 500 feet of the home, were evacuated for 2 hours.

Columbus police reported that one device consisted of a quart Mason jar containing lighter fluid and Styrofoam, with an M–90 inserted into the Mason jar cap which served as an igniter. This young man told his parents he learned to make the bomb on the Internet.

Last month, the Los Angeles Times reported that two 14-year-old boys were arrested in Yorba Linda, CA, after crafting eight pipe bombs and detonating one of them. The bomb caused a fire, charring 400 feet of land behind a home on Grandview Avenue. After admitting they sparked the fire with the bomb, the boys told investigators they had seven more bombs inside the house. The bombs were fashioned with information from the Internet.

In May of this year, the Baltimore Sun reported that two teenagers in Finland face charges over an explosion from Finland's second ''Internet bomb'' in a week. Sixty people were evacuated. And it goes on and on and on.

In Orange County, police say teenagers may have used the Internet to help construct acid-filled bottle bombs in Mission Viejo and Huntington Beach, one of which burned a 5-year-old boy when he found it on a school playground.

According to the Bureau of Alcohol, Tobacco and Firearms, between 1992 and 1995, 15 juveniles were killed and 366 injured in the United States while making explosive devices. Most of this comes right off of the Internet.

The Justice Department, on a single Web site, obtained the titles to over 110 different bombmaking texts.

The point here is that this material is now so easy to get. When it is put in something like a terrorist handbook and you are told what to use, how to steal it, how to dress like a college student, how to break into a chem lab, how to use cardboard to stuff in the lock so you can come back at night, how to go home and how to go into your kitchen and make one of these bombs, and then how to go out and explode it wherever you want—there is no legitimate legal use for this information.

There is only a criminal purpose for this information. There is no legal use for a baby food bomb, for a phone bomb, for a book bomb. You do not blow up a tree stump if you are a farmer in the field with one of these. There is no legal use. So I am hopeful—I know that we are into the third year of this amendment—that it will in fact survive a conference committee. I understand that both sides are willing to accept the amendment.

Mr. President, I ask unanimous consent that a summary of the Department of Justice report be printed in the RECORD.

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

SUMMARY OF THE REPORT ON THE AVAILABILITY OF BOMBMAKING INFORMATION, THE EXTENT TO WHICH ITS DISSEMINATION IS CONTROLLED BY FEDERAL LAW, AND THE EXTENT TO WHICH SUCH DISSEMINATION MAY BE SUBJECT TO REGULATION CONSISTENT WITH THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

(Prepared by the U.S. Department of Justice)

INTRODUCTION AND SUMMARY

In section 709(a) of the Antiterrorism and Effective Death Penalty Act of 1996 [''the AEDPA''], Pub. L. No. 104–132, 110 Stat. 1214, 1297 (1996), Congress provided that, in consultation with such other officials and individuals as she considers appropriate, the Attorney General shall conduct a study concerning—

(1) the extent to which there is available to the public material in any medium (including print, electronic, or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic or international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism;

(4) the application of Federal laws in effect on the date of enactment of this Act to such material;

(5) the need and utility, if any, for additional laws relating to such material; and

(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution. Section 709(b) of the AEDPA, in turn, requires the Attorney General to submit to the Congress a report containing the results of the study, and to make that report available to the public.

Following enactment of the AEDPA, a committee was established within the Department of Justice [''the DOJ Committee''], comprised of departmental attorneys as well as law enforcement officials of the Federal Bureau of Investigation and the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. The committee members divided responsibility for undertaking the tasks mandated by section 709. Some members canvassed reference sources, including the Internet, to determine the facility with which information relating to the manufacture of bombs, destructive devices and other weapons of mass destruction could be obtained. Criminal investigators reviewed their files to determine the extent to which such published information was likely to have been used by persons known to have manufactured bombs and destructive devices for criminal purposes. And legal experts within the Department of Justice reviewed extant federal criminal law and judicial precedent to assess the extent to which the dissemination of bombmaking information is now restricted by federal law, and the extent to which it may be restricted, consistent with constitutional principles. This Report summarizes the results of these efforts.

As explained in this Report, the DOJ committee has determined that anyone interested in manufacturing a bomb, dangerous weapon, or a weapon of mass destruction can easily obtain detailed instructions from readily accessible sources, such as legitimate reference books, the so-called underground press, and the Internet. Circumstantial evidence suggests that, in a number of crimes involving the employment of such weapons and devices, defendants have relied upon such material in manufacturing and using such items. Law enforcement agencies believe that, because the availability of bombmaking information is becoming increasingly widespread (over the Internet and from other sources), such published instructions will continue to play a significant role in aiding those intent upon committing future acts of terrorism and violence.

While current federal laws—such as those prohibiting conspiracy, solicitation, aiding and abetting, providing material support for terrorist activities, and unlawfully furthering civil disorders—may, in some instances, proscribe the dissemination of bombmaking information, no extant federal statute provides a satisfactory basis for prosecution in certain classes of cases that Senators Feinstein and Biden have identified as particularly troublesome. Senator Feinstein introduced legislation during the last Congress in an attempt to fill this gap. The Department of Justice agrees that it would be appropriate and beneficial to adopt further legislation to address this problem directly, if that can be accomplished in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information, or otherwise violate the First Amendment.

The First Amendment would impose substantial constraints on any attempt to proscribe indiscriminately the dissemination of bombmaking information. The government generally may not, except in rare circumstances, punish persons either for advocating lawless action or for disseminating truthful information—including information that would be dangerous if used—that such persons have obtained lawfully. However, the constitutional analysis is quite different where the government punishes speech that is an integral part of a transaction involving conduct the government otherwise is empowered to prohibit; such ''speech acts''—for instance, many cases of inchoate crimes such as aiding and abetting and conspiracy—may be proscribed without much, if any, concern about the First Amendment, since it is merely incidental that such ''conduct'' takes the form of speech.

Accordingly, we have concluded that Senator Feinstein's proposal can withstand constitutional muster in most, if not all, of its possible applications, if such legislation is slightly modified in several respects that we propose at the conclusion of this Report. As modified, the proposed legislation would be likely to maximize the ability of the Federal Government—consistent with free speech protections—to reach cases where an individual disseminates information on how to manufacture or use explosives or weapons of mass destruction either (i) with the intent that the information be used to facilitate criminal conduct, or (ii) with the knowledge that a particular recipient of the information intends to use it in furtherance of criminal activity.

Mrs. FEINSTEIN. Mr. President, I conclude my statement simply with this. This amendment has been put into this bill once before. It has been put into the terrorism bill once. It has been passed by this body twice. It has been reworked to withstand a first amendment challenge. I am hopeful, with the history of what is happening in this country, that Americans all across this land will say there is no first amendment right to be a conspirator and teach someone how to make a bomb to blow someone else up. So I am hopeful that this year it might survive a conference.

I thank the Chair and yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are checking with one Senator who we understand may wish to be heard on this amendment. I just want to notify the Senate of that. I see, though, the chairman is on his feet, so I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

Mr. LEVIN. 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. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 420

(Purpose: To require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second)

Mr. COCHRAN. Mr. President, I send an amendment to the desk for myself and Mr. DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. DURBIN, proposes an amendment numbered 420.

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

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

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. . SUPERCOMPUTER EXPORT CONTROL.

(a) EXPORT LICENSING WITHOUT REGARD TO END-USE AND END-USER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective upon the date of enactment of this Act, computers described in paragraph (2) shall only be exported to a Computer Tier 3 country pursuant to an export license issued by the Secretary of Commerce.

(2) COMPUTERS DESCRIBED.—A computer described in this paragraph is a computer with a composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

(b) LIMITATION ON REEXPORT.—It is the sense of the Senate that Congress should enact legislation to require that any computer described in subsection (a)(2) that is exported to a Computer Tier 1 or Computer Tier 2 country shall only be reexported to a Computer Tier 3 country (or, in the case of a computer exported to a Computer Tier 3 country pursuant to subsection (a), reexported to another Computer Tier 3 country) pursuant to an export license approved by the Secretary of Commerce and that the preceding requirement be included as a provision in the contract of sale of any such computer to a Computer Tier 1, Computer Tier 2, or Computer Tier 3 country.

(3) COMPUTER TIERS DEFINED.—In this section, the terms ''Computer Tier 1'', ''Computer Tier 2'', and ''Computer Tier 3'' have

the meanings given such terms in section 740.7 of title 15, Code of Federal Regulations.

Mr. COCHRAN. Mr. President, on the 11th of June, my Subcommittee on International Security, Proliferation, and Federal Services of the Committee on Governmental Affairs held a hearing on the subject of proliferation and U.S. dual-use export controls. The hearing focused almost entirely on the subject of U.S. exports of high-performance computers, also known as supercomputers.

In preparing for and conducting this hearing, we learned that the administration's policy on supercomputers, which are an integral component for developing, producing and maintaining nuclear weapons, ballistic missiles, and practically all advanced weapon systems, could put American lives and interests at risk.

I am offering this amendment as a necessary first step to staunch the flow of American-made supercomputers to countries and places they should not be going.

On October 6, 1995, President Clinton announced a new export control policy for supercomputers which decontrolled supercomputer exports to a great extent. He said that he had ''decided to eliminate controls on the exports of all computers to countries in North America, most of Europe, and parts of Asia.'' Continuing further, ''For the former Soviet Union, China, and a number of other countries, we will focus our controls on computers intended for military end uses or users, while easing them on the export of computers to civilian customers.''

There is, of course, a delicate balance that must be struck between presenting U.S. national security by controlling dual-use exports and promoting exports. We must be careful not to place American manufacturers in a position where they cannot export goods that other countries are exporting, though, of course, our national security interests dictate that some goods cannot be sold to some countries no matter how irresponsibly other countries behave. For example, the willingness of some Western European countries to work with Libya to construct a chemical weapons complex does not justify the involvement of United States companies in similar ventures.

President Clinton's October 6, 1995, announcement liberalizing U.S. export controls on supercomputers established four country tiers to guide American exporters, at the same time eliminating restrictions on the export of computers capable of less than 2,000 million theoretical operations per second— this is referred to as an MTOPS—for all except tier 4 countries, it is unrestricted if the computers are capable of less than 2,000 MTOPS. Whether it makes sense to decontrol computers capable of up to that level is one of the issues which should be studied more extensively. I will ask the General Accounting Office to do so.

Country tier 1, consisting primarily of NATO allies, effectively establishes a license-free zone for U.S. high-performance computer exports. Computers of unlimited capacity under this policy can be exported to any tier 1 country without regard to the identity of the end user or the intended end use.

The policy for country tier 2, which includes countries such as South Korea, Hungary, Poland, and the Czech Republic, allows unlicensed exports to any country within this tier of computers capable up to 10,000 million theoretical operations per second. And the policy continues the virtual embargo against those nations—the terrorist nations such as Iran, Iraq, Syria, and North Korea—that comprise country tier 4. There are many deficiencies in this new policy, Mr. President.

Our amendment addresses what we consider to be the most significant deficiency in need of immediate attention. It is a problem specific to the part of the policy pertaining to country tier 3 which I want to describe now. The policy announced by President Clinton for tier 3 countries, which include Russia, China, and some others, is based entirely upon the questions of who the end user will be and for what end use the supercomputer is intended. End use and end user are the critical factors for tier 3 exports.

The tier 3 policy requires an export license to be granted by the Department of Commerce under only two circumstances: First, if the computer to be exported is capable of 2,000 MTOPS and is going to a military end use or end user; and second, if the computer to be exported is capable of 7,000 MTOPS and is going to a civilian end use and end user. This policy requires no export license for manufacturers who want to sell supercomputers capable between 2,000 and 7,000 MTOPS to buyers in tier 3 countries when there is to be a civilian end use and end user. It is the exporter—not the Department of Commerce, not the U.S. Government—who is given the latitude under the policy for determining whether the purchaser's representations are accurate, that it is not a military end user and will not use the supercomputer for a military purpose.

The Clinton administration policy further requires American exporters to act on the honor system, policing themselves and deciding themselves whether or not the end user is going to be a military entity or will be putting the supercomputer to a military use.

Unfortunately, some companies have already been tempted to take a chance. Maybe they were not sure; maybe they were tempted by the profits of the transaction. Whatever the motivations and the understandings or lack of information, or for whatever the reason, we have known that some transactions have involved the sale of supercomputers, without objection from our Department of Commerce or our Federal Government to those who may be putting computers to a military use, or maybe military entities themselves.

We know now, for example, based on statements from the Russian Minister of Atomic Energy and from United States Government officials, that there are at least five American supercomputers in two of Russia's nuclear weapons labs: Chelyabinsk-70 and Arzamas-16. Minister Mikhailov of the Russian Ministry of Atomic Energy has not been reluctant to proclaim what these high-performance computers will be used for, and he said in a speech in January they will be used to simulate nuclear explosions, and that the computers are, in his words, ''10 times faster than any previously available in Russia.''

Four of the five supercomputers we are aware of publicly in Russia's nuclear weapons labs came from Silicon Graphics, a company in California, I think. According to the CEO, Edward McCracken, it was his company's understanding that the computers were for environmental and ecological purposes. It may be that Silicon Graphics was unable to determine whether a Russian nuclear weapons lab was going to be the military end user or if its supercomputers would be put to a military end use. But it seems from the statements made by the Atomic Energy Minister in Russia that they certainly are available to them for those purposes.

We also know at least 47 high-performance computers have been exported without licenses to the People's Republic of China. One of the computers sold also by Silicon Graphics is now operating in the Chinese Academy of Sciences. The Chinese Academy of Sciences is a key participant in military research and development, and works on everything from the DF–5 ICBM—which, incidentally, is capable of reaching the United States—to uranium enrichment for nuclear weapons. There can be no question about the Chinese Academy of Science's status as a military end- user.

According to the Department, its new Silicon Graphic Power Challenge XL supercomputer provides it with computational power previously unknown, which is available to all the major scientific and technological institutes across China. We can only hope that some of these institutes in China are using the supercomputer's technology for peaceful purposes, but we cannot help but suspect that some may be a part of the weapons development program in China, which is on a fast track to modernize their nuclear weapons system and capabilities and their missile technologies and all the rest.

At our recent hearing, we had the benefit of testimony from the Under Secretary of Commerce for Export Administration, William Reinsch, who said that the Clinton administration doesn't know if any of the supercomputers in China or Russia are being used for weapons-related activities, but the Commerce Department is in a difficult position. You have to appreciate how difficult it must be to have the responsibility for both promoting exports

and controlling exports, and that is the dilemma that this Department is in. But we have to realize that nuclear weapons labs are potential end users and have been shown already by the evidence before our committee that they have obtained American supercomputers and they may be put to a military end use.

In 1986, the Department of Energy published an unclassified report entitled, ''The Need for Supercomputers in Nuclear Weapons Design.'' The report's conclusion included this statement: ''The use of high-speed computers and mathematical models to simulate complex physical processes has been and continues to be the cornerstone of the nuclear weapons design program.'' These computers continue to be important to the design and production of nuclear weapons and other types of weapons of mass destruction and delivery systems.

I do not see how we can tolerate the continuation of a policy that makes it easier for Russia and China to modernize their nuclear weapons and delivery systems. We ought not to be in the business of helping them to improve the quality of our weapons, their technology, their delivery systems, particularly when there is evidence of proliferation from those countries to other countries.

This amendment, I want to point out, does not include a comprehensive revision of our export control policy. It is targeted to one specific part of the policy. We hope that with the findings that are obtained from the General Accounting Office study and our further studies in our subcommittee, which is reviewing this entire issue and proliferation problems generally, that we will be able to come up with and work with the administration and hopefully develop a consensus agreement on a modification of our export policy.

We think the time is here, it is now, when we need to stop the unrestricted flow of these supercomputers to potential users all around the world that can threaten our Nation's security and put at risk American citizens. It is not like some other country has these systems available for sale on the market. They do not. We are the state-of-the-art producer of the supercomputers. Japan has the capacity to produce supercomputers as well, but their export policy is more restrictive now than ours is. So we are the culprit, if we are putting in the hand of military end users and military weapon system producers in other countries technologies that are superior to what they have now and that can be used to make more lethal their nuclear weapons and their missile systems. We are putting in jeopardy the lives of our own citizens.

I am hopeful that this amendment, in concert with other efforts that we are making, will help improve our capacity to monitor these exports and require license in those situations where we think this export might present a proliferation problem, because we know from previous experience in Russia and China, as well, private companies have demonstrated that they do not have the adequate restraints to make determinations about where and how their exports are distributed into other country's hands. We know that transshipments are occurring. We also know that it is difficult to verify in a country like China what the private company that may be the purchaser of a supercomputer really intends to do with it once they have it. It is difficult to get access, to get information, and so a private company has a very difficult time developing an information base on which it can really make a conclusion about the end use or the end user. That is another reason to change this policy. The Commerce Department is going to have to do a better job of compiling information about those who are in the market worldwide for these supercomputers and making this information available to our exporters and the companies that have these supercomputers for sale.

Mr. President, I encourage the Senate to look very carefully at this proposal. I hope that the amendment will be agreed to. Senator DURBIN and I were involved in questioning witnesses before our subcommittee just recently on this subject, and we are convinced that this is a policy that has to be changed, and the time to change it is right now.

Our amendment does not in any way change the policy President Clinton announced in October 1995, though it is my judgment that the entire policy is in need of serious evaluation and revision, and I will also be asking the General Accounting Office to assist me in this evaluation. Our amendment requires the Department of Commerce, in concert with other parts of the executive branch, to determine whether an entity in a tier 3 country is a military or civilian end-user, and whether the end-use will be for a military or civilian purpose. By their exports to Russian and Chinese nuclear weapons labs, private companies have demonstrated that they do not do an adequate job of making this determination. Government has the resources and information available to make the best determination possible, and should step in to ensure that America's national security is not being compromised for sake of a more profitable quarter.

In a country like the People's Republic of China, how can any private company have the resources to determine whether an end-user is military or civilian?

Some suggest that the process can be left unchanged, but that the Commerce Department can do a better job of helping industry make the proper end-use and end-user determination by publishing a list of end-users to which high performance computer exports are prohibited. I disagree with this suggestion. Any published list would necessarily be incomplete, for a complete list would compromise U.S. intelligence sources and methods. Any published list would also serve as a marketing tool for the world's proliferators, making their job of finding specific clients easier. And, any published list would be only too easy to manipulate by both the purchaser and the exporter who may not be willing to operate under the honor system. If, for example, Chelyabinsk-70 is on the list of prohibited locations, does that mean that a Chelyabinsk-71, not on the list, can receive U.S. exports of high performance computers? What's to stop an exporter like Silicon Graphics from accepting the convenient suggestion that, ''yes, Chelyabinsk-70 does nuclear weapons work, but at Chelyabinsk-71 we conduct only environmental research.''

Publishing a list could reduce, but not eliminate, the problem we face, though in so doing other serious problems would be created. Congress needs to change the current process so the Government—with the most access to information with which to make the most informed determination of military end-use and end-user—makes the decision on whether to ship these computers to countries who are modernizing their weapons and delivery systems and engaged in proliferation of these technologies. America should not be participating in the qualitative upgrade of Russian and Chinese proliferant activities.

The Commerce Department maintains that President Clinton's supercomputer export control policy is working. Commerce continues to make this claim despite the fact that the administration's policy has allowed American supercomputers to be shipped to Russia's and China's nuclear weapons complexes, and who knows where else. If this policy is working, what would a policy that wasn't working look like? Would there be more supercomputers in Russia and China, or would we know absolutely that our supercomputers were in Iran, North Korea, or other terrorist states?

The cold war's end does not decrease the need for the continued safeguarding of sensitive American dual-use technology. While there may no longer be a single, overarching enemy of the United States, there is little doubt that many rogue states, and perhaps others, have interests clearly contrary to those of the United States. Helping these nations—or helping other nations to help these nations—to acquire sensitive dual-use technology capable of threatening American lives and interests makes no sense.

I thank Senator DURBIN for his work with me on this issue, and look forward to continuing to work with him to get to the bottom of this problem. I encourage all of my colleagues to support this amendment.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Illinois is recognized.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, first, I ask unanimous consent that the privilege of the floor be granted to Lamelle Rawlins during the pendency of this debate.

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

Mr. DURBIN. Mr. President, I am pleased to join my colleague from Mississippi, Senator COCHRAN, as a cosponsor of this important amendment. I think anyone who had attended our hearing within the last 2 weeks on this issue would have been shocked at what they learned. We have expanded opportunities for the purchase of some of the most valuable technology in the world. It is technology developed in the United States, which has no parallel anywhere else in the world, and we are selling it. The fact that we are selling it is nothing new. The United States has done that for years. But this technology is so important and sensitive that the people who buy it automatically acquire a capacity, a capability that they have never had in their history. In other words, our expertise, our knowledge, our technological skill is being sold.

What makes this particularly important is that this very technology has the capacity to give to the purchasing country the skills and abilities that they have never had before to develop things that are very positive, on one hand, but also potentially very negative. I was reminded of a quotation that is attributed to Mr. Lenin in the early days of his establishment of the Soviet republics. He said that it was his belief that ''a capitalist would sell you the rope that you would use to hang him.'' I thought about that over and over, as we discussed this question of selling these computers to countries like China and Russia, which have the capacity to allow them to develop extraordinary military capability.

Recent news accounts about sales of supercomputers to Russian nuclear weapons labs and the Chinese Academy of Sciences—in apparent circumvention of United States export control regulations—have raised troubling questions about the control that the United States exercises over supercomputer exports.

China has purchased at least 46 United States supercomputers. Of these, 32 are one particular model that is faster than two-thirds of the classified computer systems available to our own Department of Defense, including the United States Naval Underwater Weapons Center, United States Army TACOM, and United States Air Force/National Test Facility.

The Commerce Department and the Justice Department are investigating the unlicensed sale—unlicensed sale—of four over-2000 MTOPS computers to the Russian nuclear weapons facility Chelyabinsk-70.

The computers recently sold are 10 times more powerful than anything Russia ever had before, and we sold it to them.

There is ample room for mistakes and confusion in the current dual-use export control system for supercomputers.

According to a New York Times article on February 25 of this year, in an effort to circumvent United States export controls, Russia's nuclear weapons establishment obtained a powerful IBM supercomputer through a European middleman and said they planned to use it to simulate nuclear tests.

I was on this floor 2 weeks ago giving a speech about a test ban, recalling the speech given by President Kennedy before American University in 1963. I came to the floor with Senator HARKIN and said it is time for us to have a comprehensive nuclear test ban, moving toward the day when there are no nuclear weapons threatening this world. In the world we live in today, you don't need to detonate a nuclear weapon. If you have a supercomputer, which can simulate that detonation, you can derive the same information—or a lot of it—through this model and through this technology. These are the very same computers and capabilities that we are selling.

The Nation's export controls for supercomputers ''amount to a kind of honor system,'' according to one U.S. official quoted in the Wall Street Journal. Companies that have doubt about a customer's activities are expected to call the U.S. Government for advice.

Think about that. You have a computer company and you have a sale worth millions of dollars and you don't know whether it is going to be used for a peaceful purpose or a military purpose. Well, the honor system says it is time to call the Department of Commerce and check it out and see if they have any records or classified information. They may not share the information with you, but they may tell you there is some concern. But it is an honor system. There is nothing built into the law to guarantee this kind of surveillance, this kind of supervision.

Companies may fail to obtain licenses to sell supercomputers ordered for civilian purposes, such as weather forecasting or air pollution studies or natural resources prospecting and development, but these computers end up in places which do design work for nuclear weapons programs—not a civilian use. Companies may knowingly ignore licensing requirements or, alternatively, companies may unwittingly fail to recognize a suspect end-user.

The first step toward better export controls is better communication. Increased accountability and interaction between industry and the Federal Government called for by this amendment will help facilitate that interchange.

Even William Reinsch, the Undersecretary for Export Administration for the Commerce Department, quoted by Senator COCHRAN with whom I share the sponsorship of this amendment, testified at the Governmental Affairs subcommittee hearing last week, agreed that better communication is essential. He invited and encouraged companies to consult with the Commerce Department when faced with challenging sales decisions.

The current system for supercomputer exports involves controls on high-power computer exports set forth in Federal regulations that divide the countries of the world into various categories, or tiers.

The licensing policies vary depending on which category the country falls into. There are countries for which no export license is required—tier 1—some countries for which licenses are required for extraordinarily high performance machines—tier 2—some for which licenses are required, depending on whether the end-use is military rather than civilian—tier 3—and countries for which sales are totally banned—tier 4.

The tier 3 countries include India, Pakistan, all of the Middle East/Maghreb, the former Soviet Union, China, Vietnam, and the rest of Eastern Europe.

Under current rules, export licenses are required to export or re-export computers with a composite theoretical performance, known as CTP, greater than 2000 MTOPS to military end-users and end-uses and to nuclear, chemical, biological, or missile end-users and end-uses in tier 3 countries.

However, for civilian end-users or end-uses that don't fall into a military or proliferation category, licenses are not required for export or re-export of computers under 7000 MTOPS to these countries.

What this means is that for many sales, no Government oversight or decisionmaking takes place at the front end if the exporter determines that he is selling to a company that portrays itself as a civilian user because no license is required.

Because of the differences in the licensing rules that apply to exports for military and proliferation uses than those governing sales for civilian use, the U.S. Government plays no upfront role in determining whether the end-use of a supercomputer under 7000 MTOPS sold to a buyer in a tier 3 country is indeed to be used for a civilian purpose.

I know this is involved, I know that it is complicated. Let me try to cut to the bottom line. If a company in the United States seeks to sell a supercomputer, one of great capacity, and the end-user, the company that is buying in another country, says this is strictly for a civilian purpose, it is not going to be used for anything of a military capacity, there are virtually no controls on that sale; nor is there much of anything done to track that sale, once it is made, as to where that computer actually ends up.

The responsibility is all on the shoulders of the manufacturer or exporter to make the determination on whether or not a license is needed, whether or not the computer might be used for military purposes. Exporters run the risk

of relying on assurances of the purchasers or their own intelligence information about end-use, rather than the resources of the Government. Either intentionally or inadvertently, exporters have made sales to destinations for which a license should have been obtained, because of end-use, but was not.

The Cochran-Durbin amendment would require that all U.S. exports of supercomputers above 2,000 million theoretical operations per second—a measure of the computer's speed—to a tier 3 country be licensed by the Commerce Department.

The presently more lenient requirements for civilian end-use sales in this category would be made identical to stricter ones applicable to sales for military proliferation purposes.

The amendment would shift responsibility from industry to the Government for deciding the propriety and conditions of the sales.

By subjecting all such sales above 2,000 MTOPS to licensing requirements, the United States may be able to prevent the uncontrolled flow of technology for unauthorized use or diversion to purchasers in countries who may have vastly different interests than those of the United States.

Civilian sales of supercomputers above 2,000 MTOPS to purchasers in tier 3 countries would be reviewed and approved by the Commerce Department, using the same standards used in licensing military and proliferation sales to these countries.

In addition, the amendment expresses the sense of the Senate that Congress should enact legislation requiring that any computer exceeding 2,000 MTOPS exported to a tier 1 or tier 2 country shall only be reexported to a tier 3 country, or reexported by a tier 3 country to another tier 3 country, pursuant to an export license approved by the Secretary of Commerce.

We are trying to track these computers, once sold, and determine where they are going to end up. We are saying to those countries, whom we consider to be our allies and friends, that we are going to ask you to bear responsibility for the end-use of the computer. We don't want you to be a conduit for the sale of a computer to a country where the United States suspects it may be used for military purposes.

The sense of the Senate would call for legislation that would require any reexport to a tier 3 country would have to be done under U.S. export license. This amendment is clearly necessary. I urge my colleagues to join Senator COCHRAN and myself. If you had listened to the testimony, as we did, you would have discovered, as I did, that there has been a dramatic increase in technology and expertise in this field. It is estimated that every 9 months to a year most of the computers that we are talking about become obsolete and move on to higher standards.

The United States is where these computers are made and the country from which they are sold. As we are concerned about the proliferation of those items that can be used for the construction of nuclear, biological, and chemical weapons, we should also be concerned about the potential that we are selling technology that can also be used for proliferation of military weaponry. If we are truly seeking a peaceful world—and we are—the United States should take care not to sell that technology which allows another country to develop weapons of destruction.

I think the Cochran-Durbin amendment strikes an appropriate balance. It brings our Government into the decision process. It protects those exporters in the United States who truly are trying to do the right thing and sell for civilian use. But it gives them a backup, and it leaves some assurance that will be another party investigating when it comes to sales of a suspect nature.

This amendment is an important step toward addressing some of the growing concerns about U.S. export control policies governing sales of dual-use technology and whether those policies may be permitting access to sophisticated American technology to aid in the buildup of nuclear weapons capability of other countries.

Recall the words of Mr. Lenin: ''A capitalist will sell you the rope that you will use to hang him.''

Let's not have that occur. Not in the name of free trade and good commerce should we forget our responsibility to national and world security. I believe the Cochran-Durbin amendment is a sensible and responsible way to bring some order to what is becoming a very chaotic situation.

I urge my colleagues to join Senator COCHRAN and me in support of this amendment.

I yield the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Illinois for the great force of his argument and for the clarity of his statement in support of this proposal.

I ask unanimous consent that the Senator from Michigan [Mr. ABRAHAM] be added as a cosponsor to the amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, on behalf of the chairman and distinguished ranking member present here, I wish to inform Senators that there will be a vote at 7:15 tonight on the amendment by the senior Senator from California [Mrs. FEINSTEIN]. Essentially, this vote is a legislative measure to criminalize, under Federal laws, the willful disclosure of technology and other information that would enable an individual or individuals to make—manufacture a bomb.

The time between now and 7:15 will be equally divided between myself and the distinguished ranking member. Hopefully, within that time we can accommodate the distinguished colleague from Virginia, also. But, just a few words about the amendment to advise Senators with regard to the subject of the vote.

It is entitled, ''Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction.''

DEFINITIONS.—In this subsection—

(A) the term ''destructive device'' has the same meaning as [another section of the code];

(B) the term ''explosive'' [same meaning].

These terms are defined within the code, the existing code.

(C) the term ''weapon of mass destruction'' has the same meaning as in [another part of the code].

PROHIBITION.—It shall be unlawful for any person—

(A) to teach or demonstrate the making of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.

And the penalties are then recited.

Mr President, I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator form Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that of the time remaining between now and 7:15, that 5 minutes be allocated to Senator ROBB and that——

Mr. WARNER. To be charged equally, Mr. President, to both sides.

Mr. LEVIN. That would be great, and 3 minutes be allocated to Senator FEINSTEIN.

The PRESIDING OFFICER. Is the Senator also asking we return to the Feinstein amendment?

Mr. LEVIN. I ask unanimous consent that we return to the Feinstein amendment immediately after the Senator from Virginia has completed his 5 minutes.

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

The defense authorization bill before us today does a pretty responsible job of providing adequate funding for personnel readiness, quality of life and modernization.

It also makes a concerted effort to accommodate many of the recommendations of the Quadrennial Defense Review. I remain concerned, however, as do many colleagues on the Armed Services Committee, that we will face a serious funding shortfall in just a very few years as we try to replace and modernize aging vehicles, ships, and aircraft that will be exiting the inventory in droves just after the turn of the century.

By accelerating some of the funding for major procurement items in this authorization, we help head off this funding crisis at least to a small degree.

As a ranking member of the Readiness Subcommittee, I compliment the chairman, Senator INHOFE, for his diligence in supporting U.S. military readiness.

I am pleased the bill funds many of the high-priority readiness increases requested by the service chiefs in the operations and maintenance accounts, as well as the ammunition accounts. Military construction is well funded, but all adds were subjected to the strict criteria established in the Senate years ago to ensure we only fund projects truly needed by the military.

The bill does not go far enough, however, in my judgment, in taking on the issue of excess infrastructure. One of the best ways we can pay for future modernization is through reducing the Department of Defense's large ''tail'' of infrastructure and support, which is taking away critical funding for the ''teeth''—our warfighting troops and equipment that will fight the next war.

The best place to reduce tail is to cut more bases. An effort to authorize a new base closure round failed in a tie vote in committee, but in spite of its political unpopularity, I hope the full Senate will, for the good of the Nation's defense, support a new BRAC round.

We have reduced force structure by over 30 percent since 1989, but four rounds of base closures have yielded an infrastructure reduction of only 21 percent. Reductions enacted so far will yield, in the long term, over $5 billion a year.

To gain additional, badly needed savings, the only responsible course of action, in my judgment, is to begin reducing additional excess right away. Although I certainly understand the reservations of those Members who are concerned about the integrity of the BRAC process, in light of the attempts to privatize in place the work at Kelly and McClellan Air Force depots, I hope once those issues are resolved, those Members will support a new BRAC round as well.

The depot issue remains a difficult one, to say the least. My view is that we must significantly reduce the excess capacity at the air logistic centers, that the spirit of the BRAC was to reduce roughly two ALC's worth of capacity, and that the BRAC did allow for some level of privatization of work at Kelly and McClellan.

But in no way did the BRAC intend to privatize in place excess capacity. Preserving that excess capacity will cost hundreds of millions of dollars, and we simply cannot afford this kind of waste anymore.

I applaud my counterpart on the Readiness Subcommittee, Senator INHOFE, for his willingness to strike the controversial depot maintenance sections of the original bill that threatened to prevent us from proceeding to consider this bill.

Mr. President, there are other ways to save money so that we can properly fund modernization.

One is to invest in new technologies that promise to deliver more lethality for less cost.

This bill aggressively funds the Army's efforts to ensure battlefield dominance through better intelligence, communications and smart weapons. It adds significant funds for the Navy's impressive information Technology 21 initiative, which will enable the warfighter to exchange all types of information on a single desktop computer, shorten decision time lines and better utilize information for combat.

I will be addressing another technology, smart card technology, that promises to save millions in an amendment later on in our consideration of this bill.

The bill also sensibly allows a new approach for funding the next carrier, the CVN–77.

By letting the contractor maintain a steady supplier and workforce base through early funding in fiscal year 1998 for construction in 2002, the taxpayers stand to save over $600 million on this program alone. By authorizing an innovative teaming arrangement for the new attack submarine, we achieve additional savings over a noncompeted, sole-source procurement while preserving two nuclear-capable shipyards.

Let me offer one other area the bill addresses that could lead to billions in savings without undue risks to military capability. We generally assume that any money for force modernization must come from force structure cuts, end-strength cuts or infrastructure cuts.

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

Mr. ROBB. I ask unanimous consent for 1 additional minute.

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

Mr. ROBB. Mr. President, we generally assume that there are no prospects for savings in readiness. The reality is that we maintain most of our active force units at very high levels of readiness at considerable expense, when, in fact, we could relax readiness levels for certain units, especially those not slated to go into combat early. Senator MCCAIN included language in this and last year's bill requiring an evaluation of a concept he refers to as ''tiered readiness'' where four tiers of readiness are established for our units based on their likely time of deployment to battle.

I have included language in this bill asking for an estimate of savings from a related concept I refer to as ''cyclical readiness.'' It would involve alternating a high state of readiness between units, where the units at the high state of readiness would be slated for a first major theater war, and the other lower readiness units would be available for a second theater.

The services tell us that their operational and personnel tempos are too high to relax the readiness of any units. I have come to the conclusion that much of that problem is self-inflicted through excessive training and contingency requirements.

I have included another provision in this bill that requires a look at how much of the demands on our troops are, in fact, self-inflicted.

The reality is that come October, our largest overseas contingency commitment will be about a third of an Army division in Bosnia.

In my judgment, we don't need to maintain all ten active Army divisions at a high state of readiness, and I believe we need to take a hard look at this matter.

With that, Mr. President, I look forward to our continued consideration of this bill and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for 1 minute charged to the time of the chairman.

I just wish to say what a valuable contribution to the work of the Armed Services Committee from my distinguished colleague from Virginia. We work together as a team on behalf of our Nation but, obviously, caring for the specific needs of our State which are directly related to national security.

We are fortunate in Virginia to have a very significant concentration of activities relating to national security, and I know of no one better qualified than my distinguished colleague to work together as a partner in fulfilling our obligations to country and State.

Mr. ROBB. Mr. President, I thank my senior colleague.

AMENDMENT NO. 419

Mr. BIDEN. Mr. President, I rise in support of the Feinstein-Biden anti-bomb-making amendment. The bill would make it a Federal crime to teach someone how to use or make a bomb if you know or intend that it will be used to commit a crime.

As my colleagues know, I fought to pass nearly identical legislation last

year. Senator FEINSTEIN and I tried several times to have it enacted as part of my anti-terrorism initiatives. The bill passed the Senate on two occasions, but unfortunately, it was rejected by the House both times.

Critics of the bill claimed that it was unnecessary, unconstitutional, and would outlaw legitimate business uses of explosives.

To respond to these claims, we asked the Justice Department to examine each of these questions. The report supports Senator FEINSTEIN and my position on each and every criticism.

So now that we have cleared away the basis for some of the opposition, I hope we can quickly enact this important legislation. And let me tell you why.

I think most Americans would be absolutely shocked if they knew what kind of criminal information is making its way over the Internet. This information is easily accessible. It's proliferating by leaps and bounds.

Let me give just one example. A guy named ''War-Master'' sent this message out over the Internet about how to build a baby food bomb. Here is how his message goes:

These simple, powerful bombs are not very well known even though all the material can be easily obtained by anyone (including minors). These things are so [expletive deleted] powerful that they can destroy a car. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of the house out if you mess up while building it. Here's how they work.

And then the message goes into explicit detail about how to fill a baby food jar with gunpowder and how to detonate it. The message observes that the explosion shatters the glass jar, sending pieces of razor sharp glass in all directions. The message continues with even more deadly advice:

Tape nails to the side of the thing. Sharpened jacks (those little things with all the pointy sides) also work well.

As a result, the message concludes:

If the explosion doesn't get 'em then the glass will. If the glass don't get 'em then the nails will.

I am not making this up. And this is only one small example.

Mr. President, we hear about this happening time and time again: A bomb goes off. People are killed. A criminal is apprehended. And we learn that the criminal followed—to the letter—someone else's instructions on how to make a bomb and how to make it kill people.

Indeed, the Justice Department report indicates that numerous notorious terrorists—including the World Trade Center bombers and the murderers of a Federal judge—have been found in possession of bomb-making manuals and internet bomb-making information.

And there is another situation that we are hearing about more and more frequently. We read about it in our local papers across the country. These bomb-making instructions are having an ever increasing impact on children.

In Austin, TX, a boy lost most of one hand and part of the other after following bomb-making instructions he found on the internet. This boy once had plans to serve in the Marines. But that dream is now gone.

And in Massachusetts, several boys—in separate incidents throughout the State—were maimed when they tried to mix batches of napalm on their kitchen stoves. These experiments were direct results of kids finding a bomb-making recipe on the internet.

And what is even worse is that some of these instructions are geared toward kids. They tell kids that all the ingredients they need are right in their parents' kitchen or laundry cabinets.

These stories illustrate what can happen when the literally millions of kids today sit in front of their computer and type ''explosive'' on their keyboard. In minutes, they can have instructions for making all sorts of explosive devices they never knew even existed.

I know that some say that going after people who only help other people make bombs is not the way to go. They say that bomb-making instructions are protected by the first amendment. And I agree—to a point.

I take a backseat to no one when it comes to the first amendment. I have always argued that we must take great care when we legislate about any constitutional right—paticularly our most cherished right of free speech.

But let's not forget the obvious. It is illegal to make a bomb. And there is no right under the first amendment to help someone commit an illegal act.

Our bill says you have no right to provide a bomb-making recipe to someone if you know that person has plans to destroy property or innocent lives. You have no right to help someone blow up a building.

The Justice Department has concluded that our legislation—with some minor modifications which we have incorporated into this bill—is entirely consistent with the first amendment.

I am glad that the Senate voted last year to join Senator FEINSTEIN and me in making this type of behavior a crime. I hope this time around, we can pass this legislation through the full Congress and send it on to the President so he can sign it into law.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. I commend my good friend from California for her amendment. It is carefully worded. It has been cleared on this side, and I believe that there are 2 minutes allocated to the Senator from California under the unanimous-consent agreement and that the remainder of the time is to be divided as indicated.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Kim Hamlett, who works on the Veterans' Affairs staff, be allowed the privilege of the floor during the time of consideration of the Defense Authorization Act and the conference report thereto.

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

Mr. LEVIN. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the Feinstein amendment is primarily a judicial amendment, but it is a very worthy amendment, and I intend to support it.

Mrs. FEINSTEIN addressed the Chair.

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

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I thank the chairman and the ranking member for their comments, and I thank all the Members for their support of this amendment.

Essentially, this is the third year that I have submitted this amendment. It has been put on the terrorism bill and on this bill in prior times. It was removed in conference. Part of the terrorism bill asks the Department of Justice to take a look at the situation that exists out there with respect to the teaching of bombmaking and the knowledge and intent that such teaching will be used for a criminal purpose. In fact, the Department of Justice has submitted a report indicating that they believe that the amendment is necessary and will stand a constitutional test, and they have, in fact, approved the drafting of this amendment. I believe it is important and timely. I believe it will stand a constitutional test. I am just delighted that it has been cleared on both sides. I thank the Chair, and I yield the floor.

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

Mrs. FEINSTEIN. I will be most happy to yield to the distinguished Senator.

Mr. BENNETT. Mr. President, I was present at a hearing on the issue of terrorism and raised the question of domestic terrorism, specifically in terms of information that is put on the Internet by groups that are opposed to fur farming; that is, opposed to the raising of animals for their fur. On the Internet, these groups describe how to build a bomb for the purpose of destroying a fur farm.

The PRESIDING OFFICER. The remaining time is under the control of the Senator from Michigan.

Mr. BENNETT. It was my understanding the Senator from Michigan yielded to the Senator from California.

The PRESIDING OFFICER. The Senator from California had 2 minutes.

Mr. LEVIN. Mr. President, I yield the remainder of my time to the Senator from California. She can yield to the Senator.

Mr. BENNETT. I will finish my question. This group opposed to fur farming put on the Internet a description of how to build a bomb to blow up, say, a mink farm. They did say in their Internet thing, make sure no animal, including a human, is present in the building when you blow it up.

I ask the Senator from California if, in her opinion, her amendment would make that kind of information on the Internet subject to Federal prosecution?

Mrs. FEINSTEIN. I thank the distinguished Senator. My answer is I believe it would if the individual had the knowledge that any attempt would be used for criminal purpose, which this would be. The answer to the question is yes.

Mr. BENNETT. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Utah very much.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 419. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—94

Abraham	Enzi	Levin
Akaka	Faircloth	Lieberman
Allard	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grams	Murray
Bryan	Grassley	Nickles
Bumpers	Gregg	Reed
Burns	Hagel	Reid
Byrd	Hatch	Robb
Campbell	Hollings	Roberts
Chafee	Hutchinson	Rockefeller
Cleland	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Jeffords	Sarbanes
Collins	Johnson	Sessions
Conrad	Kempthorne	Shelby
Coverdell	Kennedy	Smith (NH)
Craig	Kerrey	Smith (OR)
D'Amato	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Domenici	Landrieu	Thomas
Dorgan	Lautenberg	Thompson
Durbin	Leahy	Thurmond
Torricelli	Wellstone	
Warner	Wyden	

NOT VOTING—6

Bingaman	Harkin	Inouye
Daschle	Helms	Mikulski

The amendment (No. 419) was agreed to.

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

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. 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. 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.

Mr. LOTT. Mr. President, first of all, I would like to announce there will be no further rollcall votes tonight. We have been working to make sure that the Members that we need to have here tomorrow, if necessary, on the Finance Committee and also the Budget Committee members are here so we can complete our work on the tax cut provision of reconciliation, so that the Budget Committee can meet tomorrow morning to package both the reconciliation spending provision and the tax cut bill. We are now satisfied we will be able to have Members here for that, even though we do not have recorded votes scheduled.

For the information of all Senators, the Senate will resume consideration of the DOD authorization bill. However, I have been assured that amendments will be offered. Therefore, votes will not occur during Friday's session.

The point I am making here is that we will be in session. We will continue to work on the DOD bill. We will have amendments that will be offered, but because of the request of a number of Senators, and the agreement we have been able to work out, we will not have to have votes during Friday's session.

As all Members know, the Senate will begin reconciliation on Monday. It is my understanding that Members will offer amendments to the reconciliation bill. Again, with a lot of requests from the Members and with the assurance and the cooperation in a number of ways, which I will not enumerate now, the votes that are required as a result of amendments being offered Monday will be stacked to occur on Tuesday, at 9:30 a.m. Therefore, no votes will occur on Monday.

Committees are expected to act in the morning on the tax reconciliation package. We will be in session tomorrow with some morning business time that we will have identified later, and the Department of Defense authorization bill will continue to be considered. We will be in session on Monday on the reconciliation bill, with amendments to be offered. But the next recorded votes will occur and be stacked—more than one, hopefully, and at least a couple, but maybe even more—to occur at 9:30 on Tuesday.

Mr. President, does the Senator from Kentucky wish to add anything?

Mr. FORD. Mr. President, we have been working back and forth all day. I think the water is calm. So, on Monday, we will debate reconciliation. There will be amendments offered. Votes will be stacked until 9:30 on Tuesday, and there will be votes—a minimum of four, probably, back to back.

Mr. LOTT. I appreciate that. That was an important component of us getting this agreement, to guarantee that we are, in fact, getting work done and making progress on the reconciliation bill.

Mr. FORD. I can guarantee the majority leader this. If we are here and alive, you will have at least two amendments from our side that we will vote on on Tuesday morning.

Mr. LOTT. We will have two from our side.

I yield the floor.

The PRESIDING OFFICER. The pending question is the Cochran amendment No. 420.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that the following three members of the Senator KYL's staff be granted floor privileges during the consideration of the national defense authorization bill: Paul Iarrobino, John Rood, and David Stephens.

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 bill 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.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

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 1:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it request the concurrence of the Senate:

H.R. 437. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

ENROLLED BILL SIGNED

The message also announced the Speaker has signed the following enrolled bill:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 437. An act to reauthorize the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following measure, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2238. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to facilitate the administration and enforcement of voluntary inspection and grading programs, the tobacco inspection program, marketing orders and agreements, and the commodity research and promotion programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2239. A communication from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule relative to amending regulations for various commodity warehouses, received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2240. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1996–97 Crop Year for Natural Seedless Raisins'', received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2241. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Streamlining the Rural Utilities Service Water and Waste Program Regulations'', received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2242. A communication from the Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled ''Fisheries Off West Coast States''; to the Committee on Commerce, Science, and Transportation.

EC–2243. A communication from the Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled ''Fisheries Off West Coast States''; to the Committee on Commerce, Science, and Transportation.

EC–2244. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, four rules including a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska''; to the Committee on Commerce, Science, and Transportation.

EC–2245. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska'' received on June 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2246. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of three rules including a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska''; to the Committee on Commerce, Science, and Transportation.

EC–2247. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–2248. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report concerning a rule entitled ''Railroad Consolidation Procedures'' received on June 18, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, three reports relative to Superfund Annual Reports for fiscal years 1992–1994; to the Committee on Environment and Public Works.

EC–2250. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to Revenue Procedure 97–31, received on June 18, 1997; to the Committee on Finance.

EC–2251. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report of a Presidential Determination relative to the Trade Act of 1974; to the Committee on Finance.

EC–2252. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report of a Presidential Determination relative to Albania; to the Committee on Finance.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. No. 105–31).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 648. A bill to establish legal standards and procedures for product liability litigation, and for other purposes (Rept. No. 105–32).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably two nominations lists in the Coast Guard, which were printed in full in the RECORD on February 27, and May 15, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 27 and May 15, 1997, at the end of the Senate proceedings.)

In the Coast Guard, nominations beginning Catherine M. Kelly and ending Ronald W. Reush, whose nominations were received by the Senate and appearing in the RECORD of February 27, 1997.

In the Coast Guard, Richard W. Sanders, said nomination received by the Senate and appearing in the RECORD of May 15, 1997.

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. MACK (for himself and Mr. GRAHAM):

S. 937. A bill to amend the Outer Continental Shelf Lands Act to provide for the cancellation of 6 existing leases and to ban all new leasing activities in the area off the coast of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. BUMPERS):

S. 938. A bill to amend the Public Health Service Act to provide surveillance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 939. A bill to establish a National Panel on Early Reading Research and Effective Reading Instruction; to the Committee on Labor and Human Resources.

By Mr. HELMS (for himself, Mr. AKAKA, Mr. LOTT, Mr. MCCAIN, and Mr. MURKOWSKI):

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. GORTON, Mr. KERRY, Mrs. MURRAY, and Mr. BREAUX):

S. 941. A bill to promote the utilization of marine ferry and high-speed marine ferry services; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. GRAHAM):

S. 937. A bill to amend the Outer Continental Shelf Lands Act to provide for the cancellation of 6 existing leases and to ban all new leasing activities in the area off the coast of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT

Mr. MACK. Mr. President, I rise today with my colleague, Senator GRAHAM, to introduce the Florida Coast Protection Act. This legislation will cancel the six oil and gas leases on the Outer Continental Shelf closest to Florida's coast. Representative SCARBOROUGH is leading a similar effort in the House of Representatives.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our State. We are well aware of the risk this activity poses to our environment and our economy.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal the entire Florida congressional delegation—is to permanently remove this threat from our coastlines. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf.

The reason for our concern is simple, Mr. President. In Florida, a healthy environment means a healthy economy. Millions of people come to our State each year to enjoy the climate, the coastlines, and our fine quality of life. It would only take one disaster to end Florida's good standing as America's vacationland and we cannot afford to let that happen.

Mr. President, if the current exploration plan runs its course, there is the potential for the operation of up to 400 drill rigs off Florida's panhandle. A recent permit report from the Environmental Protection Agency states that a typical rig can be expected to discharge between 6,500 and 13,000 barrels of waste. This presents a huge potential for damage to our near-shore coastal waters and beaches. The report warns of further harmful impact on marine mammal populations, fish populations, and air quality. We cannot afford these risks in Florida and we do not want these risks in Florida.

But while the opposition of Floridians to oil drilling is well documented, the reality remains that leases have been let, potential drilling sites have been explored and it is likely that actual extraction of resources will take place 17 miles off the coast of Florida. Mr. President, if this is allowed to happen, the drill rigs will be within the line of sight from vacationers in Pensacola. This Congress must not allow that to happen.

The legislation we are introducing today is very simple. It provides for cancellation of the lease tract 17 miles off Pensacola. Under the OCS Lands Act, Mr. President, the current holders of these leases would be entitled to fair compensation for their investment. This is only fair. The bill also makes permanent the moratorium on any new leasing activity in order to ensure the past mistake of leasing in the OCS off Florida is not repeated.

If the threat of oil and gas exploration is to be permanently removed from our shores, it will require responsible leadership from the Congress. This legislation, in my view, is absolutely necessary to protect our state's economic and environmental well-being.

I urge my colleagues to support this worthwhile effort.

Mr. GRAHAM. Mr. President, I am very pleased to join my colleague Senator MACK in introducing the Florida Coast Protection Act today. It represents the next step in the State of Florida's long battle to preserve our beautiful coastal and marine ecosystem.

Floridians oppose offshore oil drilling because of the threat it presents to the State's greatest natural and economic resource: our coastal environment. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe, supporting our State's largest industry. Tourism supports, directly or indirectly, millions of jobs all across Florida, and the industry generates billions of dollars every year.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, provide an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish. Perhaps the most environmentally delicate regions in the gulf, estuaries could be damaged beyond repair by a relatively small oil spill.

Over the years, we have met with some success in our effort to protect Florida's OCS. In 1995, the lawsuit surrounding the cancellation of the leases around the Florida Keys was settled, removing the immediate threat of oil and gas drilling from what is an extremely sensitive area. While I believe strongly that a long-term strategy is needed for the entire Florida coastline, the legislation we are introducing today focuses on a more near-term goal: to cancel six leases in an area 17 miles off the coast from Pensacola. The bill provides a mechanism for leaseholders to seek compensation under section 5 of the OCS Lands Act. Both Senator MACK and I believe the leaseholders have the absolute right to just compensation from the Federal Government in order to recover their investment.

As the member of the Florida delegation who serves on the Energy and Natural Resources Committee—the committee with jurisdiction over this issue—I anticipate a difficult and precarious road to enactment. But the Florida delegation as a whole has no other choice than to pursue with all our combined abilities the goal we envision: to take another major step toward ensuring the wellbeing of the Outer Continental Shelf offshore the State of Florida.

In addition to introducing this legislation today, Senator MACK and I intend to write to Chairman FRANK MURKOWSKI of the Energy and Natural Resources Committee to request a hearing on this bill as soon as possible. Floridians will have our very best effort to make the Florida Coast Protection Act Federal law.

By Mr. BOND (for himself and Mr. BUMPERS):

S. 938. A bill to amend the Public Health Service Act to provide surveillance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes; to the Committee on Labor and Human Resources.

THE MOTHERS AND INFANTS HEALTH PROTECTION ACT

Mr. BOND. Mr. President, I rise today to introduce the Mothers and Infants Health Protection Act on behalf of myself and Senator BUMPERS. First, I express my sincere thanks to my colleagues in the Senate last week for having passed the Birth Defects Prevention Act. That act was a tremendous step forward in protecting the health of our Nation's most vulnerable population and in saving families from the economic and emotional hardships associated with birth defects.

However, we must keep moving forward. After having had numerous discussions with the Centers for Disease Control and child advocacy organizations about the adverse birth outcomes and infant health problems connected with smoking during and after pregnancy, I decided we would introduce this legislation here today to carry the next step in our battle against birth defects.

The main purpose of the measure introduced today is to provide surveillance, research, and services aimed at the prevention and cessation of smoking, both during and after pregnancy. The CDC, along with the Association of Maternal and Child Health Programs, is meeting today here in Washington to highlight that although the overall smoking rate for pregnant women is slowly declining, the smoking rate for pregnant teens is increasing. That is bad news. For black teenagers specifically, the rate rose 6 percent, the first increase since this information first became available in 1989. And even with this increase, smoking rates for white teenagers are still four to five times the rate for black teenagers. Furthermore, the smoking rate for those between the ages of 15 and 24 is 23 percent higher than the smoking rate among all pregnant women.

In my home State of Missouri, this public health program is even more dramatic: 20 percent of all pregnant women in Missouri admit to smoking. This is 44 percent higher than the national average. This, unfortunately, may be connected to the fact that our incidence of birth defects and infant mortality is 50 percent higher than the national average.

The consequences of smoking during and after pregnancy are downright horrifying. Recent studies show that this activity is a problem. Increases in maternal and fetal risk causes 20 to 30 percent of low birth rates and 10 percent of fetal and infant deaths in the United States.

Smoking triples the risk of sudden infant death syndrome. Smoking elevates the risk of a child being born with a birth defect. Smoking increases the risk of spontaneous abortion, premature rupture of membranes, and the delivery of a stillborn infant. Smoking may impede the growth of a fetus and increase the likelihood of mental retardation by 50 percent, and smoking increases the risk of respiratory illness in infants and children.

Adding to this devastating problem, the proportion of women who quit smoking during pregnancy but then relapse at 6 months postpartum is nearly 63 percent, thereby exposing their infants to passive smoke and increasing their risk for SIDS and other health-related problems.

These are just a few of the problems related to smoking during and after pregnancy. But in addition to the risks for the fetus and infant, smoking is associated with a wide variety of hazards for pregnant women, such as infertility and ectopic pregnancy.

There is no question that smoking during and after pregnancy is a compelling public health problem. These facts clearly underscore the necessity for smoking prevention and cessation programs aimed specifically for pregnant women. This legislation aims to reverse these devastating outcomes on several fronts.

First, the CDC is directed to foster coordination between all governmental levels, other public entities, and private voluntary organizations that conduct or support prenatal and postnatal smoking research, prevention, and surveillance.

Second, the bill provides grants to state and local health departments, community health centers, other public entities, and non-profit organizations for the development of community-based public awareness campaigns aimed at the prevention and cessation of smoking during and after pregnancy.

Third, monies would be made available to the groups just mentioned for the purpose of coordinating and conducting basic and applied research concerning prenatal and postnatal smoking and its effects on fetuses and newborns.

Fourth, the bill calls for a procedure for the dissemination of effective prevention and cessation strategies and the diagnostic criteria for infants suffering the effects of exposure to intrauterine and passive tobacco smoke to health care professionals.

Finally, this measure authorizes a modest appropriation of $10 million to achieve these goals.

Similar to the Birth Defects Prevention Act, this is another stride in improving the health of our children and in reducing infant mortality and morbidity.

Fetuses, newborns, and children are too vulnerable and cannot protect themselves. We must therefore have a coordinated effort among government, nonprofit groups and local communities to get the message out on the devastating outcomes associated with pre and post natal smoking as well as information on effective prevention and cessation opportunities.

Again, it is important to note that overall, fewer pregnant women are smoking now that they know the health risks for themselves and for their babies. The bad news is that not everyone has gotten the message—in particular those between the ages of 15 and 24. They are moving directly against the trend.

This is the generation coming up; and these women are likely to go on having more children. If they are smoking more, that does not bode well for their future health, or for that of their children.

Many people still do not understand that there is a link between adverse birth outcomes and prenatal and postnatal smoking. Part of the reason is that not all women have adequate access to prenatal care.

Thus, it is my firm belief that this legislation will ensure that all mothers will receive information on the potential tragedies of smoking during and after pregnancy and the much needed assistance in quitting their habit.

Mr. BUMPERS. Mr. President, let me first extend my sincere and profound gratitude to Senator BOND for creating and being the originator of this legislation. I am honored he has asked me to be his chief cosponsor.

I just want to say for the RECORD and for those who may be watching, I remember when I was Governor of my State and my wife, Betty, was first lady. She had spent 2 years laying the groundwork for a statewide immunization program. It was a howling success. We immunized 300,000 children one Saturday without a single reaction. That evening I said, ''Betty, you ought to take great pride in what you just accomplished today.'' She said, ''I do. Of course, this is good for your political career and it is good for the babies who were immunized today, but it is certainly no final solution because we will lapse right back into the lethargy we have experienced and watched for years with low immunization rates among children who are yet to be born.'' She said until we institutionalize a program that can track each child's immunizations from birth through early childhood we will not have succeeded. Thanks to her efforts and many others, including Rosalynn Carter, and the program Every Child By Two, immunization levels in this country are now at an all-time high.

The same principle applies in this case. Once we get this bill passed, and we will get it passed, it is imperative that we follow it up year after year after year so we do not lapse into the condition we are in right now where the rate of smoking among teenage women, pregnant teenage women, is going up. We got it down to 14 percent and now it is back up to 17 percent.

If you ask that same teenage mother, what and whom do you love most, she loves mostly that fetus that lies inside her womb, and when that baby is born, she loves that baby above everything under the shining sun—above all else.

So ask yourself, why would a woman, or why would parents smoke during pregnancy, and why would parents smoke after the baby is born? Every pediatrician in the country will tell you horror stories about sending children home after asthma attacks, only to see them come back with another asthma attack because people are smoking in the household.

Senator BOND and I are asking for $10 million for this new initiative, an infinitesimal sum when compared to the savings it will produce. Hubert Humphrey stood at that desk right there. I never will forget the speech he made. ''We don't have national health insurance. What we have is national sick insurance. It isn't worth anything until you get sick.'' He told me about preventive programs that Ford Motor Company had instituted among all their employees and how much they

were saving on health care costs through preventive medicine.

Here we are now with a chance to save 10 to 100 times more than the paltry $10 million we will spend educating pregnant women in this country and telling them the consequences of asthma and low-birthweight babies. After the baby is born, one of the biggest single problems is sudden infant death syndrome. One of its causes is smoking around newborn babies.

Mr. President, I am honored to join my distinguished colleague, Senator BOND, in pushing this. I hope we will be able to get hearings on this very shortly. Incidentally, I hope that the Centers for Disease Control will not just conduct outreach and education among pregnant women. I hope they will also work to educate the College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Sometimes the very best professionals neglect and forget to tell pregnant women how to conduct themselves during pregnancy. I do not think that is a big problem, but I do think providers must be made acutely aware that they have this grave responsibility to at least tell pregnant women what they are up against and tell women what they must do when they go home from the hospital with a newborn.

I yield the floor.

By Mr. COCHRAN:

S. 939. A bill to establish a National Panel on Early Reading Research and Effective Reading Instruction; to the Committee on Labor and Human Resources.

THE SUCCESSFUL READING RESEARCH AND INSTRUCTION ACT

Mr. COCHRAN. Mr. President, today, I am introducing the Successful Reading Research and Instruction Act. It establishes a panel that will include parents, scientists, and educators to conduct a study of the research relevant to reading development and advise the Congress of its recommendations for disseminating its findings and instruction suggestions to those who would like to have them.

Reading is the skill students must master to meet life challenges in a confident and successful manner. For a child, breaking the code of written language not only opens academic opportunities; it is a cornerstone to building high self esteem. Both reading and self esteem affect the knowledge and experiences that form a child's character and future.

Teaching children to read is the highest priority in education today. Many teachers and parents I've talked with are frustrated and confused about what method of reading instruction is best. Every American should be concerned that 40 to 60 percent of elementary school children are not reading proficiently. Even more disturbing is research that shows fewer than one child in eight who is failing to read by the end of first grade ever catches up to grade level.

Success in reading is essential if one is to progress socially and economically. In fact, most of the federally funded literacy programs are targeted to helping adults learn to read because the education system failed them, and more than likely, failed them at an early age.

This indicates that we need to start solving the problem of poor readers at the beginning, instead of working backward. It seems to me that the first step to finding a solution is to seriously analyze sound, rigorous research on the subject.

Mr. President, at a hearing on April 16, of the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, I brought to the attention of the Secretary of Education, Richard Riley, research by the National Institute of Child Health and Human Development mandated by the Health Research Extension Act of 1985, and asked that he use such research in the development of federally supported reading programs. This research is ongoing, in a collaborative network with multidisciplinary research programs to study genetics, brain pathology, developmental process and phonetic acquisition. NICHD has spent over $100 million over the past 15 years, and has studied approximately ten thousand children.

On June 11 of this year, when officials from the National Institutes of Health came before the same appropriations subcommittee, I asked Dr. Duane Alexander, the Director of NICHD, about this study. Dr. Alexander's testimony about the research confirmed what I suspect most teachers already know—at least 20 percent of children have difficulty learning to read. But the research also suggests that 90 to 95 percent of these can be brought up to average reading level.

As a result of this research, techniques for early identification of those with reading problems and intervention strategies are now known. But administrators, teachers, tutors and parents are not aware of the key principles of effective reading instruction. The NICHD findings underscore the need to do a better job of teacher training, as researchers found fewer than 10 percent of teachers actually know how to teach reading to children who don't learn reading automatically.

I am surprised that the Department of Education hasn't looked to this study and found a way to effectively get the information to teachers, schools, parents, and most importantly, teacher colleges.

What scientists have learned from their studies of reading hasn't been passed on to the teachers who are teaching, so parents are telling us their kids aren't reading. It is time we put all this experience together; come up with suggestions for dealing with the problems and, if schools, teachers, parents or higher education institutions want the information, let's make it available.

This is a proposal to develop answers that are based on scientific, model based research. I think it can be a helpful beginning for successful reading instruction.

I ask unanimous consent that a copy of Dr. Duane Alexander's testimony and a copy of my bill be printed in the RECORD.

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

S. 939

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 ''Successful Reading Research and Instruction Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) At least 20 percent, and in some States 50 to 60 percent, of children in elementary school cannot read at basic levels. The children cannot read fluently and do not understand what they read.

(2) Research suggests that the majority of the children, at least 90 to 95 percent, can be brought up to average reading skills if—

(A) children at risk for reading failure are identified during the kindergarten and first grade years; and

(B) early intervention programs that combine instruction in phonological awareness, phonics, and reading comprehension are provided by well-trained teachers.

(3) If the early intervention programs described in paragraph (2)(B) are delayed until the children reach 9 years of age (the time that most children are identified), approximately 75 percent of the children will continue to have reading difficulties through high school.

(4) While older children and adults can be taught to read, the time and expense of doing so is enormous.

(b) PURPOSE.—The purposes of this Act are—

(1) to conduct an assessment of research and knowledge relevant to early reading development, and instruction in early reading, to determine the readiness of the research and knowledge for application in the Nation's classrooms; and

(2) if appropriate, to develop a national strategy for the rapid dissemination of the research and knowledge to teachers and schools throughout the United States as a means of facilitating effective early reading instruction; and

(3) to develop a plan for additional research regarding early reading development, and instruction in early reading, if the additional research is warranted.

SEC. 3. NATIONAL PANEL.

(a) IN GENERAL.—The Secretary of Education, or the Secretary's designee, and the Director of the National Institute of Child Health and Human Development, or the Director's designee, jointly shall—

(1) establish a National Panel on Early Reading Research and Effective Reading Instruction;

(2) establish the membership of the panel in accordance with subsection (b);

(3) select a chairperson of the panel;

(4) provide the staff and support necessary for the panel to carry out the panel's duties; and

(5) prepare and submit to Congress a report regarding the findings and recommendations of the panel.

(b) MEMBERSHIP.—The panel shall be composed of 15 individuals, who are not officers

or employees of the Federal Government. The panel shall include leading scientists in reading research, representatives of colleges of education, reading teachers, educational administrators, and parents.

(c) DUTIES.—The panel shall—

(1) conduct a thorough study of the research and knowledge relevant to early reading development, and instruction in early reading, including research described in section 9 of the Health Research Extension Act of 1985 (42 U.S.C. 281 note);

(2) determine which research findings and what knowledge are available for application in the Nation's classrooms; and

(3) determine how to disseminate the research findings and knowledge to the Nation's schools and classrooms.

(d) TERMINATION.—The panel shall terminate 9 months after the date of enactment of this Act.

TESTIMONY OF DR. DUANE ALEXANDER

Thank you Senator Cochran:

I think that it is important to point out that our intensive research efforts in reading development and disorders is motivated to a great extent by our seeing difficulties learning to read as not only an educational problem, but also a major public health issue. Simply put, if a youngster does not learn to read, he or she will simply not likely to make it in life. Our longitudinal studies that study children from age five through their high school years have shown us how tender these kids are with respect to their own response to reading failure. By the end of the first grade, we begin to notice substantial decreases in the children's self-esteem, self-concept, and motivation to learn to read if they have not been able to master reading skills and keep up with their age-mates. As we follow them through elementary and middle school these problems compound, and in many cases very bright youngsters are deprived of the wonders of literature, history, science, and mathematics because they can not read the grade-level textbooks. By high school, these children's potential for entering college has decreased to almost nil, with few choices available to them with respect to occupational and vocational opportunities.

In studying approximately 10 thousand children over the past 15 years, we have learned the following:

(1) At least 20%, and in some states 50 to 60%, of children in the elementary grades can not read at basic levels. They can not read fluently and they do not understand what they read.

(2) However, the majority of these children—at least 90 to 95%—can be brought up to average reading skills IF:

(A) children at-risk for reading failure are identified during the kindergarten and first grade years and,

(B) early intervention programs that combine instruction in phonological awareness, phonics, and reading comprehension are provided by well trained teachers. If we delay intervention until nine-years-of-age (the time that most children are currently identified), approximately 75% of the children will continue to have reading difficulties through high school. While older children and adults CAN be taught to read, the time and expense of doing so is enormous.

(3) We have learned that phonological awareness—the understanding that words are made up of sound segments called phonemes—plans a casual role in reading acquisition, and that it is a good predictor because it is a foundational ability underlying basic reading skills.

(4) We have learned how to measure phonological skills as early as the beginning of kindergarten with tasks that take only 15 minutes to administer—and over the past decade we have refined these tasks so that we can predict with 92% accuracy who will have difficulties learning to read.

(5) The average cost of assessing each child during kindergarten or first grade with the predictive measures is between $15 to $20 depending upon the skill level of the person conducting the assessment. This includes the costs of the assessment materials. If applied on a larger scale, these costs may be further decreased.

(6) We have learned that just as many girls as boys have difficulties learning to read. The conventional wisdom has been that many more boys than girls have such difficulties. Now females should have equal access to screening and intervention programs.

(7) We have begun to understand how genetics are involved in learning to read, and this knowledge may ultimately contribute to our prevention efforts through assessment of family reading histories.

(8) We are entering very exciting frontiers in understanding how early brain development can provide us a window on how reading develops. Likewise, we are conducting studies to help us understand how specific teaching methods change reading behavior and how the brain changes as reading develops.

(9) Very importantly, we continue to find that teaching approaches that specifically target the development of a combination of phonological skills, phonics skills, and reading comprehension skills in an integrated format are the most effective ways to improve reading abilities.

At the present time, we have held several meetings with officials from the USDOE and have discussed how these findings can be used across the two agencies. As an example of this collaboration, NICHD and USDOE have been developing a preliminary plan to determine which scientific findings are ready for immediate application in the classroom and how to best disseminate that information to the Nation's schools and teachers.

By Mr. HELMS (for himself, Mr. AKAKA, Mr. LOTT, Mr. MCCAIN and Mr. MURKOWSKI):

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Energy and Natural Resources.

THE BATTLE OF MIDWAY NATIONAL MEMORIAL ACT

Mr. HELMS. Mr. President, on July 31, 1995, Senator Dole and I introduced S. 1098, the Battle of Midway Memorial Act. Today I am proud to offer an updated version of S. 1098 on behalf of the majority leader, Mr. LOTT, the Senator from Hawaii, Mr. AKAKA, the Senator from Arizona, Mr. MCCAIN, and the Senator from Alaska, Mr. MURKOWSKI.

This bill directs the Secretary of the Interior to study the feasibility and advisability of establishing Midway Atoll as a national memorial to the Battle of Midway. It goes without saying that the sponsors of this bill strongly believe that this should be done without delay. I am confident that the Interior Secretary will agree.

Mr. President, it was on June 4, 1942, that courageous American sailors, soldiers, and airmen stationed on Midway Atoll, and aboard 29 warships, clashed with 350 warships of the Imperial Japanese Navy in what became known as the Battle of Midway. When the smoke cleared, the small American force, under the overall command of Admiral Nimitz, had soundly defeated the Imperial Japanese Navy in one of the most spectacular and historically significant naval battles of all time, and a turning point in the Pacific theater in World War II.

There is no reason to delay further the establishment of Midway Atoll as a national memorial to honor the American heros who fought and died there in defense of our liberties. Approval of this bill will be the first step in recognizing what those gallant Americans did in 1942—and that recognition is in fact long overdue.

Mr. President, on April 25, 1996, the Energy Committee's Subcommittee on Parks, Historic Preservation, and Recreation held an extensive hearing on S. 1098, the predecessor to the bill we introduce today. Chairman NIGHTHORSE CAMPBELL received testimony from my treasured friend, Adm. Tom Moorer, who in my judgment, was the greatest Chairman of the Joint Chiefs of Staff ever to serve in that post—and a veteran of the Pacific theater of World War II, and Dr. James D'Angelo, president of the International Midway Memorial Foundation.

If the committee chooses to have another hearing on this issue, I hope Chairman MURKOWSKI and Chairman NIGHTHORSE CAMPBELL will ask whether any historic structures on Midway Atoll have been destroyed, and if so, why. If this has occurred, I will support modifying the bill to prohibit explicitly any further destruction of any historic structure on Midway Atoll.

Mr. President, Adm. James W. (Bud) Nance, chief of staff of the Foreign Relations Committee, Esther Kia'aina of Sen. AKAKA's staff, and Jim O'Toole with the Energy and Natural Resources Committee deserve special thanks. When Midway Atoll becomes a national memorial, it will in large part be due to their tireless efforts.

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

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

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited the ''Battle of Midway National Memorial Act''.

SEC. 2. FINDINGS.

The Senate makes the following findings:

(1) September 2, 1997, marks the 52th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to establish Midway Atoll as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) Midway Atoll and the surrounding seas deserve to be a national memorial;

(2) the historical significance of the Battle of Midway deserves more recognition;

(3) the historic structures on Midway Atoll deserve to be protected and maintained;

SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States Fish and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the 'Foundation'), and Midway Phoenix Corporation, carry out a study of the feasibility and advisability of establishing Midway Atoll as a national memorial to the Battle of Midway.

(b) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under subsection (a), the Secretary shall consider the following:

(1) Whether, and under what conditions, to lease or otherwise allow the Foundation or another appropriate organization to administer, maintain, and utilize fully for use as a national memorial to the Battle of Midway the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll.

(2) Whether, and under what circumstances the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(3) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(4) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(c) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit to Congress a report on the study, including any recommendations for further legislative action. The report shall also include an inventory of all past and present structures of historic significance on Midway Atoll.

SEC. 5. RULE OF STATUTORY CONSTRUCTION.

Nothing under this Act should be construed to delay or inhibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

By Mr. INOUYE (for himself, Mr. GORTON, Mr. KERRY, Mrs. MURRAY, and Mr. BREAUX):

S. 941. A bill to promote the utilization of marine ferry and high-speed marine ferry services; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED MARINE FERRY ACT

Mr. INOUYE. Mr. President, I rise today to introduce legislation, cosponsored by Senators GORTON, KERRY, MURRAY, and BREAUX to promote the use of marine ferry and high-speed marine ferry services.

The marine ferry system of the United States provides an invaluable component to the transportation requirements of our Nation. As a Senator from an island State, I appreciate the need for passenger/vehicle ferry services. In general, marine ferries require minimal costs as compared to the costs of new infrastructure such as highways, bridges, and tunnels. In addition, marine ferries are one of the most environmentally friendly modes of transportation.

In coastal urban centers, marine ferry service can provide low-cost, environmentally friendly transportation to areas suffering from congestion. In rural coastal areas, such as barrier islands, marine ferries have been utilized as the sole source of transportation to connect coastal communities to the mainland. While States with marine barriers such as rivers or lakes have utilized marine ferries as low-cost alternatives to highway bridges or additional roadways. Marine ferries have also been used to provide transportation in areas devastated by natural disasters and floods. Ferries were used in the aftermath of the earthquakes in northern California to provide transportation across San Francisco Bay.

States such as Washington, Alaska, North Carolina, and Delaware have invested, with great success, in State-run marine ferry services. While other States such as New York, New Jersey, and my own State of Hawaii, are exploring incentives to induce private ferry operations in order to fulfill certain transportation objectives. Private ferry operations and high-speed marine passenger vessels used for dinner cruises and tour excursions, have contributed to the tourism potential of certain areas as well.

I am particularly hopeful that the Marine Ferry and High-Speed Marine Ferry Act will help us to fulfill our Nation's potential for high-speed marine technology. In the early 1970's, Boeing Marine pioneered the development and construction of commercial passenger hydrofoils capable of operating at 45 knots. Boeing built 25 hydrofoils for high-speed use on the Hong Kong-Macau route before licensing production to Kawasaki Heavy Industries of Japan in the early 1980's, and by 1989, only one high-speed marine passenger/vehicle ferry of significant size was in operation.

The international and domestic high-speed marine passenger vessel market has recently seen a dramatic expansion, and currently over 60 high-speed marine passenger/vehicle ferries are in service or under construction. Fast ferries, until recently, have been primarily used in short sea services on protected routes, but recent advances in design and materials have allowed for the construction of larger vessels capable of being operated on longer open sea routes. New technologies have also opened possibilities for high-speed cargo-carrying operations.

The United States has benefited from a number of recent high-speed projects, and from the establishment of a shipyard specifically designed for high-speed marine passenger vessel construction. The Maritime Administration's ''1996 Outlook for the U.S. Shipbuilding and Repair Industry'' indicates:

> New orders for ferries should also continue to provide work for the second-tier shipyards. The enactment of ISTEA continues to provide a significant boost to new ferry projects. In addition, MARAD has a Title XI application pending for the construction of two passenger/vehicle ferries for a foreign owner, valued at more than $171 million. Demand will come from continued promotion of states of ferries for use in their tourist industries, as well as in transportation/commuting, as an alternative to building infrastructure projects such as highways and bridges. The recent award of a $181 million contract to Todd Seattle for three 2,500-passenger ferries and the solicitation for proposals for two additional 350-passenger ferries by the State of Washington, is an added sign that the ferry industry is strong. On the private sector side, there is a demand for the deployment of high-speed, high-tech ferries in the passenger excursion industry.

The Marine Ferry and High-Speed Marine Ferry Act will build on previous enactments aimed at promoting marine ferry operations. The bill would reauthorize section 1064 of ISTEA, at levels consistent with past years, to allow State-run ferry programs to apply for Federal grants for the construction of ferries, and/or related ferry infrastructure. The bill would also initiate a new program to help provide loan guarantees for private marine ferry operators. A number of States have decided not to operate their own ferry vessels, but instead, have encouraged the private sector to establish marine ferry operations. The provision of loan guarantees to qualified applicants will allow private sector operators to contribute to legitimate public sector transportation needs by providing favorable financing through federally guaranteed loans.

The bill would also require DOT to report on existing marine ferry operations and to make recommendations on areas that could benefit from future marine ferry operations, and directs DOT to meet with relevant State and local municipal planning agencies to discuss the marine ferry program. The bill also directs the Marine Board to study high-speed marine technologies, and potential utilization of such technology.

I hope my colleagues can join in to continue our support of marine ferry operations. For a relatively small investment, we can leverage State and private operations to address our pressing infrastructure demands.

ADDITIONAL COSPONSORS

S. 293

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 317

At the request of Mr. CRAIG, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 412

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 472

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 513

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 513, a bill to reform the multifamily rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes.

S. 570

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 608

At the request of Mr. FEINGOLD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 608, a bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

S. 711

At the request of Mr. BREAUX, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 711, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 747

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mr. ROBERTS] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 747, a bill to amend trade laws and related provisions to clarify the designation of normal trade relations.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 927

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 93

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. COVERDELL], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. DEWINE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Tennessee [Mr. FRIST], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. DURBIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Washington [Mrs. MURRAY], the Senator from Virginia [Mr. ROBB], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 93, a resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as ''National Family Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

WELLSTONE AMENDMENT NO. 415

Mr. WELLSTONE proposed an amendment to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place, insert the following: ''It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.''

TORRICELLI (AND OTHERS) AMENDMENT NO. 416

Mr. TORRICELLI (for himself, Mr. SPECTER, Mr. KERREY, and Mr. BUMPERS) proposed an amendment to the bill, S. 858, supra; as follows:

On page 14, between lines 19 and 20, insert the following:

SEC. 309. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

LAUTENBERG (AND OTHERS) AMENDMENT NO. 417

Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. BAUCUS) proposed an amendment to the bill (S. 936) to authorize appropriations for fiscal year

1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike out section 3188 and insert in lieu thereof the following:

SEC. 3138. REPORT ON REMEDIATION ACTIVITIES OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall submit to Congress a report on the remediation activities of the Department of Energy.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 418

Mr. SMITH of New Hampshire proposed an amendment to amendment No. 417 proposed by Mr. LAUTENBERG to the bill, S. 936, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site.

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities.

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination.

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolved the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites.

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis.

FEINSTEIN (AND BIDEN) AMENDMENT NO. 419

Mrs. FEINSTEIN (for herself and Mr. BIDEN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1074. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(*l*) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

''(B) the term 'explosive' has the same meaning as in section 844(j); and

''(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates subsections'' and inserting the following: ''person who—

''(1) violations subsections'';

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

(3) by adding at the end the following;

''(20 violates subsection (*l*)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(2) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (*l*)''.

COCHRAN (AND OTHERS) AMENDMENT NO. 420

Mr. COCHRAN (for himself, Mr. DURBIN, Mr. ABRAHAM, and Mr. HUTCHINSON) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. . SUPERCOMPUTER EXPORT CONTROL.

(a) EXPORT LICENSING WITHOUT REGARD TO END-USE AND END-USER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective upon the date of enactment of this Act, computers described in paragraph (2) shall only be exported to a Computer Tier 3 country pursuant to an export license issued by the Secretary of Commerce.

(2) COMPUTERS DESCRIBED.—A computer described in this paragraph is a computer with a composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

(b) LIMITATION ON REEXPORT.—It is the sense of the Senate that Congress should enact legislation to require that any computer described in subsection (a)(2) that is exported to a Computer Tier 1 or Computer Tier 2 country shall only be reexported to a Computer Tier 3 country (or, in the case of a computer exported to a Computer Tier 3 country pursuant to subsection (a), reexported to another Computer Tier 3 country) pursuant to an export license approved by the Secretary of Commerce and that the preceding requirement be included as a provision in the contract of sale of any such computer to a Computer Tier 1, Computer Tier 2, or Computer Tier 3 country.

(c) COMPUTER TIERS DEFINED.—In this section, the terms ''Computer Tier 1'', ''Computer Tier 2'', and ''Computer Tier 3'' have the meanings given such terms in section 740.7 of title 15, Code of Federal Regulations.

INOUYE AMENDMENT NO. 421

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

''SEC. . DEFENSE ENVIRONMENTAL RESTORATION OF INDIAN LANDS PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Environmental Restoration Program, within the Office of Deputy Under Secretary of Defense (Environmental Security), to remediate or otherwise mitigate environmental impacts on Indian lands attributable to Department of Defense activities. This program shall be separate from, but operate in conjunction with, the program for environmental restoration established pursuant to section 2701, title 10, United States Code.

''(b) PROGRAM CRITERIA.—The Secretary shall establish a program to—

''(1) identify and investigate environmental impacts on Indian lands known or suspected to be caused by Department of Defense activities, including but not limited to, releases and threatened releases of hazardous substances, pollutants, contaminants, hazardous waste, solid waste, petroleum, unexplored ordnance and associated debris on, or migrating on, Indian lands;

''(2) develop and maintain a comprehensive inventory list of the environmental impacts identified pursuant to the authority provided in subsection (1) of this section;

''(3) conduct preliminary assessments of each site identified pursuant to the authority provided in subsection (1) of this section to validate and document the potential risk to human health and the environment, or natural, religious or cultural resources, or other impediments to the use of such Indian lands, as reported by the Indian tribes, the Military Departments, and other sources;

''(4) apply the Department of Defense Relative Risk Site Evaluation System to determine priorities for addressing impact on Indian lands by taking into account considerations important to Indian tribes, including but not limited to damages or other impacts to human health and safety, cultural and religious values, subsistence activities, natural ecosystems, and natural resources of commercial value;

''(5) implement appropriate remediation or other form of mitigation of environmental impacts on Indian lands resulting from Department of Defense activities; and

''(6) provide training, either directly or through contract, to enable Indian tribes to administer cooperative agreements and contracts provided for in this section.

''(c) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with each affected Indian tribe during any activities undertaken pursuant to this section, and shall not select appropriate response actions without consulting the affected Indian tribe.

''(d) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with Indian tribes or consortia of Indian tribes, when mutually agreed by the Secretary and the Indian tribe involved, to administer some or all portions of the restoration program and to perform such services applicable under this section.

The cooperative agreement may cover one or more sites identified and assessed for remediation or other response action. The Secretary shall make a determination regarding such application within 90 days after receiving the application.

''(f) CONTRACTING PROVISIONS.—''In implementing the provisions of any cooperative agreement or the award of any contract pursuant to this section, the Secretary shall—

''(1) apply the provisions of—

''(A) 25 U.S.C. §450(e)(b);

''(B) 48 C.F.R. §26.1.; and

''(C) 48 C.F.R. §226.1; and

''(2) enter into contracts or cooperative agreements with tribal community colleges and tribal vocational educational institutions to provide training to Indian tribes as required under this section.

''(e) DEFINITION.—For the purposes of this section, the term—

''(1) ''Indian'' means ''Indian'' as defined in 25 U.S.C. §450(b), the Indian Self-Determination and Educational Assistance Act.

''(2) ''Indian tribe'' means ''Indian tribe'' as defined in 25 U.S.C. §450(b)(d), the Indian Self-Determination and Educational Assistance Act.

''(3) ''Indian organization'' means an ''organization'' as defined in 25 U.S.C. 1452(f), the Indian Financing Act.

''(4) ''Indian-owned economic enterprise'' means an ''economic enterprise'' as defined in 25 U.S.C. 1452(e), the Indian Financing Act.

''(5) ''Indian lands'' means ''Indian lands'' as defined in 25 U.S.C. §3902(3) and (4), the Indian Lands Open Dumps Clean-Up Act.

''(f) AUTHORIZATION.—There is hereby authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 1998 and 1999, to remain available until expended. For each of fiscal years 2000 through 2006, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.''

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business has cancelled the June 24, 1997, hearing entitled ''Small Business Reauthorization Act of 1997.''

For further information, please contact Paul Cooksey at 224–5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, June 25, 1997, at 9:30 a.m. to receive testimony on ''Campaign Finance—Are Political Contributions Voluntary: Union Dues and Corporate Activity.''

For further information concerning this hearing, please contact Stewart Verdery of the Rules Committee staff at 224–2204.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on ''Medicare At Risk: Emerging Fraud in Medicare Programs.''

This hearing will take place on Wednesday, June 25, 1997, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 19, 1997, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 19 for purposes of conducting a Subcommittee on National Parks, Historic Preservation, and Recreation hearing which is scheduled to begin at 2 p.m.

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

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, June 19, 1997, beginning at 10 a.m. in room SH–216, to conduct a markup on budget reconciliation.

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

SUBCOMMITTEE ON AVIATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Aviation Subcommittee on the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 19, 1997, at 2:30 p.m. on United States/Japan aviation relations.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 19, at 9:30 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

FRIVOLOUS LAWSUIT PREVENTION ACT

• Mr. ABRAHAM. Mr. President, I am pleased to speak about an issue I feel strongly about and have consistently supported during my tenure in the U.S. Senate. Today I rise in defense of Senate bill 400, the Frivolous Lawsuit Prevention Act, of which I am a cosponsor.

The Senate has debated tort reform legislation in the past and this year several bills have been introduced that attempt to remediate our legal system. S. 400 takes a narrow approach and focuses on the particular problem of persons who deliberately abuse America's courts.

I appreciate the efforts of Senator GRASSLEY in introducing this important bill, which is a vital component of legal reform. It aims to rescue our courts from engaging in suits that more resemble talk show fodder than legitimate claims of wrongdoing. Specifically, the bill amends rule 11 of the Federal rules of civil procedure by making sanctions mandatory rather than discretionary whenever federal courts find a violation of that rule has occurred and an attorney has engaged in frivolous conduct.

For example, if a party files a lawsuit purely to badger another party, and the judge finds this to be true, the court can impose a punishment commensurate with the degree of the violation. Prior to 1993, this type of sanctioning had been standard procedure. Unfortunately, however, this rule was severely modified 4 years ago. Congress must now enact S. 400 to once again protect the courts from frivolous lawsuits that clog this Nation's legal system and impede the ability of legitimate claims to be heard.

Our courts must never become playgrounds for egregious claims and wild accusations that seek only to harass an individual. Those who engage in such conduct must face sanctions for their action. In my view, this bill will relieve our courts and restore the dignity and integrity that America's system of justice demands.•

RECOGNITION OF THE RECIPIENTS OF THE GIRL SCOUT GOLD AWARD, DUPAGE COUNTY GIRL SCOUTS

Ms. MOSELEY-BRAUN. Mr. President, I would like to salute six outstanding young women who were honored on May 12, 1997, with the Girl Scout Gold Award by the Dupage County Girl Scout Council of Naperville, IL. The Girl Scout Award symbolizes outstanding accomplishments in the area of leadership, community service, career planning, and personal planning. I commend these young women for their dedication to our community.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches. The Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge. The Scout must also design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and

is carried out through close cooperation between the girl and an adult volunteer. These objectives are met only through hard work and discipline, as displayed by the six young women honored on May 12.

A member of Girl Scout Troop 936, Jennifer Gary began working toward the Girl Scout Gold Award in 1994. Her project, focused on providing a Costa Rican culture experience for people in her community and raised community awareness about the importance of rain forests to our global environment.

The environment was also the focus of Carla Dingler's project. Carla, a member of Girl Scout Troop 167, coordinated six different environmental cleanups in her community.

Cyndie Bagarie, an individual Girl Member, completed an innovative project she began working on in 1995. Cyndie created a raffle-like event, whereby members of the community were given the opportunity to win free swim lessons from Cyndie by donating food to a local food pantry.

Girl Scout Troop 42 member Susan Mickelson created and distributed a wallet-size index of public phone numbers for teens. This arduous project began in 1993.

Another member of Troop 42, Erin Kraatz, knitted teddy bears for the children residing at a local women's shelter. This ongoing project started in 1993.

Jennifer Buhrow, an individual girl member, began working toward the Girl Scout Award in 1995. Her project consisted of collecting books, toys, games, and school supplies for the children at a local women's shelter.

At a time when our Nation's youth face so many obstacles, it is encouraging to see six young women devoted to fostering an understanding between cultures and people, and taking steps to bring issues of importance to the attention of others. I extend my heartfelt congratulations to Jennifer Gary, Carla Dingler, Cyndie Bagarie, Susan Mickelson, Erin Kraatz, and Jennifer Buhrow as they are recognized for their hard work and service to the community. We can all take pride in the fact that these six young women have made vital contributions to the State of Illinois. The people of Illinois are grateful for their contributions as public servants.

RECOGNITION OF THE 34TH ANNUAL SMALL BUSINESS WEEK

• Mr. FRIST. Mr. President, I rise today in support of America's small businesses and in recognition of the 34th annual Small Business Week. As a member of the Small Business Committee, I understand that small business is truly the engine of economic growth in America. Ninety percent of all U.S. businesses have less than 20 employees and 99 percent have fewer than 500 employees. These small businesses employ more than half of our Nation's workforce and create a large majority of our new jobs. In fact, 40 percent of our Nation's goods and services are produced by small businesses—making America's entrepreneurs the world's third greatest economic power, trailing only the production of the entire United States economy and Japan.

We celebrate Small Business Week every year to recognize those people on the front lines of our economy. I would like to take a moment to specifically recognize Tennessee's 1997 Small Business Person of the Year—Bob Pap—the president of the Accurate Automation Corp. in Chattanooga. Accurate Automation is an aerospace/computer systems company doing research and development in hypersonic aircraft design and the emerging technology of neural networks. Accurate Automation began in 1988 as a two-person company located in a 450-square-foot office. Today, it has 33 employees, 5 consultants, and a 13,000-square-foot office facility. Bob Pap's corporation is a great example of how hard work and ingenuity can lead to small business success.

The work of a small business owner never ends. Therefore, Congress should not stop working for small business after Small Business Week. We must reduce or eliminate the restrictive taxes, unfunded mandates, and burdensome regulations plaguing small businesses. Many Federal bureaucrats and lawmakers do not understand that small businesses do not have the money and personnel to cope with regulatory paperwork. They do not understand that small firms lack a corporate legal department to guide them through a maze of regulatory compliance. And, most importantly, they do not understand that each new tax, mandate, and regulation stifles business expansion, job creation, and economic growth.

Fortunately, Congress is taking action to foster a healthier environment for entrepreneurs. Reducing the capital gains tax rate is vital to creating jobs and expanding economic growth. Through high capital gains rates the Federal Government penalizes people who take risks and invest their hard-earned income in homes, savings accounts, mutual funds, small and large businesses, or family farms. In addition, this high tax rate threatens American leadership in the global marketplace. The United States has the highest capital gains rate of any major industrialized nation in the world. We cannot expect to remain competitive if we are not on a level playing field with other countries. Lowering the capital gains rate is essential to maintaining a strong economy and supporting the cause of America's small business men and women.

The bipartisan balanced budget agreement cuts the capital gains tax rate for individuals in the 15-percent tax bracket to 10 percent and for individuals in the 28-percent bracket to 20 percent. It also provides for the exclusion of gain on the sale of a home and indexing for inflation.

Estate tax reform is also a high priority. Confiscatory estate tax rates are extremely detrimental to small businesses. They depress national savings, discourage entrepreneurial risk, and limit economic growth. Too often, family farms and small businesses are forced out of business after the death of a key family member because the family cannot afford to pay the estate tax. We need to make sure that there is an incentive for entrepreneurs to start small businesses and that there is a way for these small businesses to flourish after an important family member dies. The bipartisan balanced budget agreement also includes a phased-in increase in the unified estate tax credit equivalent to $1 million and inflation indexing.

While capital gains and estate tax relief have been a major focus of our tax agenda, there are other important small business issues that deserve attention. One of those issues is electronic tax filing. Under a 1993 law, small businesses were required to submit their Federal tax payments electronically beginning this July. However, due to inadequate education and implementation by the Internal Revenue Service (IRS), more than 1 million small businesses were very confused about how to transition to the new system, concerned about the possibility of fines and penalties, and frustrated overall with the mandatory nature of this new requirement. Fortunately, relief is on the way. I voted for the supplemental appropriations bill that included an extension of the electronic tax filing deadline from July 1, 1997 to the end of this tax year, December 31, 1997. And the President has already signed this provision into law.

On another tax issue, I have cosponsored S. 460, the Home-Based Business Fairness Act of 1997. Home-based businesses are one of the fastest growing sectors of the economy. There are currently more than 14 million individuals earning income from out of their own homes. As owners of a majority of home-based businesses, women, in particular, have enjoyed astonishing success in this area. There are currently eight million women-owned U.S. businesses which produce $2.3 trillion in sales. Women-owned businesses employ one quarter of all U.S. workers. In light of these trends, we need to open more opportunities for home-based and other entrepreneurial ventures to start, grow, and create jobs.

The Home-Based Business Fairness Act targets three particular areas. First, it provides 100 percent deductibility for self-employed health insurance costs. Large corporations are currently allowed to deduct the health insurance costs of all of their employees. This bill will allow the self-employed to take advantage of full deductibility as well. A fair and competitive business environment is impossible as long as large corporations have this unfair advantage.

Second, the Home-Based Business Fairness Act will restore the home-office deduction and make it available to all business owners who perform their essential administrative and management functions only in their homes. This portion of the bill will clarify the ambiguities resulting from the 1993 Supreme Court decision, *Commissioner* v. *Soliman*. This decision required the customers of a home business to physically visit the home office and the business owners income to be generated within the home office itself in order to qualify for a deduction. This bill would expand and clarify the home-office deduction by allowing those who perform their services outside the home to benefit from the deduction as long as they use their home for all billing and recordkeeping activities.

Third, S. 460 clarifies the independent contractor definition. Under current law, small businesses and the self-employed must rely on a complicated and ambiguous 20 point test of IRS guidelines to determine how to classify their workers and what taxes must be paid. The IRS can penalize firms who use self-employed contractors and force them to pay retroactive taxes and fines if they disagree with the worker's classification as an independent contractor. The Home-Based Business Fairness Act will establish a general safe harbor to provide more certainty in determining the independent contractor status and protect against retroactive reclassifications, fines, and penalties.

On the regulatory front, I have cosponsored the Mandates Information Act of 1997 to help reduce the burden on America's economy of Congressional mandates. In the past, Congress has often acted without adequate information concerning the costs of private sector mandates. These costs are borne by consumers in the form of higher prices and reduced availability of goods; workers, in the form of lower wages, reduced benefits, and fewer job opportunities; and small businesses, in the form of hiring disincentives and stunted growth.

The Mandates Information Act contains two key provisions to prevent imposition of new mandates on the private sector. First, it establishes an additional procedural hurdle, or shame vote, against any bill containing private sector mandates exceeding $100 million a year. Second, it directs the Congressional Budget Office (CBO) to prepare a small business impact statement to inform Members of Congress about a bill's effects on consumer costs, worker wages, and the availability of goods and services. I believe this initiative will help stop the spread of mandates at their source—allowing small businesses to take risks and create new jobs without the added pressure of unfunded Washington requirements.

Mr. President, during Small Business Week and every week, Congress needs to listen to the men and women who are running Main Street businesses. Today, I speak for only a few minutes to honor the small business owners and employees who spend hours every day trying to fulfill their American dreams. I want to let them know that their elected officials are making some progress on their agenda, but we still have a long way to go. I urge my colleagues not to rest in our efforts to support American free enterprise.●

RISING COSTS OF A COLLEGE EDUCATION

● Mr. CLELAND. Mr. President, I rise today to share with you and all of our colleagues a disturbing report released Tuesday. According to this report, produced by a panel of public and private university officials and corporate executives, the cost of a college education is rising dramatically. This figure must be contained or an increasing number of low-income students will be shut out from the opportunity to earn a degree.

According to this report, tuition is expected to double by 2015, effectively shutting off higher education to half of those who would want to pursue it. We cannot allow this door to close on these low-income students. We should be opening these doors for our young people, not closing them.

These rising tuition costs must be addressed. An investment in education is an investment in the future of this country. Adequate governmental support for higher education is essential in order to arm our children with the proper resources so that they are able to live and compete in a global market. I firmly believe in providing all feasible financial support for students receiving a higher education. That's why I am a cosponsor of S. 12, the Education for the 21st Century Act, which would help to increase the educational opportunities for America's youth.

Mr. President, I ask that the text of the article detailing these report findings, which appeared in the New York Times, June 18, 1997, be printed in the RECORD.

The article follows:

[From the New York Times, June 18, 1997]

RISING COST OF COLLEGE IMPERILS NATION, REPORT SAYS

(By Peter Applebome)

The nation's colleges an universities need to cut costs dramatically or face a shortfall of funds that will increasingly shut out the poor from higher education and from economic opportunity as well, according to a blunt and far-ranging assessment of American higher education that was made public on Tuesday.

The report, by a panel of public and private university officials and corporate executives, says that rising costs, falling public spending and a coming surge in demand are making the economics of American higher education increasingly unsupportable.

If current enrollment, spending and financing trends continue, the report said, higher education will fall $38 billion short of what it needs to serve the expected student population in 2015. To sustain current spending, it said, tuition would have to double by 2015, effectively shutting off higher education to half of those who would want to pursue it.

The report focuses on one of the great unspoken dilemmas in President Clinton's push to make a college diploma as common as a high school one: higher education is expensive, students pay only a small share of their costs and, while bringing increasing numbers of low-income students into higher education will have long-term economic benefits, it will also have enormous short-term economic costs.

On the other hand, the report said, with education increasingly crucial to economic advancement, cutting off access to education—particularly to the poor and to immigrant groups who increasingly dominate the student population of states like California, Florida, New York and Texas—would have enormous consequences for the nation's social fabric.

The report, ''Breaking the Social Contract: The Fiscal Crisis in Higher Education,'' calls for a radical restructuring of universities, including an effort to overhaul university governance to limit the power of individual departments, redefining and often reducing the ambitions of different institutions and a sharing of resources between institutions.

The report also calls for more public financing, but it stresses that changes in the system should be prerequisites to any increases.

''The facts are irrefutable,'' said Thomas Kean, the former New Jersey governor who is now president of Drew University and is a co-chairman of the panel that wrote the report. ''We are heading for a crisis at the very time we can least afford one.''

The panel, the Commission on National Investment in Higher Education, is made up of academic and business leaders convened by the Council for Aid to Education, an independent subsidiary of the Rand Corp.

Experts say that higher education is already being reshaped by such forces as technology or competition from for-profit institutions, so that a straight-line extrapolation from current economic figures is difficult. And higher education is such a varied enterprise in the United States that a crisis for a public college in California does not necessarily mean a crisis for Harvard or Princeton.

Still, Roger Benjamin, president of the Council for Aid to Education, notes that even rich universities like Yale and Stanford have faced deficits and retrenchment in recent years.

And officials in state systems, which educate the majority of Americans, say the gap between resources and costs in higher education is becoming ever more daunting.

Charles Reed, chancellor of the State University System of Florida, said that over the next 10 years Florida will face a 50 percent increase in students at its public four-year institutions, from 210,000 to 300,000.

Barry Munitz, chancellor of the California State University System, said California was midway through a half-century of population growth and demographic change that would see the number of schoolchildren in kindergarten through the 12th grade almost double, to about eight million, and go from about 75 percent white in 1970 to about 75 percent minority in 2020.

Population growth will only accelerate the financial problems facing higher education, the report said. It noted that the index measuring the increases in the price paid by colleges and universities for goods and services, like faculty salaries, rose more than sixfold from 1961 to 1995. The annual rate of growth in the cost of providing higher education exceeded the Consumer Price Index by more than a percentage point from 1980 to 1995, the report said.

And, while costs have gone up, public support has not. Since 1976, public support per student has just kept up with inflation, while real costs per student have grown by about 40 percent, the report said.

To make up the difference, tuition has risen dramatically, with tuition and fees doubling from 1976 to 1994. But the report said that a similar doubling between now and 2015 would have a catastrophic effect on access, pricing as many as 6.7 million students out of higher education.

''If you were to announce that, given fiscal pressures, the door to social mobility that was good enough for the old generation is really no longer needed by the new one, you might as well stick a ticking bomb inside the social fabric of this country,'' Munitz said.

While calling for more public support, the report says that a solution to the fiscal imbalance has to start with colleges and universities themselves.

''Given the magnitude of the deficit facing American colleges and universities, it is surprising that these institutions have not taken more serious steps to increase productivity without sacrificing quality,'' the report said.

The report's recommendations for restructuring—from sharing a library with other institutions to eliminating weak programs—are not new, but there are enormous political and institutional barriers in the way of a major economic overhaul of higher education. Still, some experts say institutions have no option but to find ways to operate more efficiently.

''The ability to maximize revenue, given the competitive pressures for state dollars on the one hand and the resistance to future increases in tuition on the other, has about run its course,'' said Stanley Ikenberry, president of the American Council on Education, a leading advocacy group that was not involved in the report. ''All of that's putting more and more pressure on the operating side of the budget.''●

TRIBUTE TO THE TOWNS OF NASHUA, PORTSMOUTH, AND MANCHESTER ON BEING NAMED TO MONEY MAGAZINE'S BEST PLACES TO LIVE IN AMERICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize the great citizens of Nashua, NH, Portsmouth, NH, and Manchester, NH, on being named to Money Magazine's best places to live in America. Nashua, NH came in at No. 1, with Portsmouth and Manchester finishing fifth and sixth respectively, based on Money magazine's rankings.

The national investment magazine released their list of America's top 10 communities based on business climate, economic well-being, quality of life, and other factors that comprise a positive environment in which to work and raise a family. New Hampshire's tourism industry, scenic beauty, lack of sales or income tax, low crime rate, quality education and family and community spirit make the State attractive for families and businesses to locate here. The people of these communities, and of the entire State, have good reason to be extra proud.

Nashua, the Gate City of the Granite State, named No. 1 by Money magazine, is the only State to receive this honor twice, of which I and the citizens are very proud. The former mill town, which borders the Commonwealth of Massachusetts, has a booming economy with manufacturing facilities, hi-tech firms and defense contractors. Nashua is also close to many cultural arts venues and major medical facilities of neighboring communities, which make it No. 1 as touted by Money magazine.

Portsmouth, New Hampshire's port city, placed sixth as the most desirable place in the country. The Portsmouth community relies on many major technology and communications firms to help thrust to the forefront of the Nation. The Portsmouth community is a great place to raise a family with its many fine schools and major colleges nearby, including the University of New Hampshire in nearby Durham. The Port City is also the home of one of our Nation's finest military institutions, the Portsmouth Naval Shipyard.

Manchester, the Queen City, picked up the sixth place honors in the Nation. The Queen City has many high-tech firms and major telecommunications businesses which help add to the economic power of the city. Manchester sits on the banks of the Merrimack River, the home to many of the historic manufacturing plants of the late 1800's and early 1900's. Situated in the Merrimack Valley of New Hampshire, Manchester is also home to a booming cultural arts center which is the pride of northern New England.

Mr. President, it is no surprise that New Hampshire is the only State with 3 towns in the top 10. I can think of no cities in America more deserving of these top honors than Nashua, Portsmouth, and Manchester. I applaud the local officials, enterprising businessmen and women and the committed citizens of these great cities. They helped bring about an economic revival that has propelled New Hampshire into national recognition once again. I am proud to represent them all in the U.S. Senate.●

BOB OLIVER, WASHINGTON STATE D.A.R.E. OFFICER OF THE YEAR

● Mrs. MURRAY. Mr. President, it is my great pleasure to recognize Bellevue Police Department Officer Bob Oliver for his selection as Washington State D.A.R.E. Officer of the Year.

Our children are our greatest resource and our future prosperity depends on them becoming contributing members of the community. Giving them the skills to success is no easy task, yet it is our responsibility as adults to ensure that our children have the best chance possible to succeed. The D.A.R.E. Program gives them that chance. D.A.R.E. equips each participant with the skills to just say no to peer pressure when confronted with the temptation to use drugs. It reinforces the importance of self-esteem and the consequences of one's actions, lessons which will help the children confront problems of any sort their entire lives.

Through his active participation in the D.A.R.E. Program, Officer Oliver has demonstrated his special commitment to these children. As a police officer, Officer Oliver has dedicated his career to making his community a safer place to live. Through his participation in the D.A.R.E. Program and with his focus on prevention, his work not only makes a difference today, but will have a lasting impact.

Some take measure of a good police officer by the numbers of arrests made or traffic violations ticketed. Officer Oliver can measure his success by the many children whose lives he has touched and positively influenced through the D.A.R.E. Program and the high esteem in which he is held in the community.

As his family and colleagues gather to recognize him for this achievement, I want to wish him continued success. Officer Bob Oliver is truly an asset to our community, and we all congratulate him on a job well done.●

COMMENDING ALL THOSE ASSISTING THE SENATE BANKING COMMITTEE INQUIRY INTO HOLOCAUST ASSETS

● Mr. D'AMATO. Mr. President, I rise today to commend all those assisting in the ongoing Senate Banking Committee Inquiry into Holocaust Assets.

I must start with the leading role of the World Jewish Congress, particularly Edgar Bronfman who along with WJC Secretary General Israel Singer brought this issue to me on December 7, 1995. Their work, along with that of Elan Steinberg has been a true force to reckon with for the Swiss banks.

I cannot forget the absolutely invaluable help of Ambassador Stuart Eizenstat and his very able staff in finding and preparing the administration's exhaustive report on the subject. Of particular help has been the work of Judy Barnett. She has fought the tough interagency battles to establish the truth. State Department Historian Bill Slany did an incredible job in assembling the report.

I want to also thank the following members of the various departments of the U.S. Government: Francine Barber, Abby Gilbert, David Joy, Felix Hernandez, Judy Liberson, Bill McFadden, Eli Rosenbaum, Ruth Van Heuven, and Barry White.

I hope that I have not left out anyone.

The National Archives at College Park has been nothing less then amazing. The staff has gone out of their way to provide our researchers with help, including declassification, record and document locations, use of their facilities, overall access to the building and records, and the wisdom, and advice of the gifted archivists. Put all together, their help was indispensable in establishing, continuing and expanding the research of the Committee.

Of particular help to our staff and researchers has been that of Greg Bradshear who compiled the finding aid

for the various record groups of documents, Calvin Jefferson who has provided us with every appropriate extension of help with regard to use of the Textual Reference Room, Clarence Lyons for his help in the overall effort, Cary Conn for his help in declassifying hundreds of boxes of documents, and John Taylor for his wisdom and guidance. In addition to these fine and dedicated people, I would like to thank the following for their help in our effort: Rich Boylan, Rebecca Collier, David Giordano, Milt Gustafson, Ken Heger, Marty McGann, Wil Mahoney, William Deutscher, Robert Coren, Tim Nenninger, David Pfieiffer, Fred Ramanski, Ken Schlessinger, Amy Schmidt, Donald Singer, Marilyn Stachelczyk, Carolyn Powell, Dr. Michael Kurz, R. Michael McReynolds, Peter Jefferies, and Lee Rose.

Again, I hope that I have not left out anyone. I am truly grateful for their help to my staff and the researchers.

In regard to the researchers, I would like to extend my sincere thanks to the U.S. Holocaust Memorial Museum for their unwavering support to the committee by their provision of interns to us for the research. Of particular help and support, and for which this part of the project could not have gotten off the ground, I have to thank Walter Reich and Stan Turesky. Specifically without Stan, we could not have done the research among many other aspect of this inquiry.

The museum provided the committee with top rate college students to conduct the research. I would like to thank the following researchers for their dedicated work: Charles Borden, Rick Crowley, Polly Crozier, Joshua Cypress, Mary Helen Dupree, Ben Fallon, Aaron Field, David Ganz, Avi Glazer, Jessica Hammer, Anantha Hans, Miriam Haus, Olivia Joly, Kelsey Libner, Mary McCleery, Daniel Renna, Adam Sonfield, Hannah Trooboff, Kevin Vinger, and Brian Wahl.

Hannah Trooboff did excellent work with her research at the various research archives in and around New York City. She did this research while attending Columbia University.

Additionally, I would like to thank those who were either volunteers, interns, or Legislative Fellows in my office who participated in the research Marc Isser, now a member of my staff was an early member of the research team and the third person out at the archives to dig through the records Marc Mazurovsky was extremely helpful in aiding our effort by pointing us in the right direction and helping us with the record groups. Sid Zabludoff provided help with particular record group sources as well.

Moreover, I want to extend particular thanks to the dogged research of a Legislative Fellow in my office, B.J. Moravek, who was the man who interviewed and tracked down dozens of survivors, found information that no one else could have found, and was as dedicated as anyone could possibly be to obtain the truth about the misdeeds of the Swiss bankers.

I also want to thank another Legislative Fellow in my office, Brian Hufker. Brian has been indispensable in translating documents from the German and French languages and researching for the complicated and vast amount of detail involved in this inquiry. I am proud to have him as a member of my staff.

I also have to thank Miriam Kleiman who was literally the first person in the archives for us researching this subject. She has been diligent, dedicated, and totally committed to achieving justice for the victims of the Holocaust, survivors, and heirs who have assets in Swiss banks. While the term indispensable might be overused, she truly has been She found the first ''five-star'' documents, and she continues finding them today as she continues her fine work for this worthy topic.

In addition, I want to thank Willi Korte, who along with Miriam was there from the beginning and continues to this day to help in the cause. Willi has selflessly dedicated his time, efforts, vast knowledge on the subject, and even his own resources to get to the truth.

My greatest debt of gratitude goes to my legislative director, Gregg Rickman. Gregg was with me from the very beginning of this inquiry. He spent countless hours toiling through thousands of pages of documentation from so many sources. He also worked behind the scenes to organize four Senate Banking Committee hearings and numerous meetings with many of the principals involved. There was no institutional knowledge on this subject when we started. The inquiry evolved through a painstaking learning process derived from listening to the tragic recollections of Holocaust victims and their descendants, and conducting persistent detective work. In the latter Gregg has no equal. Gregg, I thank you and your wife, Sonia, who made personal sacrifices to see that some measure of justice is achieved.

Mr. President, I wanted to take this opportunity to thank all of these fine people who made the revelations and discoveries of the past year and more possible. I mean this when I say that they have all made history. They have contributed to correcting a great injustice and have tried with all of their might to set history straight. They should be proud of their work and I know that the claimants and survivors would agree. For my part, I am immensely proud of their effort and I heartily congratulate them for their fine work. While there is still a great amount of work to be done, we could not have gotten even this far without all of these fine people.●

COMMEMORATING JUNETEENTH INDEPENDENCE DAY

● Ms. MOSELEY-BRAUN. Mr. President, I rise today in support of a resolution to commemorate ''Juneteenth Independence Day,'' June 19, 1865, the true independence day of African-Americans. Juneteenth is one of the oldest black celebrations in America. It celebrates the day on which the last known slaves in America finally were freed.

Although slavery was abolished throughout the United States with President Lincoln's Emancipation Proclamation and the passage of the 13th amendment in 1863, the proclamation was only enforced in Confederate States under the control of the Union Army. Enforcement began nationwide when Gen. Robert E. Lee surrendered on behalf of the Confederate States at Appomattox to end the Civil War on April 9, 1865.

At the end of the war, 2½ years after Lincoln's proclamation, the message of emancipation was spread throughout the South and Southwest by Union soldiers who were sent to enforce the freeing of the slaves.

The last slaves were freed on June 19, 1865, 65 days after Lincoln had been assassinated, when Gen. Gordon Granger rode into Galveston, TX with a regiment of Union soldiers, declaring that Texas' 250,000 slaves were freed. To commemorate that day, the former slaves dubbed that June 19th day ''Juneteenth.''

African-Americans who had been slaves celebrated that day as the anniversary of their emancipation. For more than 130 years this tradition has been passed on generation to generation as a day to honor the memory of those who endured slavery and those who moved from slavery to freedom.

While the significance of this day originated in the Southwest, this celebration soon spread to other States. There are now Juneteenth celebrations across the country. In fact, the Bloomington/Normal Black History Project and Cultural Consortium in Bloomington/Normal, IL will celebrate Juneteenth this week.

Juneteenth celebrations commemorate the faith and strength of the many generations of African-Americans who suffered and endured the chattels of slavery. The annual observance of Juneteenth Independence Day will provide an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

I urge all Americans to celebrate Juneteenth and to reflect upon not only the end of a painful chapter in American history, but also the triumph of unity and freedom in America.●

TRIBUTE TO THE TOWN OF GREENVILLE ON ITS 125TH ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Greenville, NH on their 125th anniversary. Greenville is celebrating their 125th birthday June 27–29, and the town's citizens will highlight these festivities with an anniversary

parade and numerous other activities. This New Hampshire town has a significant heritage to celebrate on their 125th anniversary.

The history of Greenville began in the mid-1760's with the building of a saw and grist mill by Thomas Barrett and his brother, Charles Barrett. From that time forward the mills have been the dominant feature of the town on the banks of the Souhegan River from the Upper Falls to the High Falls. The first mills were a grist or saw mill, however the adventurous pioneers discovered hydroelectricity which would help run woolen mills, the cotton mills, furniture mill, another saw mill and the generation of hydroelectricity which continues today.

The early settlers of this untamed country were independent and self-sufficient folk, characteristics that have endured in the people of this region. With their independent spirit and determination they built a strong and lasting community that makes their descendants proud. By the early 19th century a unique village had grown around the mills along the flowing banks of the Souhegan. The village had its own meeting house, school, post office, inn, and several stores. As the mills thrived, the town around it blossomed into the town of today.

The town of Greenville had been known by many names prior to 1872. The village along the river was first called Barrett's Mills, then Dakin's Mills, Mason Harbor, Souhegan Village, Mason Village, and finally Greenville in 1872.

Today, the town of Greenville prides itself on its quality of life and community spirit, a tradition that has manifested itself throughout the town's history. Greenville is one of New Hampshire's smallest towns and boasts not only magnificent surroundings, but a community of friendly, caring neighbors as well.

I congratulate the town of Greenville on this historic milestone and wish them a happy 125th anniversary celebration. I send them my best wishes for continued success and a prosperous year as they mark this historic occasion. Happy birthday, Greenville.●

WEST VIRGINIA DAY

● Mr. ROCKEFELLER. Mr. President, tomorrow is a special day for me, as well as my fellow West Virginians. On June 20, 134 years ago, the citizens of West Virginia separated from Virginia and formed the 35th State to join the Union.

They had a saying back then, and it was so popular they made it the state motto. Our motto is ''Mountaineers Are Always Free.'' In fact, freedom is what West Virginia is all about, but attaining freedom is often a challenge. I would like to take a moment to recognize our Mountaineer forefathers for their courage in leaving the Old Dominion State and taking up the struggle for the freedom of all Americans. I commend these people as well as all West Virginians who have fought for freedom and liberty by serving our country. I mention this because it is in this spirt that our great State was born and still lives. It is this unbridled love of freedom that is alive in all our people as well as our beautiful environment. One can observe it in the ravishing yet perilous gushing rapids of the New and Gauley Rivers, as well as the snow-covered Appalachian Mountains, which test the resolve of thousands of visitors each year. If one were to have the chance encounter with the majestic black bear or cast a fishing line into one of our crystal clear lakes, they would quickly come to an appreciation of the freedom we West Virginians hold dear.

Times also have changed. While the once-rudimentary log cabin has been replaced by the modern home, full of televisions, microwaves, and computers, the values of West Virginians have remained much the same. There is a dedication that can be seen in the work of our miners, who produce an inexpensive energy source that drives not only the economy of West Virginia but the steel mills of Pittsburgh as well as powerplants all across America. Whether it is the extra assistance of a park ranger, or the friendly smile of a checkout clerk, there is no doubt that there exists a pride and dedication in West Virginians second to none.

It is for these reasons as well as many more that I'm proud to be a West Virginian. So it is with great honor that I ask my colleagues to join me in celebrating this 134th West Virginia Day.●

INDIAN EDUCATION

● Mr. INOUYE. Mr. President, I rise in support of a most important and timely of resolutions proposed by my distinguished colleague, Senator PETE DOMENICI. Senate Joint Resolution 100, which was introduced on June 17, 1996, goes to the very heart of a matter of utmost concern—the education of American Indian and Alaska Native children and youth.

In exchange for millions of acres of the vast landscape which ultimately formed the very foundation of our Nation, the United States undertook certain responsibilities to those who were here before us. We entered into over 800 treaties with Indian tribes, many of which contained provisions for the education of Indian children. But as we know, this history is a less than honorable one—not only did we violate provisions in almost every single treaty—but we entered into a dark chapter where education meant the forced removal of Indian children from their families and communities.

This nearly century-long Federal policy began in 1819 when the Congress enacted a law establishing a civilization fund for the education of Indians. This fund was turned over to religious groups that established mission schools for the education of Indian children. In the late 1840's, the Federal Government and private mission groups combined efforts to launch the first Indian boarding school system, and in 1860, the first nonmission federal boarding school was established. Richard Henry Pratt, the founder of the Carlisle Indian School and considered to be the father of Indian education, believed that in order to transform a people, you must start with their children. This attitude was also expressed by the Federal Superintendent of Indian Schools in 1885 when describing his duty to transform Indian children into members of a new social order.

By the end of the 19th century, this pattern of forcibly removing Indian children from their homes and families and sending them to faraway boarding schools had become so pervasive that the Congress enacted legislation in 1895 which made it a crime to induce Indian parents by compulsory means to consent to their children's removal from their environment.

And so, for nearly a century, under the guise of education, the Federal Government sought to cleanse Indian children of their Indianness by separating them from their families and communities for many years, by forbidding them to speak their native language and practice their cultural traditions. The ramifications of such policies are still being felt today, and are still remembered in the minds of once-young children, now in their eighties and nineties.

While this dark chapter has long since been brought to a close and we have distanced ourselves from such practices, in some respects, I believe we have not come far enough. Indian students today have the highest dropout rates, the lowest high school completion rate, and the lowest college attendance rates of any minority group. Nearly 38 percent of Indian children above the age of five live in poverty.

Such statistics are unacceptable. We simply have not done enough, and we, as a collective body, must agree that more should be done and that we must act accordingly. Mr. President, that is precisely what this measure before us does—it declares the sense of the Senate that the Federal commitment for the education of American Indians and Alaska Natives be affirmed through legislative actions of this Congress to bring the quality of Indian education up to parity with the rest of America.

Mr. President, this is about capacity building, about school repairs so that Indian children can learn in safe environments, and about sufficient funding for the operation of 184 Bureau of Indian Affairs schools. It is about addressing Indian adult literacy needs and special education, disability and vocational education needs. It is about using that same educational system which once sought to strip native people of their Indianness, and using it instead to strengthen Indian people and their communities.

Mr. President, I am proud to join my esteemed colleague, Senator DOMENICI, as a cosponsor of this resolution, and I urge each and every Member of this Chamber to do the same.●

THE MEMORY OF JUNETEENTH INDEPENDENCE DAY

● Mrs. HUTCHISON. Mr. President, today in my State and around the country we recognize the traditional anniversary of emancipation for millions of African-Americans. On this date, June 19, in 1865, slaves in the American frontier, especially in the Southwest, finally received the word that President Lincoln's great cause of freedom had finally been won. Since that date, throughout the American Southwest African-Americans have informally celebrated Juneteenth Independence Day.

As with so many important cultural traditions in America, the meaning of Juneteenth was handed down from parent to child as an inspiration and encouragement for future generations. Earlier this year, the U.S. Congress recognized that tradition when it unanimously passed a resolution honoring the faith and strength of character of those in each generation who kept the tradition alive—a lesson for all Americans today, regardless of background, region, or race.

Mr. President, Juneteenth Independence Day is an important and enriching part of our country's history and heritage. The history it represents provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

I join my colleagues in both Houses of Congress in honoring those Americans past and present to whom it has meant so much.●

TRIBUTE TO HOVIE LISTER

Mr. CLELAND. Mr. President, I rise today to recognize a man whose name has become synonymous with gospel music, Mr. Hovie Lister. On July 19, 1997, a group of Georgians will recognize his contributions to the music field at the Civic Center in Atlanta.

Hovie was born into music. At the age of 6, he began studying the piano and later attended the Stamps Baxter School of Music. He often accompanied his family group, the Lister Brothers Quartet, around the piano.

His professional career began when he joined the famous Rangers Quartet and later the popular LeFevre Trio. In 1945, he came to Georgia and was the pianist for the Homeland Harmony Quartet heard over WAGA and WGST Radio in Atlanta.

In 1948, he organized the world famous Statesmen Quartet. The Statesmen steadily rose in popularity and became the premier gospel group in the nation. Hovie, as the group's manager and pianist, soon emerged as the chief spokesman and head of the rapidly growing gospel music industry.

Hovie was also an accomplished director and producer of radio and television shows. He became the first gospel artist to sign a national television contract and successfully directed and produced syndicated television shows for Nabisco, as well as scripted and starred in the company's commercials.

In the early 1980's, Hovie brought together five performers who came from the top four groups in gospel music to form the Masters V. In 1982, this group won the prestigious Grammy Award and in 1986, Hovie was inducted into the Georgia Music Hall of Fame.

Mr. President, I ask that you and all our colleagues recognize Hovie Lister, not just for the contributions he has made to the music industry and my own State of Georgia, but for bringing gospel music to the attention of all Americans.

RETIREMENT OF LT. COL. JAMES A. LAFLEUR, COMMANDER OF FORT RITCHIE

● Mr. SARBANES. Mr. President, it is my distinct pleasure today to recognize the Commander of Ft. Ritchie, Lt. Col. James A. LaFleur, who will retire on Tuesday, June 24th, after 20 years of distinguished service for his country.

A highly decorated soldier and respected leader, Lt. Col. LaFleur also has set standards in an area in which the Army does not give any awards, the Base Realignment and Closure process. With great diplomacy, sensitivity and vision, Lt. Col. LaFleur has presided over this very painful process at Ft. Ritchie, a place rich in history that has proved instrumental in the defense of the United States. Like my colleagues from Maryland and nearby Pennsylvania, I was very surprised and disappointed by the inclusion of Ft. Ritchie in the 1995 round of BRAC closings. The base has provided many good jobs for our constituents and we are all saddened by the Army's departure.

Under Lt. Col. LaFleur's leadership, however, the BRAC process at Ft. Ritchie has progressed as smoothly as possible. His understanding of the connection between the base and the civilian community led him to work with Washington County, the surrounding areas, and the Local Redevelopment Authority to establish a partnership that has facilitated the transition for Ft. Ritchie's employees. He has reduced the closure time by 50 percent, at the same time that his obvious concern for the base's employees has boosted morale. Lt. Col. LaFleur's efforts in this regard have been recognized by BRAC-affected communities across the nation, as well as by the Army and the Department of Defense.

The successful redevelopment process has culminated in the decision by the PenMar Development Corporation to turn Ft. Ritchie into a high-tech conference and training facility, where organizations like the International Masonry Institute will use Ft. Ritchie as an international training center, bringing at least 200 good jobs to Washington County. I.M.I. is even considering building a conference center at this bucolic mountain lake park.

It is quite fitting that the man whose stewardship made much of this possible is the same man who will take the site into the 21st century. I was gratified to learn that, rather than leaving Ft. Ritchie, Lt. Col. LaFleur will dedicate himself to the success of the new PenMar Tech Park, serving as its deputy director. Thus, while the Army is losing an effective administrator and a courageous soldier, Washington County is retaining a respected friend committed to the welfare and economic success of the area.

Lt. Col. James LaFleur began his military service in 1977 with the 4th Infantry Division at Ft. Carson, Colorado, where he was a platoon leader and battalion officer. Since then, he has served in countries across the globe, including both Iraq and Kuwait, during the Gulf War. For his distinguished service, he earned the Bronze Star Medal, Meritorious Service Medal with second oak leaf cluster, Joint Service Commendation Medal, Army Commendation Medal with fourth oak leaf cluster, Joint Meritorious Unit Award, National Defense Service Medal, Southwest Asia Service Medal, and Humanitarian Service Medal.

Mr. President, Lt. Col. LaFleur's service in the field is matched only by his service to Washington County. His determination and spirit has turned a painful base-closing into an opportunity for economic development, all the while engendering a lasting friendship between Ft. Ritchie and the civilians who live and work in its shadow. ''Patriotism,'' said Adlai Stevenson, ''is not the short and frenzied outburst of emotion, but the tranquil and steady dedication of a lifetime.'' Mr. President, Lt. Col. James A. LaFleur is a true patriot. I congratulate him on his distinguished military career, and look forward to his continued success as a leader in Washington County, Maryland.●

RECOGNITION OF REV. JOSEPH P. MCLAUGHLIN

● Mr. BIDEN. Mr. President, this Sunday, numerous students, parents, and alumni of my Alma Mater, Archmere Academy in Claymont, DE, will be gathering to honor the Rev. Joseph P. McLaughlin, O. Praem. who, during his 26 years as a teacher and headmaster at Archmere, has been more than a pillar of the academy. He has been a vital part of Archmere's spirit, and a tremendous influence In the lives of thousands of young women and men.

One of the cliches that teenagers hear again and again is how their teen years are ''the best years of your lives''. Well, with all due respect, for most kids, it is not that simple. Too many adults have forgotten how those years are often filled with uncertainty and discomfort, as teenagers undergo

tremendous physical and emotional changes, have their values frequently called into question and their judgement tested beyond their experience, and must make major decisions which will impact the course of their entire lives and careers. At no other time in their lives are they forced to make so many major choices with so little experience and information upon which to base those choices. It is a time when guidance, understanding, and friendship are critical.

For more than a quarter-century, young men and women of Archmere Academy, have counted upon Father McLaughlin for that guidance, understanding, and friendship. And he has always been there for them, guided by his own deep faith, sincerity, and lifelong experience in dealing with young people. Of course, we will never know many of the specific instances of Father McLaughlin's intervention, because he is the soul of discretion and modesty, but there are countless Archmereans who will tell you that when they needed an advisor, a mentor, a friend, Father McLaughlin was there for them.

I graduated from Archmere before Father McLaughlin arrived, but my two sons attended the school during his tenure, and my daughter is currently an Archmere student. Each has had the utmost respect for his commitment, his wisdom, and his generosity of spirit, and all have benefitted from his years of dedicated service.

Having been involved with the school as an alumnus and as a parent, I have seen firsthand Father McLaughlin's tireless efforts result in Archmere's becoming one of the premier high schools—not only in Delaware and the surrounding region, but nationally. It is obvious that he has succeeded splendidly. The school is truly the academic beacon on the hill envisioned by the school's founders, the Norbertines. Archmere historically has attracted students of all backgrounds, and turned out promising young scholars, and, most importantly, fine young men and women with solidly-rooted values and well-placed priorities.

In the longstanding tradition of the late Father Justin E. Diny, Headmaster Emeritus, Father McLaughlin has long recognized that a school's success can not be measured solely by the test scores of its students, or by the number of graduates moving on to prestigious universities—though by either of those standards Archmere is unquestionably an unqualified success—but also by the character of the young men and women who pass through its gates. With his keen sensitivity for the Academy's rich history and tradition—''The Archmere Way'', as it is known on campus and throughout the community—Father McLaughlin saw to it that Archmere graduates were solid, civic-minded citizens with commitment and compassion as well as being outstanding scholars.

As headmaster, Father McLaughlin has been admired for his personal decency, his quiet and gentlemanly way, his ability to listen to all sides before coming to a decision, and his vision for Archmere's mission and its future. He has long recognized that Archmere's future lies in its past, in terms of both history and tradition. In his belief that Archmere alumni—those who have had such a tradition imbued in their characters—should play a vital role in sustaining and nurturing the Academy's atmosphere, Father McLaughlin has uniquely enriched the lives of all those students who attended Archmere during his tenure. As a result of Father McLaughlin's genuine commitment to maintaining the unbroken chain—from Archmereans to Archers to Auks—past and present Archmere alumni continue contributing to the school community long after their campus years are over. It is my fervent hope that this tradition—the one for which Father McLaughlin worked so hard to perpetuate—the idea that an Archmere education is but the first step in a lifetime of involvement, will be a cornerstone of the Academy for all succeeding generations of Archmere students.

Father McLaughlin will now redirect his tireless energies and many talents to his new position as novice master and formation director for the Daylesford Abbey, where he will continue in his familiar role as mentor and counselor, as he matures new members of his order, thus ensuring that his enthusiasm, dedication, and legacy of service to the community will be instilled in yet future generations of teachers, students, and community-minded men and women of faith. As he embarks upon that challenge, all of us who love Archmere and the traditions our alma mater stands for, wish our friend Father McLaughlin him well, for his service should be held up as an example and an inspiration for all who accept the challenge to teach America's youth.●

TRIBUTE TO RON D. ALIANO

● Mr. DODD. Mr. President, I rise today to pay tribute to one of the more colorful characters in my home State, Ron D. Aliano, who on June 24, 1997, will celebrate the 25th anniversary of the creation of his first business in Norwich, CT.

Ron is renowned throughout my State for his positive attitude and his determination to tap the potential that he saw in the town of Norwich. He challenged Norwich residents to commit themselves to the revitalization of their hometown, and he is one of the leaders of this community's urban renewal.

Ron Aliano is a man who believes that you can achieve any goal through commitment and hard work. He is also an ardent believer in the theory that, ''if you're going to do something, you do it right.'' The best illustration of Ron's commitment to doing a task first rate would be the Marina at American Wharf.

For years, people talked about developing the Norwich waterfront, but these plans never amounted to anything more than talk. But Ron Aliano was the man who had the determination to make this project come to fruition. Before construction began on the Marina at American Wharf, Ron visited 86 successful marinas around the country to see what worked, and he tried to incorporate the best elements of each into his project. Today, boaters from Vermont, Massachusetts, New York, Rhode Island, and all over Connecticut have rented slips in Norwich. Many people would argue that American Wharf is the nicest marina in New England, and it is the central spoke in Norwich's revitalization efforts.

Another, more unique illustration of Ron's commitment to doing things first rate would be the miniature golf course that Ron constructed in downtown Norwich. Instead of windmills and plastic dinosaurs, this course is lined with waterfalls and finely manicured gardens. It even has a volcano, a claim that very few miniature golf courses can make. This course has attracted people to the downtown area, stimulating the Norwich economy.

While Ron has worked diligently to develop Norwich, he also recognizes the fact that Norwich's strength lies in its history and tradition. As a result, he is deeply committed to preserving the town's rich heritage. In a misguided effort, certain developers uprooted cobblestone streets and destroyed several 19th century homes in Norwich, replacing them with a parking garage. In addition, many other deteriorating old buildings were in danger of being demolished. Fortunately, Ron Aliano and other members of the private sector invested substantial resources to purchase and renovate these old buildings, and Norwich is currently home to more significant historic buildings than any other city in Connecticut.

Although Ron has been associated with a number of high profile projects in Norwich, his first business priority has always been his ambulance service, which will be 25 years old next Tuesday. Ron's ambulance service has enjoyed a dramatic evolution since its birth. Ron founded the company with a business partner, but, in 1981, he became the sole owner of the company and changed its name to American Ambulance Service. While the company started with only two used ambulances, Ron now operates a fleet of 21 ambulances, nine invalid coaches, two paramedic response vehicles, one watercraft ambulance, as well as numerous administrative and support vehicles. American Ambulance has provided ambulance coverage to U.S. Presidents, and this business continues to offer the highest quality care to Connecticut citizens.

What makes Ron Aliano's passion for Norwich so unusual is that he is not a native son. Ron is actually from Bristol, Connecticut, and he didn't move to Norwich until he started American

Ambulance Service in 1972. Therefore, as Ron Aliano celebrates the 25th anniversary of his oldest business, I think it is only appropriate that the town of Norwich, which once named Ron Aliano as their ''Citizen of the Year,'' should celebrate the day when Ron became one of its own.●

ANNOUNCEMENT OF POSITION ON VOTES

● Mr. JOHNSON. Mr. President, in accordance with my request to be absent from the Senate during the afternoon of June 17 and June 18, pursuant to paragraph 2 of Rule VI of the Standing Rules of the Senate, to attend the funeral of Sebastian Daschle, the father of my colleague and good friend from South Dakota, Senate Minority Leader TOM DASCHLE, I missed four different votes. The first three votes were related to S. 903, the Foreign Affairs Reform and Restructuring Act of 1997. I would like to state for the RECORD how I would have voted in each of those instances.

I would have voted ''yes'' on Senator BENNETT's amendment No. 392 to S. 903, to express the sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.

I would have voted ''yes'' on Senator FEINGOLD's amendment No. 395 to S. 903, to eliminate provisions creating a new Federal agency, the Broadcasting Board of Governors.

I would have voted ''yes'' on final passage of S. 903.

I would have voted ''yes'' on S. 923, legislation to deny veteran's benefits to persons convicted of Federal capital offenses.●

ORDERS FOR FRIDAY, JUNE 20, 1997

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, June 20. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume the DOD authorization bill.

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

PROGRAM

Mr. THURMOND. Mr. President, for the information of all Senators, tomorrow it is the hope of the majority leader that the Senate will be able to consider amendments to the DOD authorization bill. Following the DOD bill, the Senate will conduct a period for routine morning business. Votes will not occur on Friday of this week. On Monday, the Senate will begin the reconciliation bill. However, all votes with respect to that bill on Monday will be stacked to occur on Tuesday, June 24, at 9:30 a.m. Therefore, rollcall votes will occur beginning at 9:30 a.m. on Tuesday. I remind all Members that there is a lot of work to be done before the Senate adjourns for the July 4 recess. Therefore, I would appreciate all Senators' cooperation in order to complete our business in a responsible fashion.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. THURMOND. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Friday, June 20, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1997:

DEPARTMENT OF STATE

STEPHEN R. SESTANOVICH, OF THE DISTRICT OF COLUMBIA, AS AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LOUIS CALDERA, OF CALIFORNIA, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE SHIRLEY SACHI SAGAWA.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM H. CAMPBELL, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WILLIAM W. CROUCH, 0000.