HOUSE OF REPRESENTATIVES—*Friday, July 26, 1996*

The House met at 9 a.m.

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

At the beginning of each day we give thanks to you, O God, for all the gifts and blessings and hopes that we receive. As the scriptures proclaim, "Make a joyful noise to the Lord, all the lands! Serve the Lord with gladness! Come into his presence with singing!" It is our earnest prayer, O God, that whatever our circumstance or whatever our situation, whatever our opportunity, we will respond to this day with prayer, praise, and thanksgiving. We pray that wherever we are or whatever our concern, we will continue to offer our gratitude to You, O God, for our lives, our hopes, and our dreams. In Your name, we pray. Amen.

THE JOURNAL

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

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

Mrs. MALONEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 51, not voting 153, as follows:

[Roll No. 366]

YEAS—229

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Callahan
Calvert
Campbell
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dingell
Dooley
Dreier
Duncan
Edwards
Ehrlich
Eshoo
Farr
Fattah
Flake
Flanagan
Foley
Forbes
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefner
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hyde
Inglis
Jackson-Lee (TX)
Johnson (CT)
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Kolbe
LaHood
Lantos
Latham
Levin
Lewis (CA)
Lightfoot
LoBiondo
Lucas
Luther
Maloney
Manton
Martini
Mascara
Matsui
McCarthy
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Meek
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Olver
Orton
Packard
Parker
Pastor
Payne (VA)
Pelosi
Petri
Porter
Portman
Pryce
Quinn
Rahall
Reed
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Stark
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Thornberry
Thurman
Traficant
Upton
Walker
Walsh
Wamp
Ward
Wicker
Williams
Woolsey

NAYS—51

Abercrombie
Borski
Clay
Clyburn
Deal
DeFazio
Durbin
Everett
Fazio
Foglietta
Fox
Funderburk
Ganske
Gephardt
Green (TX)
Gutierrez
Gutknecht
Hefley
Heineman
Hilleary
Jackson (IL)
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Lewis (GA)
Lewis (KY)
Lipinski
Longley
Lowey
McDermott
McKinney
Nussle
Obey
Pallone
Payne (NJ)
Pickett
Pomeroy
Poshard
Ramstad
Sabo
Schroeder
Stupak
Taylor (MS)
Thompson
Torkildsen
Vento
Volkmer
Watt (NC)
Waxman
Wynn

NOT VOTING—153

Baker (CA)
Baker (LA)
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Blumenauer
Boehner
Bono
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Bunning
Buyer
Camp
Canady
Chapman
Chenoweth
Coburn
Coleman
Collins (IL)
Collins (MI)
Costello
Crane
Cremeans
Cubin
Danner
Davis
de la Garza
Dickey
Dicks
Dixon
Doggett
Doolittle
Dornan
Doyle
Dunn
Ehlers
Engel
English
Ensign
Evans
Ewing
Fawell
Fields (LA)
Fields (TX)
Filner
Ford
Fowler
Frank (MA)
Gejdenson
Gekas
Gibbons
Gillmor
Greenwood
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hilliard
Hinchey
Hoke
Holden
Hunter
Hutchinson
Istook
Johnson (SD)
Johnson, Sam
Kennedy (MA)
Klug
Knollenberg
LaFalce
Largent
LaTourette
Laughlin
Lazio
Leach
Lincoln
Linder
Livingston
Lofgren
Manzullo
Markey
Martinez
McCollum
McCrery
McDade
McIntosh
Menendez
Metcalf
Meyers
Millender-McDonald
Moorhead
Moran
Nadler
Norwood
Oberstar
Ortiz
Owens
Oxley
Paxon
Peterson (FL)
Peterson (MN)
Pombo
Quillen
Radanovich
Rangel
Richardson
Riggs
Rose
Sanders
Scarborough
Seastrand
Skelton
Slaughter
Smith (NJ)
Souder
Spence
Spratt
Stockman
Stokes
Studds
Taylor (NC)
Tejeda
Thomas
Thornton
Tiahrt
Torres
Torricelli
Towns
Velazquez
Visclosky
Vucanovich
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wise
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 0925

Mr. VOLKMER changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 366, I missed the vote because I was detained in a doctor's office. Had I been present, I would have voted "yes."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. KINGSTON). Will the gentlewoman from New York [Mrs. MALONEY] come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

The message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1051. An act to provide for the extension of certain hydroelectric projects located in the State of West Virginia.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 782. An act to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government;

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes;

H.R. 2980. An act to amend title 18, United States Code, with respect to stalking;

H.R. 3166. An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter;

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act; and

H.R. 3603. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3603) "An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3448) "An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Labor and Human Resources: Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. KENNEDY; and from the Committee on Finance: Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. PRESSLER, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3103) "An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mrs. KASSEBAUM, Mr. LOTT, Mr. KENNEDY, and Mr. MOYNIHAN to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001;

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes; and

S. 1784. An act to amend the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes on each side.

EVIDENCE OF CASTRO'S ROLE IN DRUG TRAFFICKING

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Mr. Speaker, yesterday's Miami Herald revealed vast new evidence of Cuban dictator Castro's personal involvement in cocaine trafficking into the United States. Drug dealers busted with thousands of pounds of cocaine from Cuba not only say the cocaine was brought into the United States with Castro's coordination, there are photos of Castro with the traffickers and video of Castro-assisted drug operations.

Mr. Speaker, our DEA and Customs people on the front line are doing an admirable job, but until when is the Clinton administration going to cover up the fact that Castro is today a major cocaine trafficker?

□ 0930

Where are the indictments against Castro's henchmen for trafficking that the U.S. Attorney in south Florida has had ready for issuance for 3 years? I know this administration would like the drug problem to just go away, but the cover-up on Castro's role in drug trafficking will not hold any longer.

President Clinton must face up to this issue of grave consequences to the American people.

COMMISSION NEEDED ON CAMPAIGN FINANCE REFORM

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, we have another session of Congress and another failed effort at campaign finance reform.

The more things change, the more they stay the same. We could shrug our shoulders and give up or we could put our shoulders to the wheel and work on the only viable option left for this Congress, a comprehensive commission on campaign finance reform.

I have introduced a bipartisan bill to do just that. It is modeled after Congressman ARMEY'S Military Base Closing Commission. The Commission would consider all relevant aspects of campaign finance reform and present a comprehensive bill for an up-or-down vote on the floor.

President Clinton, Speaker GINGRICH and Senator Dole all have publicly endorsed the concept. Let us take advantage of this rare consensus. Mr. Speaker, it is either an independent commission or more of the same.

INVESTIGATE THE ROLE OF CUBA IN DRUG SMUGGLING

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

Ms. ROS-LEHTINEN. Mr. Speaker, it comes as no surprise to those of us from south Florida that, as reported by the Miami Herald yesterday, the DEA is investigating a connection between Cuban tyrant Castro and the shipment of over 5,000 pounds of cocaine which was confiscated in Miami early January.

The Herald reported that United States drug enforcement agencies suspect the drugs were offloaded inside Cuban territory from a Colombian freighter and the agency is investigating a photo which documents a meeting between Castro and one of the drug smugglers arrested.

But will the mounting documentation on this and other cases result in an indictment of Castro?

As long as the administration refuses to confront, for political reasons, the role that the Cuban Communist regime plays in drug smuggling, our Nation will never win the war on drugs and stop the devastating effects that narcotics have on our children and society.

Unfortunately, the administration continues to drag its feet because the leadership at the top is not there and it ignores the facts in order to avoid a confrontation with Castro.

Once again, President Clinton fails the drug test.

It is time for the rhetoric to stop and action to be taken.

The finger points to Fidel Castro. Will President Clinton investigate?

ILL-ADVISED CHANGES IN LABOR LAW

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

Mr. GENE GREEN of Texas. Mr. Speaker, I am here from the Government and I am going to help you. I am a Republican and I am here to help the working people of America.

Both these statements are kind of hard to believe. We have a bill today on the calendar that will change 60 years of 40-hour week laws. The Republican majority this year alone opposed the minimum wage increase, cut occupational health and safety funding for safe workplaces, cut funding for fair labor standards enforcement, and now today they want to lower the wages by eliminating overtime wages.

This Congress is not the friend of the working people; they want to eliminate the working people.

AMERICAN PEOPLE NEED TO KNOW TRUTH ABOUT FILEGATE

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

Mr. BALLENGER. Mr. Speaker, one of the most interesting questions surrounding the Filegate matter was "Who hired Craig Livingstone?" In testimony before the House Government Reform and Oversight Committee, Bernard Nussbaum said he did not know who hired Mr. Livingstone.

That was the story last month, on June 26.

Yesterday, a very different picture emerged. Chairman Bill Clinger has now reported that based on his committee's investigation, Bernie Nussbaum was indeed very knowledgeable about Mr. Livingstone's employment at the White House.

The FBI has supplied evidence that completely contradicts his testimony.

Mr. Speaker, I think the American people deserve to hear the truth about Filegate. Instead of all the excuses and coverups; instead of all this bobbing and weaving; would it not be easier for the White House to come clean?

Think about it, Mr. Speaker, if they are truly innocent of any wrong doing, why do they not just tell the truth?

WORKING FAMILIES FLEXIBILITY ACT

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

Mrs. SCHROEDER. Mr. Speaker, America's working families are under tremendous stress. The average working family feels like a hamster in a wheel, where they run faster and faster every year and their tongues are hanging out and they cannot make ends meet. And so the Republicans who were against flex time, were against family medical leave, were against everything else, have come up with this new warm fuzzy. It sounds wonderful.

They are talking about the Working Families Flexibility Act. Well, it is so flexible that a working woman who works 47.5 hours a week at $5 an hour takes a 22-percent pay cut. This is not what we need. It is wrong to try and trick America's families, who are under such stress, that you are trying to be so sympathetic toward them, when all you are really doing is giving their employers even more money and even more authority over the time and the hours that they work. This is wrong. It should be defeated.

Mr. Speaker, I hope everybody listens to it, and I hope we stop putting the kind of nice warm fuzzy names out over something that is really going to harm America's families. They are too precious to do that.

WELFARE REFORM LEGISLATION

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

Mr. MILLER of Florida. Mr. Speaker, I rise today to ask President Clinton a simple question. Will you sign the welfare reform legislation? Everyone in this Chamber wants to save our children. Every one in America agrees the current welfare system has failed our children. We have worked on a bipartisan basis in both Chambers to deliver reforms that free the most vulnerable children in America from a life of dependency on a faceless, uncaring bureaucracy.

We are one step away. All we need is President Clinton's signature. Here's what he must decide. Is it fair to leave our most vulnerable children trapped in unsafe schools and unsafe homes? Is it fair to leave kids in a system where the only successful entrepreneurs in the neighborhoods are drug dealers?

President Clinton must decide who is more capable of delivering true compassion to these kids. Can a Washington bureaucracy that is saddled with outdated rules and regulations created to appease some special interest group really deliver compassion? I believe neighbors helping neighbors can dramatically change the lives of individual Americans. I hope the President makes the right decision for America's kids.

MINIMUM WAGE AND WELFARE

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

Mr. MILLER of California. Mr. Speaker, Members of the House, apparently the Republicans have gotten the message. America's families are working harder than ever, longer than ever, and earning less than at any time in the last 20 years. The reason for that is simply that wages have not kept up.

But what we now see is the Republicans fighting an effort to bring a minimum wage to a livable wage. We see it is Republicans now allowing employers to take away people's overtime, overtime that has become, unfortunately, more and more important to maintaining family wages in this country.

So, what we have is, we have a dual attack on working families, and now we see also that they are going to bring us a welfare bill that will plunge a million more children into poverty that are not in poverty today. Half of those children are in working families, but because their families cannot earn a better minimum wage, because they will not be allowed to earn more overtime, those families are now going to be put into poverty because they are also going to lose what little benefits they get under the current welfare system. No; working families, working poor families, working middle class families continue to be under assault by this Republican Congress because they have not got the message these families need help.

AIRPORT SECURITY NEEDED NOW

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

Mr. BURTON of Indiana. Mr. Speaker in 1990, we passed the Aviation Security Improvement Act, which was supposed to protect people in airports getting on their airplanes. It was supposed to deal with the possibility of detecting plastic explosives, which could kill a lot of people like that which happened in New York just a few short days ago. The problem is it did not work. It has not worked and since 1990, nothing really has been done.

They said by 1993 we would have devices at every airport, especially the international airports, to detect these plastic explosives. It has not happened, and now we have lost 230 some people over the Atlantic.

We need to put dogs at the airports that have the ability to sniff out plastic explosives. We use them in this Chamber, in the Capitol of the United States, and it will work at the airports.

The cost is very small compared to the machines we are talking about. Those machines could cost up to $2.2 billion. To put dogs at 50 airports costs about $4 million a year, and we could do it right away. We do not need to mess around. If we are going to protect the flying public in this country, we need to do it now.

Mr. Speaker, I have introduced a bill to this effect, and I hope all of my colleagues will cosponsor it.

THE COMP TIME BILL

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

Mr. BONIOR. Mr. Speaker, this comp time bill is not about compensation, and it is not about flexibility, and it certainly is not about helping working families. It is about ending the 40-hour workweek. It is about cutting people's pay. It is about changing the laws so employers no longer have to pay overtime wages for overtime work.

This bill takes away the only real raise that most people have gotten over the last 20 years, and they have earned that through their own hard work, through their sweat.

Mr. Speaker, if this bill becomes law, as this chart points out, a single mom who puts in 47 hours at 5 bucks an hour can lose $50 a week. The factory worker who gets $10 an hour can lose $110 a week. This is a 22-percent cut.

Mr. Speaker, if this bill becomes law, workers are going to need comp time just to find a second job to make up for the money they lose in overtime pay.

PROVIDING FOR CONSIDERATION OF H.R. 2391, WORKING FAMILIES FLEXIBILITY ACT OF 1996

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Economic and Educational Opportunities. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Goodling of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the committee amendment in the nature of a substitute, as amended, shall be considered as the original bill for the purpose of further amendment. No further amendment to the committee amendment in the nature of a substitute, as amended, shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 0945

The SPEAKER pro tempore (Mr. KINGSTON). The gentlewoman from Utah [Ms. GREENE] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 488 is a modified open rule providing for the consideration of H.R. 2391, the Working Families Flexibility Act. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Committee on Economic and Educational Opportunities.

Mr. Speaker, the rule makes in order the Committee on Economic and Educational Opportunities amendment in the nature of a substitute as an original bill for purpose of amendment, with each section considered as read. The rule waives clause 7 of rule XVI, which requires amendments to be germane, against this committee amendment in the nature of substitute. This waiver is necessary because the committee amendment includes a remedy provision to further enhance existing worker protections, and this provision is technically beyond the scope of the bill.

Mr. Speaker, the rule provides for the consideration of the manager's amendment printed in the Rules Committee report, which amendment shall be considered as read. This amendment shall not be subject to amendment or to a division of the question, may amend portions of the bill not yet read, and is debatable for 10 minutes equally divided between the proponent and an opponent. If adopted, this manager's amendment shall be considered as part of the base text for further amendment purposes.

In order to better accommodate members' schedules, the rule allows the Chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes.

Mr. Speaker, there are only 26 legislative days left in this Congress, and there remain a large number of priority items that must be considered by the House, including the remainder of the reconciliation process and all 13 appropriations conference reports. Accordingly, the rule provides for a 2-hour limit on the amendment process. Given that no amendments were offered during the full committee markup of this legislation, and only one amendment has been filed, 2 hours should be more than adequate time for amendment of this straightforward legislation.

The rule provides for consideration only of those amendments that have been preprinted in the CONGRESSIONAL RECORD. Members have been given ample time and notice to get amendments printed in the RECORD. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2391 is important, commonsense legislation to give working families a much-needed option in balancing their work and family schedules. The Working Families Flexibility Act will permit private sector employees to have the option of choosing paid

compensatory time in lieu of cash wages when they work overtime hours. Employees of the Federal Government, and of State and local governments, have already had this opportunity for years.

As part of the House's new crop of working mothers, I am proud to be a cosponsor of this legislation. It's tough to be a good worker and a good mother, father, daughter or son. Millions and millions of us struggle with these competing demands every single day. This bill will bring relief to working families, especially working mothers and fathers who are bearing the brunt of balancing work and family obligations. This legislation will amend overtime rules for private sector employees that were established in 1938, as part of the Fair Labor Standards Act. It is important to note that the United States was a much different place in 1938—at that time, most women worked at home. Today, most women work both in their homes and outside of the home, and struggle to balance the time demands of work and family—particularly those of children.

We are trying to make the private sector provide workers the same options that public employees have today.

Many men are recognizing their duty to be more than just a financial provider and want to be able to spend important family time with their children.

The Working Families Flexibility Act seeks only to amend this one anachronistic aspect of the Fair Labor Standards Act that is hampering America's new generation of working families.

Indeed, contrary to what this bill's alarmist critics will say, the Working Families Flexibility Act is humble in its ambition. It seeks only to give working families an additional tool in balancing work and family time. This bill seeks only to equalize how public and private sector employees are treated with respect to comp time.

Mr. Speaker, I reserve the balance of my time.

This legislation does not change the fundamental worker protections of the Fair Labor Standards Act.

This legislation does not change the 40-hour work week for purposes of calculating overtime.

This legislation does not relieve employers from the obligation of paying overtime.

This legislation does not give employers the means to coerce workers into taking compensatory time instead of overtime pay.

What this bill does, is give workers the option of choosing more cash wages or paid time off for overtime work.

Mr. Speaker, we all know that working families are suffering from a time crunch. Things have changed since 1938—we have more working parents, more single parents, more divorces—we didn't plan it that way, but it's a reality. We also have more seniors living longer, needing the care and love of their children and grandchildren. The Working Families Flexibility Act will permit working parents to bank comp time, so that they can have time available to tend to a sick child, to go to a special event for that child, like a baseball game or dance recital, or to care for a fragile parent. If some of those workers prefer extra cash wages for overtime, they can still choose that. The point is that, under this legislation, the choice will be theirs, not Washington's.

Mr. Speaker, this is a chance to help working families get a little more control over their lives by giving them greater choices and more flexibility. Let's let them choose.

Mr. Speaker, I would like to once again emphasize that this is a modified open rule, providing for fair consideration of the important issues contained in this bill. I urge my colleagues to support this open rule and the important underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Utah, Ms. GREENE, for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, the concept behind this bill is a good one. But the execution is terrible.

What is good for public employees should be good for private employees. If public employees can take comp time, private employees should be able to also.

But this bill basically means that employees can be forced to take paid time off rather than overtime pay, and that is a significant problem.

Because there is a big difference, Mr. Speaker, between private employers and the U.S. Government.

For one thing, the Government is a nonprofit, it does not need to impress its stock holders with a good bottom line, although it probably should, and it is not likely to go bankrupt anytime soon.

Furthermore, many Government employees work in white collar jobs and earn above average salaries, their salaries are probably adequate without overtime pay.

So what is good for the goose is not necessarily good for the gander.

And, once again, it is hard working, lower paid Americans who are getting hurt by this Republican Congress.

Like many other bills we have seen this session, this bill takes care of the big guys but does not do much for the workers.

In fact, I would say, Mr. Speaker, that it seriously endangers workers, particularly workers who rely on overtime pay to support their families.

This bill allows an employer to stop paying overtime, and say to employees, "Sorry, I can't pay you overtime, but in return for your long hours, you can take a vacation when it's convenient for me, if I'm still in business."

Mr. Speaker, two-thirds of workers who earned overtime pay in 1994 had family incomes of less than $40,000 per year. They averaged wages of $10 or less per hour and they relied on this overtime pay to feed their children and support their families. For those workers in particular, this bill could mean serious trouble.

It not only enables the employers to decide whether or not to offer comp time but also provides no protections for when and how a worker can use their comp time.

In spite of proponents' claims to the contrary, under this bill, workers have very little choice.

Because Mr. Speaker, when your employer says "we're doing things this way now" you either go along or you get replaced. That is just the way it is and anyone who says an employee can significantly change the work environment is fooling themselves.

This bill does nothing to prevent an employer from giving all or most overtime work to an employee who is willing to accept comp time and does not need the overtime pay.

If an employee does take the comp time this bill does not give them the right to use that time when they want it. In fact, an employer could force an employee to use comp time whenever the employer wants.

And, to make matters even worse, if a company goes out of business or goes bankrupt, employees left holding unused comp time have no protections at all. They worked overtime, they were promised comp time, but under this bill, they could be left holding worthless vouchers for comp time.

By lowering the costs of scheduling overtime, this bill will actually encourage employers to hire fewer employees and work them longer hours.

I for one have not been deluged with letters and calls or telegrams from employees clamoring for comp time, Mr. Speaker. In fact, the Employment Policy Foundation—an employer-based think-tank—estimates that 10 percent of employees who are already entitled to overtime pay do not receive it. That comes to $19 billion of overtime pay each year that American employees should be getting already but are not.

Mr. Speaker, let us take care of American workers instead of taking away what few rights they have.

I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, it is very difficult for me to understand how Members can stand in the well, face the American people and totally distort the facts. I cannot understand that. It does a disservice to them, it does a disservice to those of us who are serving our constituents. My committee has responded to what the American people said they wanted, once again. We have done that.

The President took a poll, others took a poll and found out that 75 percent of the working families want to have a choice between comp time or overtime. That is what we have given them. They are protected from the word go. Only the employee makes that choice; no one can make them make that choice.

We have stagnation in wages and benefits now, not because of something of this nature but because there is an economy that is not growing. The Federal, State and local governments now have comp time, have had it for years. We here on this floor want to say, well, it is fine for our employees but we do not want the private sector to have the same opportunities that our employees have.

We have crafted it in such a manner, realizing that there is a difference between the private sector and the public sector, to make very sure that it is the employee who makes that choice. It is the employee who may change their mind, and they have the opportunity to change their mind and take the money rather than take the comp time. It is the employee who makes every determination in relationship to whether or not they take comp time.

First of all, it is totally incorrect to say that it has any effect whatsoever on a 40-hour work week. It does not in relationship to the calculation for overtime. This is what the legislation does.

If the employee chooses comp time over cash wages, there must be an express mutual agreement in writing or some verifiable statement between the employer and the employee. Employees would not be able to pressure or force employees to choose comp time.

Someone said, what if they go bankrupt the same as any other company now goes bankrupt? But in this case, they are first in line if a company goes bankrupt to claim anything from the assets of that company.

Employees would only be able to accrue a maximum of 240 hours of comp time within a 12-month period; but employers and employees could agree to a limit accrual to less than that if they decide to do that. Employers would have to pay employees in cash wages for any unused accrued comp time at the end of each year.

Nothing in the legislation precludes employees from changing their mind to choose cash wages instead of comp time or vice versa.

□ 1000

Comp time can only be provided at the request of the employee. So I think it is time to stop the nonsense of trying to confuse the American people. This is what the private sector wants because this is what the public sector has had and has enjoyed, and we should give them that opportunity to make that choice.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

My dear friend who just took a seat I think would have to realize that the employer has to agree with the employee when it comes to the comp time and when that time could be taken.

Mr. HEFNER. Mr. Speaker, will the gentleman yield for just a question?

Mr. MOAKLEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, as someone who is not a businessman, and I have not been inundated with requests on this, but if I am working 30 or 40 people in my plant, and they were trying to make a living on, in a lot of cases, very low wages and the employer says, "Hey, we've got a deal here for you. You can either get overtime or you can get comp time, and I would suggest that comp time might be better for you," and if the guy does not really understand what is happening to him, he is going to pretty much have a tendency to go along with the employer.

Would that be a logical conclusion?

Mr. MOAKLEY. I would say also the employer would tend to give the extra time to the fellow who takes comp time rather than the overtime, so if you say, "I want overtime," they probably will not be designated as the fellow who is going to work.

Mr. HEFNER. If the gentleman will continue to yield, I remember back the first job I ever had I was a young guy just out of school and I got a job for $18 a week, and I had some senior guys that were working in the place who were married and had families, and I went to the employer and I said "Hey, I do the same work as these people do except I do delivery work, I cut glass, I throw pipe, I need to get a little bit more money, why can't I get a little bit more money?" "Because you're not married and you don't need the money," and the employer, do my colleagues know what, he was right, and I did not get any more money.

But if I were working 20 or 30 employees and the employer comes in and say, "OK, folks, here's the deal. You can get, if you're going to work 48 hours this week, we'll give you some overtime, but the best deal for you is comp time and I'll decide when you can take the comp time." Is that the way this bill works?

The chairman said that people were demagoging here and absolutely misrepresenting it, and I think it can be misrepresented from both sides the way I read this legislation. I want to do what is right for my small business people.

Mr. MOAKLEY. Just stated the case as it is.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I just wanted to follow up on my friend from North Carolina and look at this from another dimension, the person who is applying for a job. He or she goes to an employer and tries to get a job, and the employer is interviewing that person and suggests to them, or at least ask them:

"What would you prefer in your work life here with us at this company: comp time or overtime wages?"

Of course, the employer is going to make their case that they would prefer them to have comp time. They are going to be persuaded by that, or they are not going to get the job.

They hold all the leverage, they hold all the power in that situation, and that is why this bill is bad.

The idea of flextime is a good idea, but this is not flextime, this is comp time, and comp time means they lose overtime wages and pay, and that is what is wrong with this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I think what we have just heard in this colloquy is why we ought to vote against this rule and get this bill out of here.

We hear about cruel and unusual punishment, but this is going to be cruel and outrageous legislation because it is made to sound so wonderful and soft, but let me tell my colleagues, every employer in America will be really stupid if, when someone came to get a job, they did not say, "And by the way, when we have overtime, wouldn't you like to sign this little form saying that you really don't want to be paid for it, you'll just take comp time?"

And then, of course, the whole thing is that they only get the comp time when the employer says they can have the comp time.

Well, now, let us assume that things are so tough that the employer has to hire a few people who will not sign that. Well, what is he going to do when it comes time to hand out overtime? If they did not sign it, they are never going to get it.

So this is really terribly disruptive. We keep pretending like employees have exactly the same leverage that Michael Jordan does when he is out negotiating with his employer, and anyone who has been in an employee situation knows that is not true. And so what we are really doing is tilting the scale 100 percent in favor of the employer, and we are really going to end

up cutting the pay, because so many families depend on this extra money that they get, and if they do end up having the comp time, they are not going to get the comp time when they need it to go to the child's school or anything else. They get the comp time whenever the employer says they can take it, and that is no deal at all.

So I really hope that we should strip off the name "family friendly."

I hope many Members in this body who have small companies that, as employers, will benefit by this legislation will not vote on this legislation. I think it is a conflict of interest, and I think we ought to be talking about whether people who have companies that might be able to do this should be even able to vote on this legislation.

Do not call it "family friendly." Vote "no." Get it out of here. This is ridiculous, and this is the "employer reward" bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. GOODLING] to correct some misperceptions about the legislation.

Mr. GOODLING. Again, Mr. Speaker, another total distortion of the facts. If an employee is coerced in our legislation, they can collect double overtime and attorney fees, and the Secretary of Labor can do it for them, they do not even have to do it themselves, and they can always cash out their comp time if they want, and this does not happen to be some outrageous Republican proposal. The President of the United States, who is not a Republican, has indicated that he supports this kind of legislation.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, as my colleagues know, while our Olympic athletes may start their day with a bowl of Wheaties, our Democrat colleagues started the day by trying to serve up a bowl full of balderdash sprinkled with horse feathers. That is what we are trying to spoon out during their speeches on comp time: Distortions, prevarications, and untruths.

This is really a simple bill designed to give hourly employees the opportunity to have more flexibility in their work schedule so that, for example, they can better meet the needs of their working family.

The bill allows an employee, when the employer agrees, they have to agree together, to take overtime pay in the form of comp time rather than cash wages.

The bill does not, I repeat, does not affect the change in the 40-hour workweek. Some of the unions are sending letters, phone calls, saying that it does affect the workweek. Under this bill, a worker would still earn overtime in the very same way he or she does by now, by working 40 hours in a 7-day week. In that, this bill would simply allow workers to choose, by agreement with the employer, to receive time-and-a-half comp time instead of wages. Workers in the public sector, State, local, Federal employees, have had the option of taking comp time for many years, and many union members do, too.

The bill extends this option to private sector, un-unionized private sector as well. Surveys have shown that there is strong support among hourly employees for having this option. Obviously not every employer will use it, but it will fill in a need for many workers. By allowing the employees to take comp time, they can bank extra hours at the time-and-a-half rate and use that time for extra vacation time, personal leave or whatever they want.

As I mentioned, the public sector and many unions have the option of using comp time now. We would extend that to the rest of the private sector.

I started out with simply using the same language that is in the law for the public sector and applying it to the private sector. Then Democrats started raising issues that frankly have not been problems in the public sector, and I doubt it would be in the private sector. But in order to help sell the bill, we made several changes that give private sector employees more protections against coercion and taking comp time or taking advantage of it if they do take comp time. We specified that the employee must choose comp time voluntarily, and it indicates so in writing. We have said that the employee that takes comp time but then changes his or her mind for whatever reason and wants cash, the employer has to cash out the employee's accrued comp time within 30 days of the request. We put in protections against coercion and special, specific penalties for employers who coerce employees into taking comp time. We specify that the employee may take comp time whenever he or she wishes as long as he or she gives reasonable notice to the employer and takes the leave that does not disrupt the employer's operation.

We have said to the employer that he has to cash out all the unused comp time at the end of the year and show it. I think we have accommodated every reasonable concern and some that were not so reasonable.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I just want to ask my colleague from North Carolina. They made the point that if they are coerced or they have a problem, that they have remedies for this, and all I wanted to ask was where would they go to make their complaint and who would decide if it was coercion or whatever?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BALLENGER] to respond to the gentleman.

Mr. BALLENGER. They can go to court on their own or they could go to the Secretary of Labor, who is not a friend of business, and he will do it for them to enforce that law.

Mr. HEFNER. I am just curious how many people would have on their own the resources to go to court and how many people on their own would know where to go to go to the Secretary of Labor.

Mr. BALLENGER. That is the reason the Department of Labor is involved; to give them the authority does not cost anything. The gentleman's labor leader Mr. Reich, I am sure, would be happy to do it.

Mr. HEFNER. I have an idea that 90 percent of the people in our district in North Carolina do not have any idea who Mr. Reich is. I just think this is not a very good deal for the average working folks in the country.

Mr. BONIOR. Mr. Speaker, I do not know who my friends on the other side of the aisle think they are fooling today with this bill.

As my colleagues know, over the past 20 months the Republicans in this House have voted to cut Medicare, cut Medicaid, cut student loans, close nursing homes, raid pension funds, block health care reform, weaken health and safety laws, but labor laws, weaken the right to organize, block an increase in the minimum wage and eliminate the minimum wage altogether for literally millions of Americans. Yet today they come to the floor and they try to convince us that they are the champions of working men and women.

Now, I swear, if shamelessness were an Olympic event, the Gingrich Republicans would take the gold.

We all know that this bill is not about compensation, it is not about flexibility, and it is certainly not about helping working families. It is about cutting people's pay. It is about changing the law so the employers no longer have to pay overtime wages for overtime work.

This bill takes away the only real raise most people have seen for the past 20 years and have earned with their own sweat and hard work.

We live in a country today where 80 percent of our families have not seen a raise since 1979, and, according to the Wall Street Journal, we also live in a country where violations of overtime laws are so common that one study found that workers are getting cheated on $19 billion each year. Yet this bill takes away the overtime cops off the beat; it completely wipes out the law that says they have to pay time-and-a half for overtime work.

We are all for flextime because flextime allows us to arrange our schedules

to spend more time with our families. But that is not what comp time is. Comp time is a pay cut, pure and simple. If this bill becomes law, a single mom who puts in 47 hours a week earns five bucks an hour, will lose 50 bucks a week. Someone who works in a factory, works the same amount of time, $10 an hour, he or she will lose $110 a week. That is about a 22-percent cut in their pay.

No wonder this is called the comp time bill: because if this becomes law, workers are going to need comp time to find a second job to make up for the money they lost in overtime pay.

Why do you think that so many people are working overtime today? Because they like working long hours? No; it is because they need the money and it is because wages have been stagnant and they need the work, and they work hard for that.

So do not come to the floor and tell us that this bill is meant to help families spend more time with their families. Because if Republicans are really concerned about helping people spend time with their families, they would not have opposed the medical and family leave law. It supporters of this bill really wanted to help families, why do they give employers instead of the employees power to decide when and if comp time can be taken?

No wonder that 66 percent of working men and women say they fear that employers will use this law to avoid overtime pay. No wonder nearly 7 in 10 working people prefer overtime pay to forced comp time.

□ 1015

This bill does not give employees more control over their lives, it gives employers control over the lives of the people who work for them. Working people all over this country today are working hard, they are working longer hours just to make ends meet, and we should not take away the one sure path they have toward earning a better living for their families. Vote "no" on this rule. Vote "no" on the bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], my colleague on the Rules Committee.

Ms. PRYCE. Mr. Speaker, I thank my friend from Utah for yielding me this time. I rise to express my strong support for this rule and for the Working Families Flexibility Act.

First, this is a fair rule. The modest conditions outlined in the rule will ensure that Members have the opportunity to review all germane amendments prior to their consideration.

Second, as a cosponsor of the bill, I support restoring some flexibility to the American workplace. Today more than ever before in the history of America, both parents of a family find themselves in the workplace. As this percentage steadily grows, employers find that current law hampers their ability to provide workers the flexibility that they want and need to balance family and work interests.

H.R. 2391 would restore flexibility by simply allowing overtime compensation to be given in the form of comp time off, and only if the employee wants this form of compensation.

Mr. Speaker, this is 1996. We are near the start of a new century. It is time for American labor law to catch up from the conditions and perspectives of the 1930's that helped shape landmark laws like the Fair Labor Standards Act. No matter how well-intentioned their creation, labor laws today simply must be reformed to reflect the changing nature of the modern workplace.

Over the past 25 years, the American economy has rapidly expanded. Competition has increased, and more women are working today than ever before. As a result, employees are looking for support and fairness as they struggle to balance family needs and job responsibilities. by freeing workers and their employers from the arcane 1930's standards, H.R. 2391 recognizes that a productive workplace can be achieved while also giving employees the flexibility to care for their families, creating a more family-friendly work environment and making it easier for the households where both parents work.

Allowing comp time is a good step toward revamping Depression-era labor laws. This bill is a winner for employers, employees, and families alike. The big union bosses and my colleagues on the other side should put the American worker first and stop playing paternalistic big brother. American workers are perfectly capable of deciding whether they want to be paid for their overtime service in dollars or in comp time. In this day and age, to many families, time is more valuable than dollars. I urge support for this important profamily legislation and a vote for this very fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time.

Mr. Speaker, I serve on the Committee on Economic and Educational Opportunities where this bill originated. I have expressed it during the committee that I like the idea of workers choosing between earning overtime and comp time as long as it is the total choice of the employee with teeth to prevent the coercion. This bill does not protect that employee choice. National polls show that an overwhelming number of workers expect to be forced by their employer to accept comp time instead of overtime. But the central issue here is clear, it is either employee choice or employer mandate. That is the concern about the bill. That is why the bill is flawed. H.R. 2391 does not contain a strong provision to prevent the employer from forcing workers to accept time off in lieu of overtime pay. In my district many people have to have overtime pay just to make ends meet. In H.R. 2391, employers maintain the control when to grant that comp time regardless of the amount of notice that the employee gives. What good is it to earn comp time if your employer makes you use that instead of your vacation you may earn? This needs to be addressed. Comp time should be treated just like any other wages in bankruptcy. This bill does not touch that. It should be at the same level in bankruptcy filings, so comp time is the same as lost wages in bankruptcy. This proposal does not ensure that the full remedies available to employees for violation of the overtime law are available where the employer violates the law. Strong civil fines should be established where employers who operate comp time programs violate the law and coerce employees. Instead of this flawed Republican proposal, we should work on a bipartisan proposal giving employees real flex time. I urge defeat of the rule, Mr. Speaker.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, I had not intended on speaking on this particular issue today but sitting back in my office listening to some of my colleagues speak, I had to come over here and I had to say a few words. As a Republican who supports labor a good deal of the time, as a Republican who voted against NAFTA, who voted for the antistrikebreaker bill, who cosponsored the family medical leave bill, I have got to respond to some of the assertions made by my colleagues on this side about what Republicans have done to working people in America.

It was Bill Clinton who jammed NAFTA down the throats of this country. It was Bill Clinton who told us the side agreements were going to raise up the working conditions and the environmental laws in Mexico.

Where are those side agreements, Mr. Speaker? And to all those rank-and-file workers out there, you ask your union leaders, what has this President done to enforce those side agreements? Zero, zilch, nada. The jobs are going south.

It was Bill Clinton, Mr. Speaker, who said he was for the antistrikebreaker bill which I voted for. But, Mr. Speaker, tell the workers of this country that it was Bill Clinton who would not lobby one of his two Senators from Arkansas to vote for cloture when it only needed one vote, because the votes were there to pass it, but he would not use his ability to get one of the Senators from Arkansas to vote to invoke cloture so that bill could become law, and I voted for it. Where is the outrage there?

And, Mr. Speaker, where is the outrage on the other side at those 1 million UAW workers, those 1 million machinists, those 1 million electrical workers who have lost their jobs in defense plants all across this country because of Bill Clinton's cuts?

Where is the outrage from the union leaders and from this side of the aisle on those losses? There has been total silence on those issues. And they have the gall to come to this floor and say that somehow a bill that allows workers the ability to decide whether they want some time off when they voluntarily have agreed to it is hurting labor. I am outraged and disgusted by what I hear on this side as someone who supports labor and supports working people.

Mr. Speaker, I say get real. I say this is solid legislation that we should all get behind. And as a prolabor Republican I am going to vote for it, and I am going to challenge my colleagues on that side to match their actions to their rhetoric. They have not stood by labor on NAFTA, they have not stood by labor on antistrikebreaker, they have not stood by labor on the millions of jobs that have been lost in defense contract cutbacks by this President and this administration. We have a fair and an ideal dialog that benefits working people in this country, instead of the Beltway labor leaders that are totally in bed with the Democratic Congressional Campaign Committee, who have placed $35 million running ads on every TV station in America, with none of those ads against right-to-work Democrats. We have right-to-work Democrats with zero voting records and there is not one dime of that money going against any of them. Why? Not because the rank-and-file labor workers disagree but because the leadership in Washington has targeted all of that money against Republicans. That is the outrage I feel and I am going to lead the effort to have this bill become law.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, my colleague can be outraged but the fact of the matter is that with this piece of legislation, this is a repeal of the 40-hour workweek. Make no mistake about it. It is a reward to the rich special interests. That is what this piece of legislation is about.

Wages for working Americans in this country have been stagnant for too long, and what this bill will do is to cut workers' incomes by billions of dollars. That is right, billions of dollars. This bill makes radical changes in our Nation's laws.

Under the bill, the employer can deny an employee overtime pay and can coerce the worker into taking time off. The burden of proof is on the worker to find that memo, which will be nonexistent, that says they intended to cut their wages. They are never going to find that memo. It will be a silent action.

It can deprive working families of the change to earn overtime. Today that is one of the very few tools that working Americans have in their struggle to keep their families together in our current economy. The Bureau of Labor Statistics says that average hourly pay has fallen by 11 percent over the past 17 years, and despite working longer and longer hours and throwing every member of their family into the work force, Americans, working families, are falling further and further behind.

What was the response of this Republican-led Congress? Stall the minimum wage. Eighty percent of the American public wants to see an increase in the minimum wage. They say that 90 cents is too much, because they make over $133,000 a year, but we cannot have the minimum wage increase.

Now what they want to do is to cut people's overtime and to cut their pay at the same time as holding up a minimum wage increase. Let me say in that delaying tactic on the minimum wage, in my State of Connecticut $4.8 million has been lost to workers in wages. Understand what this legislation is about: an assault on working families.

Mr. Speaker, today Republicans will continue their assault on working families. I am a Member of this body who voted against the NAFTA agreement. Middle-income families, understand that, will be hit the hardest because overtime pay is a much larger percentage of their income. In 1994, two-thirds of the workers who earned overtime pay had a total family income of $40,000.

This is a repeal of the 40-hour wage week. I urge my colleagues, vote against this bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of the rule on this important legislation. I hope all of my colleagues will support the rule and vote for the bill.

I have here some responses to the concerns that have been expressed this morning, and I will enter them into the RECORD at the conclusion of my remarks.

Mr. Speaker, this is a good piece of legislation. It is a commonsense solution to a problem which faces today's workers, and that is how to balance the time that must be spent working and the amount of time available for family matters, personal responsibilities, recreation and leisure.

But, unfortunately, once again the opponents of change are misrepresenting the intentions as well as the effects of this legislation. I continue to be amazed by some who believe that all employers are bad people who are always looking for ways to cheat their employees.

As chairman of the Committee on Small Business, and the impact of this is going to be great on small business, I have worked with many small and some large businesses. I know firsthand that most employers have a deep and genuine concern about the people who work for them, and they want to do everything they can to satisfy their employees' needs.

Why? Because they have learned that this concern is reciprocal. Employers who treat their employees with kindness and respect are paid back with loyalty and a commitment to do the very best job possible.

Under current law, private sector employees are prohibited from allowing employees to take compensatory time off for overtime. The Fair Labor Standards Act, originally enacted in the 1930's when most women did not work outside the home, requires that employees be paid at the rate of 1½ times the regular rate for any time worked over 40 hours per week.

This bill permits employers to offer their employees a choice: They can continue to be paid for overtime, or they can elect to take compensatory time off at the rate of 1½ hours for each hour of overtime.

□ 1030

Mr. Speaker, it is important to emphasize that the choice is exclusively that of the employee, not the employer, and there are many protections in the bill for employees in the event they do work for an unscrupulous employer. I believe we all can agree that the demands of family and work today are difficult to balance. We have Members of this body continually calling for more family friendly hours. Why should our constituents not be able to choose to take a Wednesday afternoon off rather than getting an extra hour's pay if they want to? We all know that spending a few hours with our children can sometimes be worth more than money.

Let us give American workers, our constituents, just a choice. That is what we are asking, is a choice. Support this rule and this much needed change in the Fair Labor Standards Act.

RESPONSES TO ARGUMENTS AGAINST THE WORKING FAMILIES FLEXIBILITY ACT

(Page references refer to substitute to be offered by Representative Ballenger)

Opposition: Employers will pressure or force employees to be compensated for overtime in comp time instead of cash wages.

Response: The choice to take overtime pay in the form of comp time must be requested by the employee in a written or otherwise verifiable statement (Page 2, lines 11–17).

H.R. 2391 specifically prohibits employers from "directly or indirectly" threatening,

intimidating, or coercing an employee into choosing comp time in lieu of cash wages (Page 3, lines 10–18). Employers violating this would be liable to the employee for double time in cash wages for the unused comp time hours accrued by the employee (Page 7, lines 8–16).

Opposition: Employees do not have control of when to use their comp time. Employers will force employees to use their accrued comp time when it's convenient for the employer.

Response: H.R. 2391 prohibits an employer from coercing, threatening, or intimidating an employee to use any accrued comp time (Page 3, line 19–20).

The employee may use accrued comp time at any time he or she requests, if the use is within a reasonable period of time after the request and the use does not unduly disrupt the operations of the employer (Page 6, lines 15–23). The "unduly disrupt" standard has been part of the law for the public sector for many years. It has been defined in regulations by the Department of Labor as more than "inconvenience" to the employer.

Under the regulations for the public sector, the employer has to be able to show that the leave would cause an "unreasonable burden on the agency's ability to provide services of acceptable quality and quantity to the public."

The courts have also made clear that the "unduly disrupt" standard does not permit an employer to unilaterally schedule use of comp time by employees. Heaton versus Missouri Dept. of Corrections 43 F 3d 1176 (8th Cir, 1994).

In addition, the same standard—unduly disrupt the operations of the employer—is used in the Family Medical Leave with regard to the scheduling of leave to attend to foreseeable medical treatment.

An employer who threatens, intimidates, or coerces an employee into using accrued comp time would be liable to the employees for cash wages for the comp time which the employee was forced to take (Page 7, line 8–16).

Opposition: Employees won't be able to change their mind and choose wages once they've chosen comp time.

Response: Nothing in the bill precludes employees from changing their mind to choosing cash wages instead of comp time or vice versa. Comp time can only be provided at the request of the employee.

Employees can make a request in writing, at any time, to be paid cash wages for their accrued comp time. Employers must comply within 30 days (Page 4, lines 13–18).

Comp time must be cashed out at the highest rate paid to the employee during the time period in which the comp time was accrued or at the employee's current rate, whichever is higher. Thus, there is no financial benefit to an employer to delay payment for accrued comp time.

Opposition: Comp time should only be available to employers who provide a certain number of sick leave and annual leave to their employees. Otherwise, employers will eliminate or reduce paid sick and/or annual leave and offer comp time instead.

Response: Employees must request comp time. Allowing employees to receive comp time has not had the effect of eliminating other leave for public employees. Employers are not now required to provide employees a certain number of days as paid sick leave and/or annual leave; the fact that employees may receive comp time for overtime worked does not change the situation.

Opposition: Employees who work at seasonal industries or short-term employment will not be able to use comp time before their term of employment is over.

Response: The bill gives all employees the option to choose comp time, if their employer offers it. There is no reason to deny the option to comp time for part-time, seasonal, or "low wage workers." Low wage workers are often in families where both parents work, and thus may particularly desire the flexibility of comp time. Similarly, seasonal workers may want to use comp time in order to "even out" fluctuations in income.

Opposition: Enforcement of the law will be difficult if employers who offer comp time don't have a written policy available to employees.

Response: An agreement by an employee to receive comp time must be in writing or some other form of verifiable statement by the employee as defined by the Department of Labor (Page 2, lines 11–17). The reason for allowing agreements in other than written instruments is that many companies maintain payroll records or computer or other electronic means. However, the Secretary of Labor can prescribe what kinds of records of employee agreement must be maintained.

Opposition: Employees will be able to accrue too many hours of comp time which they may not be able to take.

Response: Employees can only accrue 240 hours of comp time in a 12 month period (Page 3, lines 21–21). Employees may at any time make a written request to receive cash for their accrued comp time and the employer must pay the employee within 30 days (Page 4, lines 13–18).

Employers would be required to annually cash out employees' accrued comp time (Page 3, lines 24 through page 4, line 8).

Opposition: Comp time should be counted as "hours worked" for the purposes of calculating overtime. For example, an employee could take Monday as a comp day and the employer could require the employee to work 40 hours Tuesday through Saturday, without having to pay overtime. Thus, the employee didn't really get a "day off."

Response: The standard for calculating "hours worked" has been in place under the Fair Labor Standards Act since the 1930s. The only house which may be counted in the calculation of overtime pay are hours which the employee has actually worked. Comp time would fall under the same category as annual leave, sick leave and leave under the Family and Medical Leave Act and more of which are considered "hours worked" under the FLSA. Comp time in the public sector has not been considered "hours worked."

Opposition: Employees will accumulate comp time and then an employer will go out of business, thus never having to pay the employees for their overtime.

Response: Unused comp time would be considered "wages owed to an employee" for the purposes of enforcement (Page 6, line 11–14). Wages are protected under bankruptcy code as a priority for payment, thus comp time would be in the same category.

Opposition: Employers should be required to pay employees cash for overtime hours worked past a certain number of hours (e.g. 50) in a work week, no matter what the employee wishes.

Response: If employees have to work excessive overtime, they can always choose cash wages over comp time if they do not think they will be able to use their accrued comp time. Likewise, employees have the right to request in writing payment for accrued comp time.

Opposition: H.R. 2391 does not protect employee's claim to unemployment benefits if they cash out accrued comp time.

Response: H.R. 2391 requires the employer to "cash out" all accrued comp time upon termination of employment (page 5, lines 12–23). Depending upon state laws, such payments might reduce the initial week or weeks' unemployment benefits but those benefits are deferred not lost for the employee. In other words, the employee would be eligible for the same amount of unemployment benefits whether or not he or she receives "cashed out" comp time.

Opposition: Comp time is cheaper for employers than paying cash wages for overtime, and therefore employers will (1) force employees to take comp time, and (2) increase overtime and hire fewer employees.

Response: First of all, the employee chooses whether or not to take comp time over cash overtime, and the bill protects the employee's right to make that choice free of coercion from the employer. The bill also protects the employee's right to choose when to use comp time, subject only to the safeguard that doing so does not "unduly disrupt" the employer's operations.

Comp time is not generally cheaper for the employer than cash overtime. Besides the administrative costs of keeping the "comp time bank" records, the bill provides that when accrued comp time is used or cashed out, it is used or cashed out at the employee's current rate of pay, or the average pay during the period of time the comp time was accrued, whichever is higher. Thus the comp time will cost the employer at least as much or more when it used or cashed out than when it was earned.

Opposition: H.R. 2391 weakens the overtime protections for employees, which are already too weak. (citing Wall Street Journal article, Monday, June 24, 1996, quoting the "employer funded" Employment Policy Foundation estimates that "fully 10% of the workers entitled to overtime are cheated out of it").

Response: H.R. 2391 does not in any way weaken the overtime obligation of employers. It simply allows employees and employers to agree that overtime compensation will be taken in the form of compensatory time. The bill includes provisions to insure that employee's rights are protected (employee protections):

Requires that comp time may only be given mutual agreement of the employer and employee.

Requires that employee's agreement to take comp time be "knowing and voluntary."

Prohibits employer from making acceptance of comp time a condition of employment.

Requires agreement, affirmed in writing or otherwise verifiable form, by employee to take comp time.

Prohibits employer from directly or indirectly coercing or threatening, or attempting to coerce, and employee into taking comp time or using accrued comp time.

Requires annual cash out of accrued comp time.

Requires cash out of accrued comp time be at employee's current rate of pay or average rate during time it was accrued, whichever is higher.

Allows employee to cash out accrued comp time at any time with 30 days notice to employer.

Requires cash out of accrued comp time upon termination of employment.

Specifies that unused comp time is treated as unpaid wages for purposes of enforcement and collection.

Allows employee to use comp time whenever he or she pleases, unless use "unduly disrupts" operations of the employer.

Provides penalty for illegal coercion of employee with regard to choosing or using comp time.

The estimates of unpaid overtime in the Wall Street Journal article of June 22 included, as the article itself said, those employees not paid overtime because the employer believes they are exempt or the employer can't figure out the complicated federal rules and so 'takes a chance' by ignoring them. The confusing and ambiguous rules about who is exempt and who is non-exempt is an issue which Republicans have sought to address and will continue to seek to address in other legislation. But, H.R. 2391 does not affect that issue, nor does it change or weaken the overtime obligation. It establishes the option for employers and employees where overtime is paid.

Opposition: Despite Democratic efforts to work out an acceptable comp time bill, the Republicans have refused to make changes.

Response: It is true that supporters of comp time met and attempted to negotiate the details of a comp time bill with Mr. Clay, the Ranking Member of the Committee. Those discussions were broken off by Mr. Clay's staff in late May (after the bill was temporarily considered as the vehicle to allow a vote on the minimum wage). We have in fact made many, many changes to the bill since it was introduced, mostly to address concerns which the Democrats have raised, and many of some of which were taken directly from suggestions made by Democratic witnesses during Subcommittee hearings on the bill.

Following some of the changes which have been made to H.R. 2391 to address opponents concerns:

1. Clarify that the provisions providing for individual agreements apply only where employees are not represented by a collective bargaining agent.

2. Require that employee's agreement on comp time be affirmed in a written or otherwise verifiable statement.

3. Provide that agreement to take comp time in the private sector may not be a condition of employment.

4. Prohibit employer coercion of employees for purposes of (1) interfering with employee right to request or not the request, or (2) requiring any employee to use comp time.

5. Require annual "cash outs" of accrued comp time.

6. Allow employee to "cash out" accrued comp time at any time.

7. Establish a new remedy under the Fair Labor Standards Act for employers who coerce, or attempt to coerce, an employee into taking or using comp time.

The following additional changes are included in a Manager's amendment to be offered to be the bill.

Require employers to provide 30 days notice before terminating policy of allowing comp time.

Require employers to provide 30 days notice before cashing out accrued comp time, and allowing such cash out only for time in excess of 80 hours.

Provide that employer coercion of an employee may be actionable even if not willful.

Clarify that an employee may withdraw from an agreement in which he or she has requested comp time at any time.

Opposition: The bill limits the remedies available for unpaid comp time by only allowing private lawsuits for redress, as compared to unpaid overtime under current law, which allows both private suits and enforcement actions by DOL, as well as criminal charges.

Response: As the Committee report makes clear, the intent of the legislation is that all current remedies for violating the FLSA apply, and in addition, a new remedy for "coercion" in connection with choosing or using comp time is created. This intent will be further clarified in the manager's amendment.

Opposition: Comp time does not truly belong to the employer because under the bill an employer may deny an employee's use of comp time by paying off the accrued comp time hours.

Response: First of all, this is certainly an ironic objection to the bill: Democrats who oppose comp time and want to keep the status quo that only allows cash overtime payments object to a provision that allows employees comp time in favor of the cash overtime payment.

Second, the bill is premised on flexibility for employers and employees—thus either the employer or the employee may decide to cash out accrued overtime. Third, under the manager's amendment, a provision will be added that says that the employer must give 30 days notice to employees before cashing out any accrued comp time (in the absence of an employee request to do so), and provides that the employer option to cash out accrued comp time applies only to time accrued in excess of 80 hours.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I oppose the bill and I frankly oppose the rule because there are some unanswered questions about this legislation that we are rushing to judgment and ignoring.

The first question is, How do we assure that it is truly voluntary for the man or woman who chooses comp time over cash? This bill, I do not think, provides for that. It says to an employee who feels that he or she has been coerced into this choice that they must meet an unmeetable burden of proof. They must prove that the employer intended to deny them that choice. I would submit to you that there will be very few employees anywhere who will be able to meet that burden of proof it is not truly voluntary.

Second, Mr. Speaker, what happens to buy-back provisions? What happens if the employer owes you hours and hours of comp time and then goes out of business and does not have the cash to pay you back the cash value of the comp time? Unanswered question. We hear from our friends on the other side that well, this works in the public sector so it will work here in the private sector. There is a difference. The first difference is that most public sector employees are protected by civil service protections. If you believe that the employer in the public sector is coercing you, you have a hearing, you have the ability to process a grievance. Most private sector employees do not have such a right, and except for this one, most governments are not on the verge of going out of business because of bankruptcy. So I would suggest to you there is a very important difference there.

Finally, this is really, with all due respect, citizen Dole's rush to close the gender gap. That is what this is really all about. I would suggest to you if the majority wants to speak to working women in America, let us talk about expanding the family medical leave that most Members opposed. Let us talk about getting health insurance for all working women, which most of the Members had very few ideas about.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say it is astonishing to me that we are having attempts to mire this in gender war language.

Mr. Speaker, it is long past time that men and women assumed equal responsibility for raising children. This bill is addressed not only to working mothers who have had a difficult time balancing work and family, it is also geared to working fathers who are having that same difficulty while they are trying to assume more responsibility not just for the economic well-being of their children but for the emotional well-being of their children.

In addition, Mr. Speaker, this is not just about time off to help children. That is critical and it is important. But it is also about time to care for aging parents. It is about time to go back to school to get some additional skills. And most important, it is about letting workers choose whether they want additional time off or additional pay.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I am sorry to see the gentleman from New Jersey has left because he raised the question of willful being one of the proving points for the employee. We recognize that problem and we changed it. We removed the word "willful" in our bill.

For those people that are not sure what changes we have made in the description of the bill here on the report, we have in there the changes that we made at the request of the Democrats on the committee.

Also, again I would like to say as far as bankruptcies are concerned, the first claim that will be applied against any assets of any bankrupt company are wages and these are classified; that is, in the same manner as wages and will have first choice on any money that is left in that bankrupt company.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, let us be straight about this, ladies and gentlemen. Comp time is not flex time. If employers want to give employees all

these benefits and all these opportunities to care for children and loved ones, they can do it now. It is called flex time. Come in early, leave early, come in late, leave late. That is possible.

This is comp time and this denies people basic income. I do not want to hear that oh, well, they can go to court and we lowered the legal standard. The fact of the matter is minimum wage workers are not going into anybody's court. They are not going down the street to see Robert Reich to talk about a labor violation. Those remedies are not practicable.

Let us talk about the real world. In the real world, wages have stagnated over the last 20 years. People need overtime to make ends meet. In 1995, the average full-time worker in manufacturing worked about 4.4 hours of overtime to make an additional $3,800 a year. They need that money. Now, they are going to tell employees well, this is optional, it is up to the employee if they want to take it.

Let us talk about this so-called option. The reality of the workplace is that most employees want to keep their jobs and therefore go along with their employer. That means that when the employer suggests comp time, they are going to take it.

This so-called option does not really work. The employee does not have a choice because the employer has to approve the comp time. He has to approve when they can take it. They can spend their overtime anytime they want to. They cannot spend their comp time anytime they want to, only when the employer allows it. Preferential allocation of overtime already occurs. There are complaints about that now.

My colleagues better believe that if we have this comp time option, those who will take comp time will get comp time. Those who want overtime will be out of luck. That is what is wrong with this bill.

There is a lot of rhetoric here about how we want to help people, but the fact of the matter is in the private sector, there is a fundamental profit motive, and that is to reduce the amount of overtime pay. That being the case, there is a strong incentive to discourage overtime and encourage comp time at the expense of the American worker. That is what we want to discourage. We believe the current system provides true flexibility but not the false rhetoric of the Republican proposal.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is critical that we address this issue of enforcement. My colleagues on the other side of the aisle think it is necessary to track down personally the Secretary of Labor to bring a claim where an employee feels that they have been coerced. Nothing could be further from the truth. In fact, Mr. Speaker, the enforcement mechanisms of this legislation are identical to the enforcement mechanisms that we use to battle age discrimination, race discrimination, and gender discrimination in the workplace.

I do not hear my colleagues from the other side of the aisle saying that we should not have laws prohibiting age and race and gender discrimination because the enforcement mechanism is not going to work. Instead, we defend those laws. We enforce those laws through a mechanism that has been established under Federal law, and that same mechanism would be used to enforce this law.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I think it is time for a time check to see where we are.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Massachusetts [Mr. MOAKLEY] has 6½ minutes remaining, and the gentlewoman from Utah [Ms. GREENE] has 5½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me the time.

My colleagues, let us call it the way it is. The Republican majority in this Congress has spent the better part of a year and a half assaulting the rights of workers in this country. I have served on the committee, I know what is happening. They steadfastly refused the minimum wage. We had to practically pry it out of them. OSHA, safety for workers in the workplace, they want to gut OSHA laws. Davis-Bacon to pay workers prevailing wage, they want to eliminate that, too.

Mr. Speaker, they have slashed funding for the National Labor Relations Board which guarantees and safeguards workers' rights and protections. They want to bring back company unions so that the employers will control the unions, not the employees. The first thing they did when they received the majority, the Republicans removed the name "labor" from the Committee on Education and Labor to punish supposedly punish the labor unions. It is now the Committee on Economic and Educational Opportunities and the word "labor" has been purged from both the committee and subcommittee names.

The campaign finance bill which went down yesterday had an antilabor provision in it. So make no mistake about it, this is just another assault on working men and women in America by the Republican majority.

Now, Mr. Speaker, everybody understands that employers and employees are not equal and there will be coercion. Employees will be coerced into accepting these kinds of things. We do not believe that American workers ought to continue to be assaulted by this Republican majority, but again it is consistent.

They tried to gut Medicare to give huge tax breaks for the wealthy. They want to give us the biggest education cuts in American history. They want to gut environmental laws. This is a direct assault on the middle class in this country and on working people by the Republican majority. This is just an extension.

The Democrats, in filing the dissenting views accompanying this bill said, and I quote: "This legislation encourages employers to hire fewer employees and to work them longer hours by freeing them from having to pay cash for overtime, potentially reducing both workers' incomes and employer labor costs by billions of dollars."

Let us reject this and not continue to assault American workers. The Republicans' platform is exposed by this bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I would just like to quote a claim by the AFL–CIO where it says the penalties for coercion are too weak. The response for that, the penalties in the bill for coercing are the same as those for unpaid overtime; that is, the amount of pay owed us, plus an equal amount of liquidated damages, plus attorneys' fees and costs. If the employee has already used and been paid for comp time, then the amount is deducted from the award since they have already received the overtime pay, but he or she may still receive the liquidated damages.

In addition, Mr. Speaker, the other remedies such as civil and criminal penalties and injunctive relief under the Fair Labor Standards Act may apply. Either the Department of Labor or the employee can file suit, and I wish somebody on the other side would read the actual bill itself so they can understand what they are really talking about.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, last week the new majority was talking about encouraging work. Now with this bill they seem to be encouraging taking time off.

Mr. Speaker, despite strong economic indicators, millions of Americans, many of them single mothers, are working harder and longer for less money. This bill strips them of even that right. The majority of low-wage workers are women. They count on their overtime pay to feed their children and to make ends meet.

The underlying bill allows employers to offer comp time to workers instead of overtime pay. It requires a voluntary agreement with the employee, but we all know that in the real world employers may bully employees into

accepting whatever the employer wants.

The practical effect of this bill will be to allow employers to force an employee to take comp time instead of paying overtime. While that person is using comp time, the employer can pay another employee regular wages instead of time and a half. The bottom line is, employees could get paid less.

Mr. Speaker, this is not progress, it is a step in the wrong direction. I urge a "no" vote on the rule.

□ 1045

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. OWENS].

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from New York [Mr. OWENS] is recognized for 3½ minutes.

Mr. OWENS. Mr. Speaker, the message of this bill this morning is to the workers of America, "The Republicans want your overtime pay," from the same people who brought us streamlining, downsizing, the tremendous gap in income. The same people who have attacked the National Labor Relations Board, who have attacked OSHA, who refused to pass a minimum wage bill, they now want your overtime.

As the ranking member of the committee responsible for this legislation, I have listened to the hearings. We have debated at markups, and the bill is flawed at its center, and that is the assumption that you can have mutual consent between the employer and the employee as to whether they want overtime in terms of dollars or whether they want it in terms of comp time.

In my State, we recently passed a law which said that any female who is assaulted in a prison is automatically considered to be a rape victim. Anytime there is a sexual relationship between a female inmate and a prison guard, the prison guard is automatically charged with rape because in a relationship where all the power is on one side and the other person is powerless, automatically there is no mutual consent possibility.

There is no mutual consent possible when the employer has an incentive to keep the money. You can invest the money that you do not pay in overtime. Overtime wages that are not paid can be invested. So the great incentive will be to keep the money and to force all workers to take comp time. Ninety percent of the employers will want workers to take comp time. Any worker who does not take comp time when the employer obviously wants him to take comp time will be labeled as a bad team player. You are not a team player and sooner or later they of course will find themselves without a job. In a job market and in a situation where people are under tremendous pressure, who will choose to exercise their right to take overtime had they known the employer wants comp time?

At the heart of the bill, the assumption is wrong. This will not work. It is another attempt to make war on American workers. We have had enough of it in this Congress. We have tried to stop them from raiding the National Labor Relations Board's authority. We have stopped them from taking away the safety provisions of OSHA. Now we have to stop them where it matters most; that is, taking money out of the pockets of American workers in terms of overtime pay.

The Republicans want your overtime pay, and the Democrats are here to guarantee that we do not have more assaults on working people and working families. You need your overtime pay. The overtime pay buys shoes, it buys clothes, it buys refrigerators. It buys what workers need.

Workers, on the other hand, cannot afford to provide an investment pool for the employers. There will be no escrow accounts where you have to put all the overtime pay into an escrow account and know that it is there. No; the employers can invest that and they will. And you will have billions of dollars already that is unpaid for overtime under the present rules and regulations, where it is pretty clear that employers have to pay overtime in dollars. How are we ever going to police a situation where it is comp time, taken at the pleasure of the employer?

There can be no mutual consent. There is no mutual consent between a slave and a master or an inmate and a prison guard. There will be no mutual consent between an employer and an employee. The employee is at the mercy of the employer, and we do not need to do any more harm than we have already done to the workers in this area. This is a year where war has been declared on workers by the Republican majority. No, Mr. Speaker, it is now time to stop the war on workers.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, everyone agrees that the working families of this country are experiencing time crunch the likes of which we have never seen before. When President Clinton spoke in Nashville several weeks ago, he endorsed the concept of having flexibility so that workers can choose the time off they need to be able to be with their families for important events, but while President Clinton managed to grab a few headlines several weeks ago with an alternative and much more restrictive proposal, the administration never sent his proposal to Congress in legislative form, nor has any Member, to my knowledge, attempted to introduce the administration's proposal.

Now, my colleagues on the other side of the aisle have been complaining vociferously about the provisions of this bill. We are even now hearing employers and employees likened to prison guards and prisoners, even to slaves and masters.

But in fact, Mr. Speaker, my colleagues on the other side of the aisle, the Democrats, were given the opportunity in the Committee on Rules to offer any amendment to this legislation they wanted to. We gave them the opportunity to offer an amendment in the nature of a substitute so that they could bring forward their own version of how this concept should work. And the fact is, Mr. Speaker, that the Democrats chose not to introduce any legislation, any amendment to this bill.

Mr. Speaker, the truth is this legislation does not change those fundamental worker protections of the Fair Labors Standards Act. This legislation does not change the 40-hour workweek for workers. It does not relieve employers from their obligations of paying overtime. It does not give employers the means to coerce workers. This bill does preserve the concept of time and a half for overtime. The workers choose whether to get time and a half in cash or time and a half in comp time.

This bill does provide the same kinds of enforcement mechanisms that we use today to enforce worker protections on race, age, and gender. This bill provides those same types of protections to make certain that workers are not taken advantage of.

This bill does protect employees if their company goes bankrupt by giving them first priority against any remaining assets of that business to get their overtime, their comp time cashed out.

This bill, Mr. Speaker, gives workers the flexibility that they need to be able to balance those competing considerations of work and family.

Members of Congress may not need comp time, Mr. Speaker. We make over $130,000 a year and we control our own schedules. This is just one more example where people who are opposing this bill are out of touch, because most of the people in this country struggle to get control over their own time. They struggle to be at home when they need to take a sick child to the doctor or be with an aged parent. They struggle because they do not have the ability to get the time off that they need at the time that they need it.

This bill, Mr. Speaker, gives them that opportunity. They are allowed more control over their lives. They are given the opportunity to be able to choose for themselves, in the circumstances for each of their families, whether more money or more time off makes sense for their family.

Let us give workers that choice, Mr. Speaker. Let us respect their ability to choose for themselves what is best and not dictate it from Washington as we have for the past 60 years.

Mr. Speaker, I urge my colleagues to support the rule, and this legislation.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to this bill that is designed to

take away the rights of workers guaranteed to them under the Fair Labor Standards Act. These rights were not easily won. The Dole-Gingrich Republicans and their cohorts are always a well-funded, business oriented lobbying force—as is demonstrated by this bill. Let's be clear about one very basic false assumption about H.R. 2391: it does not provide a worker with the right to compensatory time or overtime wages on a voluntary, worker controlled basis. An employer and employee are not in level bargaining positions.

The overtime protection in the Fair Labor Standards Act both protect workers from excessive demands for overtime work and, by requiring premium pay for overtime, time and a half, provide an incentive for businesses to create additional jobs. Nowadays, millions of workers depend on overtime pay just to maintain a decent standard of living for their families. Two-thirds of the workers who earned overtime in 1994 had a total annual family income—including spousal income—of less than $40,000. A recent poll by Peter Hart found that American workers prefer pay over compensatory time for overtime by a whopping margin of 64 to 22 percent.

The idea that there can be a truly voluntary agreement, as is heralded by the Republicans in this bill, is a cruel hoax. Any employer who wants to pay for overtime in terms of compensatory time instead of cash, will find a dubious way to encourage workers to accept compensatory time. Workers know this. Half of those in the Hart poll said they believed employers would be able to force them to take compensatory time instead of overtime pay.

Further, this bill does not in any way guarantee workers the right to use their compensatory time whenever they want it. An employer may deny the request on the grounds that it would unduly disrupt business operations, or could refuse the request for any given, specific day and instead offer a different day that is more convenient for the employer, but less so for the worker.

I oppose this bill because it would permit a severe disservice to a worker's right to choose compensatory time voluntarily instead of cash compensation for overtime work that was accomplished for the business owner. It clearly attempts to gut the protection of the Fair Labor Standards Act and undermines living standards to the detriment of workers, the economy, and the Nation.

I urge my colleagues to defeat this ill-conceived legislation.

Ms. MCKINNEY. I rise today in opposition to this rule, and in opposition to this anti-family legislation. Let's face it, the Republican record on workers' rights is hideous and this bill is the ugliest of them all.

In my 3 years in Congress, I have never seen a bill more insidious than this attempt to lengthen the work week with no corresponding increase in pay.

Contrary to what Republicans say, this bill abolishes overtime pay. Period.

The so-called Working Families Flexibility act allows employers to coerce workers into taking comp time instead of overtime pay. Employers will use this legislation to hire workers who agree to accept comp time instead of overtime pay. This bill allows employers to promote workers who acquiesce to comp time in lieu of overtime pay.

And unlike overtime pay, workers can only use their comp time when it is convenient for their employers, not their families. So much for family friendly legislation.

Moreover, Mr. Speaker, workers can be forced to work 75 hours a week and not see any comp time for 13 months. And if the company goes bankrupt in that 13 months—too bad, the worker gets no comp time and no overtime pay.

In effect, workers will be giving their employers interest-free loans until the boss feels like letting them us their comp time.

And for families who rely on overtime pay to supplement their low salaries, they will be comforted in knowing that they might get some time off in the next 13 months.

In short, Mr. Speaker, this bill legalizes the extraction of unpaid labor from workers at a time when people are working longer and harder for less money.

Finally, Mr. Speaker, employers can already give workers comp time as long as it is used in the same week in which the overtime is worked.

This bill should not be called the comp time bill, it should be called the chump time bill. I urge my colleagues to reject this rule and reject this Republican attempt to lengthen the work week with no increase in pay.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong opposition to the rule and to this bill.

There has been talk on this floor of the so-called protections for workers who may be owed compensatory time by companies that go out of business. Employees of bankrupt companies are protected, they say, because they can get what is owed them by going against the assets of these bankrupt companies.

I say these so-called protections amount to a handful of dust. We know companies that have gone out of business, leaving no assets whatsoever. What happens to these employees and their families then? They are cheated out of their wages, that's what.

This has happened time and time again in the area of retirement benefits, when companies go bankrupt and leave their retirees with no pensions. Congress would be foolish to allow this to happen to overtime pay.

Overtime pay is more than a luxury for working people—it is income that their families depend on, especially lower income working people.

Proponents of this bill say that workers are protected because the agreements must be voluntary. Who will determine if they are voluntary? The clogged Federal courts? We know that justice delayed is justice denied.

Who will pay the workers' legal fees if they lose their case? Certainly not the employers.

The idea of a truly voluntary agreement will be a cruel hoax for many workers. Many employers will find a way to force employees to accept compensatory time instead of cash because they know the employees don't have the resources to fight this coercion.

I say, protect working families—vote down this bill.

Ms. GREENE of Utah. Mt. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 175, not voting 30, as follows:

[Roll No. 367]

YEAS—228

Allard	Foley	McCollum
Armey	Fowler	McCrery
Bachus	Fox	McHugh
Baker (CA)	Franks (CT)	McInnis
Ballenger	Franks (NJ)	McIntosh
Barr	Frelinghuysen	McKeon
Barrett (NE)	Funderburk	Metcalf
Bartlett	Gallegly	Meyers
Barton	Ganske	Mica
Bass	Gekas	Miller (FL)
Bateman	Geren	Molinari
Bereuter	Gilchrest	Montgomery
Bilbray	Gillmor	Moorhead
Bilirakis	Gilman	Morella
Bliley	Goodlatte	Myers
Blute	Goodling	Myrick
Boehlert	Goss	Neumann
Boehner	Graham	Ney
Bonilla	Greene (UT)	Norwood
Bono	Greenwood	Nussle
Brewster	Gunderson	Oxley
Brownback	Gutknecht	Packard
Bryant (TN)	Hall (TX)	Parker
Bunn	Hancock	Paxon
Bunning	Hansen	Payne (VA)
Burr	Hastert	Peterson (MN)
Burton	Hastings (WA)	Petri
Buyer	Hayworth	Pickett
Callahan	Hefley	Pombo
Calvert	Heineman	Porter
Camp	Herger	Portman
Campbell	Hilleary	Pryce
Canady	Hobson	Radanovich
Castle	Hoekstra	Ramstad
Chabot	Hoke	Regula
Chambliss	Horn	Riggs
Chenoweth	Hostettler	Roberts
Christensen	Houghton	Rogers
Chrysler	Hunter	Rohrabacher
Clinger	Hyde	Ros-Lehtinen
Coble	Inglis	Roth
Coburn	Istook	Roukema
Collins (GA)	Jacobs	Royce
Combest	Johnson (CT)	Salmon
Cooley	Johnson, Sam	Sanford
Cox	Jones	Saxton
Crane	Kasich	Schaefer
Crapo	Kelly	Schiff
Cremeans	Kim	Sensenbrenner
Cubin	Kingston	Shadegg
Cunningham	Klug	Shaw
Davis	Knollenberg	Shays
Deal	Kolbe	Shuster
DeLay	LaHood	Sisisky
Diaz-Balart	Largent	Skeen
Dickey	Latham	Smith (MI)
Doolittle	LaTourette	Smith (NJ)
Dornan	Lazio	Smith (TX)
Dreier	Leach	Smith (WA)
Duncan	Lewis (CA)	Solomon
Dunn	Lewis (KY)	Souder
Ehlers	Lightfoot	Spence
Ehrlich	Linder	Stearns
English	Livingston	Stenholm
Ensign	LoBiondo	Stockman
Everett	Longley	Stump
Fawell	Lucas	Talent
Fields (TX)	Manzullo	Tate
Flanagan	Martini	Tauzin

Taylor (NC)	Walker	White
Thomas	Walsh	Whitfield
Thornberry	Wamp	Wicker
Tiahrt	Watts (OK)	Wolf
Torkildsen	Weldon (FL)	Young (AK)
Upton	Weldon (PA)	Zeliff
Vucanovich	Weller	Zimmer

NAYS—175

Abercrombie	Gibbons	Oberstar
Ackerman	Gonzalez	Obey
Andrews	Gordon	Olver
Baesler	Green (TX)	Ortiz
Baldacci	Gutierrez	Orton
Barcia	Hall (OH)	Owens
Barrett (WI)	Hamilton	Pallone
Becerra	Harman	Pastor
Beilenson	Hefner	Payne (NJ)
Bentsen	Hilliard	Pelosi
Bishop	Hinchey	Pomeroy
Bonior	Hoyer	Poshard
Borski	Jackson (IL)	Quinn
Browder	Jackson-Lee (TX)	Rahall
Brown (CA)	Jefferson	Rangel
Brown (FL)	Johnson (SD)	Reed
Brown (OH)	Johnson, E. B.	Richardson
Bryant (TX)	Johnston	Rivers
Cardin	Kanjorski	Roemer
Clay	Kaptur	Rose
Clayton	Kennedy (MA)	Roybal-Allard
Clement	Kennedy (RI)	Rush
Clyburn	Kennelly	Sabo
Collins (MI)	Kildee	Sanders
Condit	King	Sawyer
Conyers	Kleczka	Schroeder
Costello	Klink	Schumer
Coyne	LaFalce	Scott
Cramer	Lantos	Serrano
Cummings	Levin	Skaggs
Danner	Lewis (GA)	Skelton
de la Garza	Lipinski	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowey	Stark
Dellums	Luther	Stokes
Deutsch	Maloney	Stupak
Dicks	Manton	Tanner
Dingell	Markey	Taylor (MS)
Dixon	Mascara	Tejeda
Dooley	Matsui	Thompson
Doyle	McCarthy	Thornton
Durbin	McDermott	Thurman
Edwards	McHale	Torres
Engel	McKinney	Towns
Eshoo	McNulty	Traficant
Evans	Meehan	Velazquez
Farr	Meek	Vento
Fattah	Menendez	Visclosky
Fazio	Millender-McDonald	Volkmer
Fields (LA)	Miller (CA)	Ward
Filner	Minge	Waters
Flake	Mink	Watt (NC)
Foglietta	Moakley	Waxman
Forbes	Mollohan	Williams
Frank (MA)	Moran	Wilson
Frisa	Nadler	Wise
Frost	Neal	Woolsey
Furse	Oberstar	Wynn
Gephardt	Obey	Yates

NOT VOTING—30

Archer	Ewing	McDade
Baker (LA)	Ford	Murtha
Berman	Gejdenson	Nethercutt
Bevill	Hastings (FL)	Peterson (FL)
Blumenauer	Hayes	Quillen
Boucher	Holden	Scarborough
Chapman	Hutchinson	Seastrand
Coleman	Laughlin	Studds
Collins (IL)	Lincoln	Torricelli
Doggett	Martinez	Young (FL)

□ 1113

Mr. FARR of California changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A FURTHER MESSAGE FROM THE SENATE

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

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3845) "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 3517, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. HEFNER moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3517, be instructed not to provide funding for projects which have not been authorized.

The SPEAKER pro tempore. Under rule XXVIII, the gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct to ensure that the conferees on the military construction bill adhere to the customary practice of agreeing to provide funding only for projects which are authorized.

Current assumptions on this bill will result in over $800 million in projects begin added to the amount requested by the President. For years we on the Military Construction Subcommittee have emphasized funding for barracks, family housing projects, and other structures which improve the quality of life in the military. Unfortunately our colleagues in the other body have not always shared our priorities.

The Armed Services Committees are now in conference, and will, I believe end up funding a number of projects that will speed up the building of new barracks and family housing projects. Their agreement will authorize and the appropriations bill will fund these projects as well provide for projects to support operational and readiness requirements, and to meet our base closure commitments.

This total level of authorization and funding has been carefully arrived at and is the result of cooperation between the authorizing and Appropriations Committee. It has been a bipartisan exercise with a bipartisan result. Members on both sides have been treated fairly. There is no reason why the conferees on the appropriations bill should deviate from this agreement.

While I support adding funds to accelerate funding quality of life projects, I feel that adding over $800 million to the President's request is enough in these difficult budget times given other domestic priorities.

Mr. Speaker, I urge the support of my motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this motion to instruct conferees. We have worked in a bipartisan manner with the authorization committee to provide the many quality of life items contained in this bill. No individual project recommended in this bill may go forward without specific authorization. We are following the progress of the authorization conference closely and it is my understanding they are nearing completion. I urge my colleagues to support the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFNER. Mr. Speaker, I thank the gentlewoman from Nevada for her support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mrs. VUCANOVICH and Messrs. CALLAHAN, MCDADE, MYERS of Indiana, PORTER, HOBSON, WICKER, LIVINGSTON, HEFNER, FOGLIETTA, TORRES, DICKS, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3845, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, BONILLA, KINGSTON, FRELINGHUYSEN, NEUMANN, PARKER, LIVINGSTON, DIXON, SERRANO, Ms. KAPTUR, and Mr. OBEY.

ADJOURNMENT OF THE HOUSE FROM ANY DAY BETWEEN THURSDAY, AUGUST 1, 1996, AND SATURDAY, AUGUST 3, 1996, TO WEDNESDAY, SEPTEMBER 1, 1996 AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN THURSDAY, AUGUST 1, 1996, AND SUNDAY, AUGUST 4, 1996, TO TUESDAY, SEPTEMBER 3, 1996

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 203) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 203

Resolved by the House of Representatives (the Senate concurring). That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, August 1, 1996, Friday, August 2, 1996, or Saturday, August 3, 1996, pursuant to a motion made by the majority leader or his designee, it stand adjourned until noon on Wednesday, September 4, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, August 1, 1996, Friday, August 2, 1996, Saturday, August 3, 1996, or Sunday, August 4, 1996, pursuant to a motion made by the majority leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, September 3, 1996, or until such time on that day as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Does the gentleman from Massachusetts [Mr. FRANK] seek recognition?

Mr. FRANK of Massachusetts. I would Mr. Speaker, if the resolution were debatable.

The SPEAKER pro tempore. The gentleman is correct, the resolution is not debatable.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 167, not voting 34, as follows:

[Roll No. 368]

YEAS—232

Allard	Christensen	Franks (NJ)
Archer	Chrysler	Frelinghuysen
Armey	Clinger	Frisa
Bachus	Coble	Funderburk
Baker (CA)	Collins (GA)	Gallegly
Ballenger	Combest	Ganske
Barr	Condit	Gekas
Barrett (NE)	Cooley	Gilchrest
Bartlett	Cox	Gillmor
Barton	Crane	Gilman
Bass	Crapo	Goodlatte
Bateman	Cremeans	Goodling
Bereuter	Cubin	Goss
Bilbray	Cunningham	Graham
Billirakis	Davis	Greene (UT)
Bliley	de la Garza	Greenwood
Blute	Deal	Gutknecht
Boehlert	DeLay	Hancock
Boehner	Diaz-Balart	Hansen
Bonilla	Dickey	Hastert
Bono	Doolittle	Hastings (WA)
Brewster	Dornan	Hayworth
Brownback	Dreier	Hefley
Bryant (TN)	Duncan	Heineman
Bunn	Dunn	Herger
Bunning	Ehlers	Hilleary
Burr	Ehrlich	Hobson
Burton	English	Hoekstra
Buyer	Ensign	Hoke
Callahan	Everett	Horn
Calvert	Fawell	Hostettler
Camp	Fields (TX)	Houghton
Campbell	Flanagan	Hunter
Canady	Foley	Hyde
Castle	Forbes	Inglis
Chabot	Fowler	Istook
Chambliss	Fox	Jacobs
Chenoweth	Franks (CT)	Johnson (CT)
Johnson, Sam	Myers	Sisisky
Jones	Myrick	Skeen
Kasich	Neumann	Smith (MI)
Kelly	Ney	Smith (NJ)
Kim	Norwood	Smith (TX)
King	Oxley	Smith (WA)
Kingston	Packard	Solomon
Klug	Parker	Souder
Knollenberg	Paxon	Spence
Kolbe	Payne (VA)	Stearns
LaHood	Peterson (MN)	Stockman
Largent	Petri	Stump
Latham	Pickett	Talent
LaTourette	Pombo	Tate
Lazio	Porter	Tauzin
Leach	Portman	Taylor (NC)
Lewis (CA)	Pryce	Thomas
Lewis (KY)	Quinn	Thornberry
Lightfoot	Radanovich	Tiahrt
Linder	Ramstad	Torkildsen
Livingston	Rangel	Traficant
LoBiondo	Regula	Upton
Longley	Riggs	Vucanovich
Lucas	Roberts	Walker
Manzullo	Rogers	Walsh
Martini	Rohrabacher	Wamp
McCollum	Ros-Lehtinen	Watts (OK)
McCrery	Roth	Weldon (FL)
McHugh	Roukema	Weldon (PA)
McInnis	Royce	Weller
McIntosh	Salmon	White
McKeon	Sanford	Whitfield
Metcalf	Saxton	Wicker
Meyers	Schaefer	Wilson
Mica	Schiff	Wolf
Miller (FL)	Sensenbrenner	Young (AK)
Molinari	Shadegg	Zeliff
Montgomery	Shaw	Zimmer
Moorhead	Shays	
Morella	Shuster	

NAYS—167

Abercrombie	Frost	Millender-McDonald
Ackerman	Furse	Minge
Andrews	Gephardt	Mink
Baesler	Geren	Moakley
Baldacci	Gibbons	Mollohan
Barcia	Gonzalez	Moran
Barrett (WI)	Gordon	Nadler
Becerra	Green (TX)	Neal
Beilenson	Gutierrez	Oberstar
Bentsen	Hall (OH)	Obey
Bishop	Hall (TX)	Olver
Bonior	Hamilton	Ortiz
Borski	Harman	Orton
Browder	Hefner	Owens
Brown (CA)	Hilliard	Pallone
Brown (FL)	Hinchey	Pastor
Brown (OH)	Hoyer	Payne (NJ)
Bryant (TX)	Jackson (IL)	Pomeroy
Cardin	Jackson-Lee (TX)	Poshard
Clay	Jefferson	Rahall
Clayton	Johnson (SD)	Reed
Clement	Johnson, E. B.	Richardson
Clyburn	Johnston	Rivers
Coburn	Kanjorski	Roemer
Collins (MI)	Kaptur	Rose
Conyers	Kennedy (MA)	Roybal-Allard
Costello	Kennedy (RI)	Rush
Coyne	Kennelly	Sabo
Cramer	Kildee	Sanders
Cummings	Kleczka	Sawyer
Danner	Klink	Schroeder
DeFazio	LaFalce	Schumer
DeLauro	Lantos	Scott
Dellums	Levin	Serrano
Deutsch	Lewis (GA)	Skaggs
Dicks	Lipinski	Skelton
Dingell	Lofgren	Slaughter
Dixon	Lowey	Spratt
Dooley	Luther	Stark
Doyle	Maloney	Stenholm
Durbin	Manton	Stokes
Edwards	Markey	Stupak
Engel	Mascara	Tanner
Eshoo	Matsui	Taylor (MS)
Evans	McCarthy	Tejeda
Farr	McDermott	Thompson
Fattah	McHale	Thornton
Fazio	McKinney	Thurman
Fields (LA)	McNulty	Torres
Filner	Meehan	Towns
Flake	Meek	Velazquez
Foglietta	Menendez	Vento
Frank (MA)		

Visclosky	Watt (NC)	Wynn
Volkmer	Waxman	Yates
Ward	Wise	
Waters	Woolsey	

NOT VOTING—34

Baker (LA)	Gunderson	Nussle
Berman	Hastings (FL)	Pelosi
Bevill	Hayes	Peterson (FL)
Blumenauer	Holden	Quillen
Boucher	Hutchinson	Scarborough
Chapman	Laughlin	Seastrand
Coleman	Lincoln	Studds
Collins (IL)	Martinez	Torricelli
Doggett	McDade	Williams
Ewing	Miller (CA)	Young (FL)
Ford	Murtha	
Gejdenson	Nethercutt	

□ 1148

Mr. YATES and Mr. HALL of Ohio changed their vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT 1996

Mr. ARCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that act, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3448 be instructed to report as soon as possible their resolution of the differences between the Houses, because the minimum wage is at its lowest real value in 40 years and because working families deserve a raise.

The SPEAKER pro tempore. Under rule XXVIII, the gentleman from Missouri [Mr. CLAY] and the gentleman from Pennsylvania [Mr. GOODLING] each will control 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a motion to instruct conferees. We have spent this morning debating a bill that will jeopardize overtime pay for working Americans. More and more workers rely on overtime pay just to make ends meet, yet Republicans insist on passing legislation that will weaken a worker's right to time and a half pay for overtime.

The House's action today makes it even more necessary that we act quickly to enact an increase in the minimum wage. An increase to the minimum wage will provide simple justice for working men and women.

We offer talk about the importance of getting people off welfare. If we are serious about that, if we really want to get people off welfare as opposed to just talking about it, there is one simple way to do that—make work pay.

Almost two-thirds of the minimum wage workers are adults, while 4 in 10 are the sole breadwinner of their family.

Recent studies suggest that 300,000 would be lifted out of poverty if the minimum wage were raised to $5.15 per hour. This includes 100,000 children now living in poverty.

Mr. Speaker, this is a matter of simple justice. This is a matter of promoting family values.

It is time to do something positive for the working poor. Polls show that 75 percent of Americans support raising the minimum wage.

Mr. Speaker, the time to raise the minimum wage is long overdue.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, obviously we want to work with the minority to resolve the differences as quickly as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me the time, and I am glad to hear my friend from Pennsylvania say that he is interested in working with the minority to resolve this issue as quickly as possible.

Back in 1948, Harry Truman gave a speech about a do-nothing Congress, and in that speech he said that the Republicans had not created jobs, they had not raised wages, they had not protected pensions, they had not dealt with the health care issue, they had not done a single thing to help working families in America. At the end of the speech Truman looked at the audience and he said, "How many times do you have to get hit over the head before you realize what is hitting you over the head?"

Mr. Speaker, I want to believe my friend from Pennsylvania. He is a noble, decent, hard-working Member of this body, Mr. GOODLING, but let me tell my colleagues something, I have some difficulty here because we have seen a strategy of delaying, of burying, of ducking on this issue.

Five separate times Republicans blocked an increase in the minimum wage. NEWT GINGRICH said the minimum wage should be based on the wages of workers from Mexico. DICK ARMEY said that he would fight it with every fiber of his being. TOM DELAY said that the minimum wage families do not really exist. And the chairman of the Republican conference said he would commit suicide before he would vote for raising the minimum wage.

So, after all this published pressure in the country forced them to act, the House raised the minimum wage, but only after our friends on this side of the aisle tried to repeal the minimum wage for 10 million workers in this country. So people can understand our trepidation and our fear that this is not going to get done.

Workers in this country are losing these wages on a daily basis, costing literally hundreds and hundreds of millions of dollars to these low-income workers in this country today. Twelve million Americans are working hard, they are working long hours.

These are people who are choosing work over welfare, and they cannot raise a family on $8,800 a year. When they are in that situation, they end up working two jobs and three jobs and overtime.

When a mother is working an extra job, she is not there for her kids in the evening, she is not there to teach them right from wrong, she is not there to read them bedtime stories. When the father has to work two or three jobs or overtime, he is not there for Little League of soccer games. He is not there for dinner conversations. And the whole fabric of civil society starts to come unraveled.

This needs to be done now. It needs to be done before Labor Day. It needs to be done so we can get on with the object of giving America a raise. So I encourage my colleagues to vote for this resolution so we can do this, as the resolution says, as the instructions say, as soon as possible. We do not need to wait another month or two or three before this issue is resolved.

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do that to make sure that everybody understands that nobody was trying to exempt millions of American workers from minimum wage. What we were trying to do is what the other side of the aisle thought they had done in 1989 and thought they had done later, which was to say that there is no difference between interstate and intrastate, because all those workers were already exempt less than 500,000 of them.

What we were trying to do, as I indicated, is make sure that there is no difference between interstate and intrastate, exactly what the minority thought they had done in 1989. According to the Congressional Research Service, that affected 230,000 people, not 10 million, not 16 million, 230,000, of which I grandfathered all of those so none of them was affected.

Therefore, we cannot say that somehow or other somebody was trying to take away an exemption, because the exemption was already there. All we were trying to do was make sure that we got it the way they wanted it, but it did not work out that way.

□ 1200

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman that spoke in the aisle a minute ago said to increase the minimum wage. If my colleagues remember the last time the minimum wage was raised before this, it was raised by Ronald Reagan and the Republicans.

Why, when the Democrats had both the House and the Senate and the White House, if the minimum wage is so important now, did they do nothing? They had control of all three of the areas in which they could have raised the minimum wage and they chose to do nothing. The President even said the minimum wage is not the way to empower people. But now it is important because it is a political year.

No, Mr. Speaker, they do not raise the minimum wage and they talk about a do-nothing Congress. Well, Democrats did a lot of things in the 103d Congress. They increased taxes the highest level ever. They promised a middle-class tax cut and they increased the marginal rate on the middle class.

Mr. Speaker, we tried to live up to that bargain and give money back to the middle class with a $500 tax deduction to working families for every child, and my Democrat colleagues fought that. Why? Because they want the power and the ability to spend money out of Washington, DC, so they can rain it down to their liberal interest groups, so they can get reelected. That is what is cruel.

Mr. Speaker, if my colleagues want to help the American people, balance the budget and cut out the extra spending.

Let me give another classic example. In education, the liberals have cut education year after year after year. How? The President's direct lending program cost over a billion dollars more just to administer. One year in operation they have lost $100 million and they cannot account for it. That is cutting education because those dollars are not going to the classroom.

We took the savings from that and increased Pell grants and increased students loans 50 percent and Democrats said Republicans are cutting education. What we did is we cut their power in River City and we capped the administrative fees on direct lending.

AmeriCorps where it is $29,000 per volunteer, and in Baltimore it was $50,000 per volunteer; the wasteful spending that we have in Washington, DC. If my colleagues want to help American families and get them a minimum wage, then balance the budget and take off interest rates. They will have more money for schools and car loans and home loans and they will have a good life. But no, Democrats want to make it political rhetoric in an election year, when they absolutely refused to do it when they had the total House, the total Senate and they had the White House.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I remind all speakers that we are talking about the minimum wage and not some of these other issues that have been brought before us.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank our ranking member for yielding me time.

Mr. Speaker, this matter of raising minimum wage is a matter of simple justice. We have heard throughout the last year and a half about how important it is for people to work. In fact, we have passed a welfare reform bill, so-called, which will require work because work is an important ethic that ought to be encouraged.

And while we talk about work, we always say work should be rewarded. So we have come now to this legislation which is an attempt to pay fair wages, to make it profitable for people to work at the lowest income in our country.

People who work at minimum wage, $4.25 now, all they are going to receive after a year is $5.15 an hour; not much more than what they get, but a substantial amount for those people who are in the lowest income in our society. And I have met many tens of thousands of workers who are earning minimum wage in my district.

Mr. Speaker, I was appalled when once the Labor Department issued the unemployment statistics, everywhere we had been told that the economy was down and that the tax collections were down. And yet at the same time our unemployment figures remained stable. They remained stable because in my community, people have to work three or two jobs just to keep their families together. So when they lose the third job and retain two, they are not unemployed, so it was not reflected in the unemployment statistics, but it certainly was reflected in the amount of money that they had to sustain their families.

Mr. Speaker, if we are going to consider the family and the importance of the family, the importance of rewarding work and making people self-sufficient and encouraging this idea of family responsibility, we have to have an increase in the minimum wage.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the minimum wage is finally going to be a bipartisan bill, but with Republicans and Democrats alike, to my friends on the other side of the aisle who want to troop down here and talk about how Democrats did not do anything the first 2 years of the Clinton administration, I would hasten to remind them of the earned income tax credit which was part of the deficit reduction bill.

Democrats passed that and it gave every American earning under $26,000 a year a tax cut. It gave 100,000 working West Virginians a tax cut. That was in lieu of the minimum wage and I might add not one Republican Member voted for it. Not one Republican Member voted for that middle-income and lower middle-income working person's tax cut, which, in effect, was a minimum wage increase.

But let us talk about this minimum wage, because it is time for it to go up. The minimum wage has not been raised since 1991, effectively. In West Virginia, what it has meant, failure to raise the minimum wage during the year that it has been talked about has meant $41 million of lost wages to working West Virginians. It has meant, since July 4, the loss of about $2 million a week to working West Virginians. That is money not only in their pockets but money that could be circulating in the economy.

Mr. Speaker, it also means that for working West Virginians it means that there are 112,000 payroll jobs that will see an increase because of this minimum wage increase over the next 2 years going from $4.25 to $5.15 over a 2-year period.

We talk about welfare reform; this is welfare reform, because what it says is there is value to work. I think that if workers have not had a pay increase since 1991, if they are at minimum wage, their buying power is at an all-time buying low for the last 40 years. If they are now making one-third the average nonsupervisory wage, and the minimum wage used to be one-half of that, yes, it is time for a raise.

So, Mr. Speaker, let us get this to the floor quickly. I am delighted to see there seems to be agreement among Republicans and Democrats. It is time for West Virginians to stop losing $2 million a week and get that pay raise.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, do we have the right to close on this side?

The SPEAKER pro tempore (Mr. TORKILDSEN). Yes, the gentleman is correct.

Mr. CLAY. Mr. Speaker, may I inquire of the gentleman if he intends to call additional speakers.

Mr. GOODLING. Mr. Speaker, if the gentleman will yield, whenever the gentleman from Missouri tells me he is down to his last speaker, I will get up and endorse his motion and then yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me 2 minutes. That is all it should take Members of this House to pass this bill. Two minutes. Not 2 months and certainly not 40 years. But for 40 years we have seen the minimum wage constantly have the value eroded down to the point now where we are now talking to folks who are working for minimum wage who cannot afford to exist.

Mr. Speaker, this is not a liveable wage. And it has been more than a month since this House, by a vast majority of its Members, decided to tell the American people, America you deserve a raise. But for more than a month this bill has been held in limbo because of politics. The Senate passed a raise on the wage more than a month ago and we cannot get this out so Americans can finally get their raise.

Mr. Speaker, there is not a need to wait any longer. We need not have an instruction to tell Members of Congress to finally do their work. Let us get to the business of this Congress. Let us increase the wage of American workers who earn the least amount in this country and do some of the hardest work. They have waited a long time. They have had to suffer through this. And quite honestly, it is time for us to tell them we appreciate what they do. And rather than the politics day after day, denying them the opportunity to have a 50 cent increase in their hourly pay, let us get past this political bickering and say it is time to increase the wage of America.

I urge Members to vote for this instruction and let us tell the leadership of the Congress: Fight if you wish, but do not do it on American workers' time. Let us pass this and get it over with and give America what it deserves.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, as soon as we cut the rhetoric, we will get this minimum wage conference over.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in support of raising the minimum wage and I call on the Republican leadership to quit the stalling tactics on this much-needed legislation.

Mr. Speaker, 80 percent of the American public wants to see an increase in the minimum wage. Americans need a raise and the Gingrich Congress has gone to unbelievable lengths to stiff working people, including this morning voting to cut overtime pay for working people. The Republican leadership has employed every parliamentary trick in the book to deny the minimum wage to, deny workers a 90-cent increase. We are talking, friends, about 90 cents.

Under Federal law, Speaker GINGRICH takes home $171,500 a year in taxpayers' money for his salary. In contrast, the minimum wage worker who puts in 40 hours a week for 52 weeks a year makes a grand total of $8,840.

On April 17, Speaker GINGRICH promised to, "look at raising the minimum wage." It has been exactly 100 days since Speaker GINGRICH made that promise and the American taxpayers have paid him $46,989 in that time. And in Connecticut, minimum wage workers lost a total of $4.8 million in this time in terms of their wages.

Speaker GINGRICH and the Republican revolutionaries passed their Contract With America in the first 100 days of this Congress, but when it comes to working people, the Republican leadership cannot get its act together enough to enact a paltry 90-cent raise. America needs a raise now. Let us do it.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise just to indicate that I voted for the bill when it left the House. I got some provisions in to protect the most vulnerable who normally are affected. Therefore, as soon as we stop the rhetoric, we will go on to conference and get the job done.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my Republican colleagues to stop blocking action on the minimum wage. I have said it before and I will say it again here today: Raising the minimum wage is not just an economic issue, it is a moral issue. It is the right thing to do. The time is always right to do right.

The Republicans in Congress will do anything to deny hard-working people a small raise. Mr. Speaker, Mr. Majority Leader, I know you vowed to fight an increase in the minimum wage with every fiber in your being but you cannot fight the will of the American people forever. Now is the time to act. Now is the time, not tomorrow, not next week, but today. One thing is for sure. Come November, working people will remember.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, America needs a raise; most of America needs a raise. Really, the CEO's are doing very well in America. The stockholders are doing very well. This is a time of prosperity and a great deal of growth. it is time to share the wealth, however.

American workers are stagnated and some are faced with decline in incomes. Here is a small step that we can take. I wish that we could have both Republicans and Democrats resolve between now and the end of this session, at least we will do no more harm to workers than has been done already this year.

□ 1215

The tiny steps that we can take is to move from $4.25 an hour to the first step in this two-step raise which will be 45 cents a year over a 2-year period, just 90 cents, to move from $4.25 to $5.15. What all the economist say, if you factor in inflation and you look at the way that the cost of living has been raised over the last 20 years, we are way behind.

To really stay level with the cost of living, this minimum wage increase should go to something like $6.30 an hour. So even after we give the two-step increase over a 2-year period, 90 cents to bring it up to $5.15 an hour, we will still be way behind what we really had 20 years ago with the minimum wage.

This is the least we can do. The war that has been declared on workers this year, starting with the November victory in 1994 of the Republican majority, is an unprecedented war. At least we can call a halt between now and November, try to stake some small steps to communicate to the American people that we do care about working families, that when we talk about moving from welfare to work, we want to make work rewarding. We have taken the rewards out of work by having people who earn the minimum wage earning less than you get if you are on welfare, and in many cases you are better off if you are on welfare and have Medicaid because at least you have a health care plan. Let us end the war on workers and raise the minimum wage without further ado.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, if we wanted to delay the process, we would not have come to the floor to ask to appoint conferees. I might remind my colleagues that it was the senior Senator from Massachusetts that held all of this up over on the Senate side, the appointing of the conferees, not because it had anything to do with the minimum wage but because he did not like something in relationship to health care. That is where the delay has been. We are trying to expedite it.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, just to correct the record, I yield myself such time as I may consume.

Why do they keep adding these nongermane issues to important issues like the minimum wage? It should not have been there in the first place. That is the problem with what is happening in this 104th Congress under the leadership of the Republicans.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, the gentleman from Pennsylvania says that they are not the cause of the delay. I can remember back early on in this year, way back, when we on this side attempted many times to bring up a minimum wage bill and to be thwarted by the votes of the majority, because why? Speaker GINGRICH did not want us to have a minimum wage bill.

Finally, because of some of their Members and some of the Members from people from the media and the public said we have to have a minimum wage, everybody knows that the minimum wage has the lowest buying power that it has had in the last 40 years, so that got to them. So then they finally came up with they want an amendment, though that would have obfuscated most of it, even denied any minimum wage to over 10 million workers. We defeated that. They tried the same thing in the Senate.

This has been a long arduous process, and all because Speaker GINGRICH and DICK ARMEY, they do not want us to have the public, the people out there that work, they do not want them to have a little increase in the minimum wage, 90 cents over a period of 2 years, a 90-cent increase.

Most of my colleagues on the majority side, that would be a hill of beans, does not amount to anything. They would throw that away in 15 minutes without any problem. To people in my district who work for a minimum wage, that 90 cents means a heck of a lot, folks. That means more bread on the table. That means maybe an extra pair of socks for the kids, maybe even a pair of shoes in due time. That is what it means. It does not mean that to the majority, to the wealthy, but it does to those who work for it.

As for me, I worked for a minimum wage at one time. I know what it is like. I do not like it. I do not think anybody on the minimum wage really likes working for the minimum wage. But to have to work for $4.25 when you should be working for $5 or $5.15 makes a big difference.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I had not planned to speak today. I have no prepared text. But I get tired of bashing. It is easy for Democrats to bash Republicans, easy for Republicans to bash Democrats. We seem to be in the bashing game.

I was back on the rail, listening to the bashing exercise. I may be wrong, Mr. Speaker, but I think if memory serves correctly, and it does, during the 103d Congress, when my Democrat friends controlled the House, controlled the Senate, controlled the White House at the other end of Pennsylvania Avenue, not one word was mentioned about minimum wage. They were in the wheelhouse of that ship. My colleagues had control of the ship. But minimum wage was not on their radar screen, my friends. Now all of a sudden it is a hot item and it is the Republicans' fault.

I tire of it, Mr. Speaker, and I believe the American public tires of it and can see through it.

I thank the gentleman from Pennsylvania for yielding me the time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I am a little confused as to what we are debating because we mostly seem to be having a bash Republican session here as opposed to debating the substance. In other words, the House appointed conferees. I think the chairman in the House and the majority in the House are willing to move ahead.

I have differences with what the House did. I actually agree with much of what the Senate is trying to do because I believe, and I get tired of having my motives attacked, I believe that in actuality that the increase in the minimum wage will hurt those who least can afford to be hurt.

I know in inner-city Fort Wayne we have been trying to get a grocery store to relocate back there. We lost all the major downtown grocery stores. This will increase their wage rates basically 20 percent. They already made a market decision that they could not put it there and we are making the market decision more difficult.

In the small town that I grew up and other small towns, the increases in the minimum wage are helping to take very marginal businesses under. We are seeing the Wal-Martization of America because suburbs can afford, through economic growth, to afford a lot of this. We need to look at creative ways, particularly for small businesses to deal with it.

Basically I believe that what we are debating here is not the substance of the minimum wage. We voted and I lost. What we are debating is how to resolve this procedure, how to move the conferees through, how to do it. We are not really resisting the point of trying to get the conference done. The Senators have been holding up the conference.

We want to see it move. As a freshman who has voted on this issue, who is willing to argue this issue, who unlike others have stood up and talked and tried to explain why I voted my vote, I do not retreat from my vote. I realize we have had this argument before.

I just wish that some of rhetoric would be toned down, that the motives attacks would be toned down, and we could move ahead with this process rather than continue what I believe has become malicious bashing of our side.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, one of my many small businessmen in my rural district, he has been in business for 30 years, he has approximately 25 employees. Does the gentleman know what he said? He said, the minimum wage should be increased.

He does not pay the minimum wage. He starts people out at the minimum wage, but he says, people even starting out now at $4.25 cannot make it.

If the gentleman wants his name, I will be glad to give it to him. His name is Pete Leukenhaus. He has a small business in Wentzville, MO. He believes that it should be increased had, not decreased, not held the same but increased.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, I believe every business that can pay more should absolutely pay more. There are many small businesses that are closed that used to pay less, and they cannot make it. That is really what I am talking about.

I would have liked to have seen some sort of adjustments to code to help low-income people who are just starting out, particularly young mothers who are often divorced or single and trying to make it. I would like to look at it. This is not the way.

Mr. CLAY. Mr. Speaker, since the first week of this month, when the Senate passed the minimum wage bill, Republican delay has cost the gentleman from Indiana's workers, workers in his State, $5 million a week. I wish he would consider that when he talks about how dangerous the minimum wage is.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Missouri for yielding me the time.

I have been interested in this debate because Members come in and say, I do not like the bashing, and then they proceed to bash the President, the Democrats or whatever.

Let us stop the bashing. Let us reach that challenge. Let us talk about what is at the core of this debate.

When I went to college, I went to an out of State public university, which

meant I was paying out-of-State tuition. I had a job with the minimum wage and, with that job, I made enough money to pay that tuition. Show me where you can do that today.

Let me tell my colleagues, what the real issue is is the minimum wage is lower in value than it has ever been. You are talking about a 40-year low. The minimum wage was supposed to be the floor.

Everybody wants to do welfare reform. Everybody wants to do these kinds of things. But if we cannot have a job where people can sustain themselves, we are really showing how totally coldhearted we are.

I think it is difficult for people who make $130,000 a year to stand up here and scream about, we do not want to raise the minimum wage. Yet the leadership on the other side of the aisle has said they were going to fight it with every fiber in their body. They were not going to let it go through.

Nevertheless, when we point that out, they say, there you go, bashing. It is not bashing. This is reciting what they have said publicly.

I think it is time we lift the minimum wage. It is way overdue. That will be the biggest incentive to welfare reform.

I think we need to get on with dealing with the real people who keep this country moving. It is particularly necessary for women. A very high percentage of people on the minimum wage are young moms trying to make it for their kids. They are trying to make it for their kids because we have not given them the tough child support enforcement help that they need. Now we are trying to cut off any other kind of support.

Raise the minimum wage. Let us do this together.

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds, just to remind everyone that the core of this debate, as a matter of fact, is do we expedite or do we not expedite the conference. That is the only core of this debate. If we stop talking, we will expedite it.

I would just mention that, to the best of my knowledge, to my friend from Missouri, the senior Senator from Massachusetts, I think, is still a Democrat.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I want to point out to my Democratic colleagues, as the person who actually offered the minimum wage amendment on this floor, that I was joined by 92 other Republicans in voting for that legislation on final passage. The difference is that us 93 Republicans also support meaningful welfare reform. So while on the one hand we do believe that the Federal minimum wage ought to be increased, if not to keep pace with inflation to at least restore some of the purchasing power to the minimum wage that has been lost or eroded due to inflation and to try to reverse this sort of perverse incentive in American society where welfare benefits in the aggregate pay more than the minimum wage job, that is to say, trying to make work more attractive than welfare, trying to make work pay more than welfare, the difference again is that we support raising the minimum wage and reforming welfare.

□ 1230

And I do not believe a single Democratic speaker who has come down to the floor and has been talking on this particular subject, this relatively innocuous motion to instruct conferees, supported welfare reform when they had the opportunity in this Chamber.

Now, the history is quite clear, colleagues. In 1992, candidate Clinton promised to end welfare as we know it. In 1995 and again in 1996 President Clinton vetoed welfare reform. Empty rhetoric spoken with the greatest of sincerity, followed by another broken promise. This cycle repeats itself all too often with President Clinton.

So even though his party, the Democratic Party, controlled the White House and the Congress for the first 2 years of his Presidency, President Clinton did nothing about welfare. He even admitted that when he finally got around to introducing welfare reform legislation, or suggesting welfare reform legislation to this body, it was quite watered down, and as previous speakers have already pointed out, when one controls the House and the Senate, they fail to offer legislation to increase the minimum wage, which seems to sort of undermine their credibility on this particular issue, it has taken a Republican-led Congress to pass legislation to reform welfare as President Clinton promised to do and to increase the minimum wage.

Now, last Thursday we made it possible for President Clinton to again sign on to a serious commonsense welfare reform package. He can either keep his word to end welfare as we know it, and my colleagues can help him do that, or he can do as usual break his word and prove yet again he means little or nothing of what he says. In order, though, for him to keep his word, he is going to have to stand up against the opposition of his party in the House of Representatives and most of the people who have spoken here on this floor today in the last few minutes to the idea of genuine welfare reform. The choice is his.

I ask all of my colleagues on the Democratic side of the aisle to join us in raising the minimum wage and reforming welfare.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

The diversion is becoming an art in this House. The subject today is minimum wage; it is not welfare reform, or capital gains, or a host of other nongermane issues. The gentleman from California who just spoke, workers in his district have lost $25 million a week since the beginning of this month because of the delay in this bill becoming law.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding this time to me. As my colleagues know, this is not Republican bashing or any other kind of bashing. This is simply setting the record straight.

The American people are not fools. They understand that the Democrats in Congress all Congress long have been pushing for an increase in the minimum wage. We could not even get a procedural vote to bring the minimum wage to the floor for months upon months upon months.

The Republican leadership did not want this bill. They finally are here kicking and screaming every inch of the way because they know that 80 percent of the American people support the minimum wage increase and they were on the wrong side of the issue. So they are cutting their losses, and they are reluctantly coming to the table.

But the American people, again, are not fools. They know that the Democratic Party has been pushing it in this Congress.

I do not need history about what happened in previous Congresses. Let us talk about this Congress. This is the Congress that the Republicans have the majority, and this has been to do-nothing Republican Congress because it took us so long to finally get the minimum wage to the floor, and we are finally about to pass the minimum wage, but again with 90 Republicans or 92 Republicans, still a majority of Republicans in this Chamber, voted against raising the minimum wage, and a majority of Democrats overwhelmingly supported and voted for the minimum wage. So the American people should understand that. That is what has happened.

We talk about welfare reform. Well, no one is going to get off the minimum wage, get off a minimum wage job or get into a minimum wage job and get off welfare if the minimum wage is not worthwhile, if there is no child care, if there is inadequate health care, and that is the problem with the welfare bill. But we are discussing minimum wage, and it is very clear, very simple. The American people know the Democrats in this Congress have been for increasing the minimum wage time and time again, and Republicans have dragged their feet every step of the way, and again it is consistent with the Republicans attacking working people in this country, being against the minimum wage, being for gutting OSHA and gutting all kinds of rights for workers.

So let us get on and let us pass the minimum wage. This is a victory for the American people.

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds just to remind the gentleman from New York again he had 2 years, complete majority in the House, complete majority in the Senate, had the White House, never even mentioned in my committee for 2 years when they had total majority anything about the minimum wage.

But again I say, the senior Senator from Massachusetts delayed appointing in conferees over there, we delayed now about 45 minutes appointing them here. We could get on with the job. All we have to do is name the conferees.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Perhaps the most interesting element in this debate is how one-sided it is. As my colleagues here and I, similar viewers, know, the reason our good friend from Pennsylvania has to stand up and keep granting himself 15 seconds and half a minute is because he cannot get any Republicans to come over here and support him on this, or very, very few, and some who have come over and supported him on it are actually against the minimum wage and have said so.

Look, the American people understand this. This is a very partisan issue. It has been for almost 60 years. Republicans have been against the minimum wage since it was first created in the late 1930's, and they have been against it each time it has come up since. Oh, if we bring the bill publicly out on the floor, as we have done this afternoon, the Republicans are back in the cloakroom, and if they finally have to vote on it, usually enough of them will join Democrats that we can get it passed.

But Americans are not fooled on this issue. They know that Republicans are against the minimum wage and Democrats are for it. There is another way to put that:

My colleagues remember the economics of the 1980's called trickle-down economics, the new Republican-designed economics called trickle-down. Of course what that was, it is if we can deny income to lower-middle-income and middle-income folks and we can increase the income to the rich and the well-to-do, eventually it will trickle down and help the low-income workers. Democrats are not for that. We are for an economics which we like to call percolate-up. This bill is part of percolate-up: increase the minimum wage so that at the end of the month the workers in this country have a little jingle in their pocket, they go out and spend it, and that is what helps the American economy. It is called percolate-up. It is far different than trickle-down, and there is an enormous difference between Republicans and Democrats on this issue.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, this has been an amazing experience because this is a time in the history of Congress where two-thirds of Congress believes we should move forward in a certain direction where two-thirds of the majority party for very valid reasons disagrees, and this was a test of this Republican Party on whether a minority within the party could have some opportunity to pursue with the minority party on the other side.

I am absolutely convinced that we have been dealing in good faith on this issue. There were other issues in the Senate, like some Member holding up the health care bill, and it seemed logical that that was a bill we wanted because we wanted to deal with the issue of transportability and preexisting condition and the health care fraud positions there and the medical savings accounts and so on, and that bill was being held up by the minority party there, and there were some on our side who said, "Well, if that's the case, then the minimum wage, we're just going to wait on the conference report." But both have been resolved, and we are having a debate now that is somewhat academic because I understand as soon as the debate is over we will have individuals appointed to the conference committee.

But I just want to, one, thank my leadership for their willingness in my conference and particularly the Members who strongly disagreed because they thought it would and still believe that jobs would be at risk and that profits will be at risk and that prices would be at risk. We disagree, those of us who support raising the minimum wage.

We have a very good debate on the floor of the House. I believe people on both sides of the aisle were dealing in good faith. Two-thirds of this conference wants to move forward on the minimum wage. I think that will happen, and to the credit of this majority party we just did not vote out a minimum-wage package, we voted out a package of economic stimulus tax credits for those individuals who are hiring the least employable. So I think we got a better bill through the synergies that exist.

I recognize that the Democrat Party has been pushing the minimum wage, that they cut a clear majority on their side, they had a role to play in this process. But this side of the aisle, and I do make the point, as has been illustrated, but they did have 2 years when they were in power they could have brought this bill up. And we do understand that there is a lot of politics involved in this process, as well.

But to the credit, we are moving forward, we will see Members appointed to the conference committee, and I urge adoption of this conference effort.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I merely say again we are here to appoint conferees, which that means we want to move ahead, we do not want to delay, but we have lost 50 minutes now. We probably could have solved it all in 50 minutes if we could have just named the conferees and sat down and got in conference, and it may be all over by this time.

But again I know it is a political year. And I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my good friend for yielding this time to me. And I might say to the gentleman from Pennsylvania in fact this is an important debate. It is 50 minutes, but I would say to the American people it has been a long time since the Senate passed the minimum wage. I would ask my Republican colleagues, why so long? Why not then, on July 1, and certainly before July 4? Why not recognize that since the Senate passed the minimum-wage increase, American workers, some 5 million of them who earn less than $4.70, would have already gotten a raise?

According to the Labor Department, if we had gone ahead on July 1, we would have provided the American people 3½ months of groceries, or 4½ months of utility bills or 2 months of rent. My own State of Texas, the workers there have lost $19 million a week because we did not increase the minimum wage when this House voted for it and the Senate voted for it. Workers have lost nearly $4 billion because of the Republican delay.

That is why we are debating this on the floor of the House.

And might I take on my colleagues on the issue of welfare reform? I do not mind discussing it, because we are so eager to talk about welfare reform, which I agree with, but at the same time we do not want to give the American workers a decent working wage. I support welfare reform with job training, with child care, with health care and jobs. But I recognize that the fact that we have had a minimum wage that was less than a minimum wage in 1962 in terms of buying power, we are not doing anything to suggest to people get off welfare but yet do not have the jobs or the income to be able to survive, for when one gets off welfare they do still need health care.

This is an important step. I am just so sorry that we did not move more sooner so that the billions of dollars that have been lost already by the American worker could have been corrected, so that more families could buy

groceries, so more could pay utility bills, and, yes, those who maybe were without homes could be in apartments now paying rent.

That is really the cause of the ire of those of us on this side of the aisle. We did not need to be voting on this today. We could have been voting for the American worker on July 4, really celebrating this holiday of independence and celebration.

And so, Mr. Speaker, I think it is extremely important that we do move forward. I hope the conferees will spend more time in discussing how we can help the American worker. I hope it will spend time listening to economists who will say that increasing the minimum wage a mere 95 cents does not hurt small businesses, it does help the economy , it does help circulate dollars into the economy so that consumers will have more money. And we recognize that those individuals with the least amount of money are our greater consumers. Give them the opportunity to get a fair day's wage for a fair day's work. Vote for this minimum-wage conference so that we can stand with the Americans. I am sorry it is so late.

Mr. PAYNE of New Jersey. Mr. Speaker, today I rise in support of American workers and in support of an increase in the national minimum wage. Every day, we hear how the living standards of Americans are steadily eroding. And finally, we are looking at a bipartisan effort to increase the living standards for millions of Americans who are looking to take personal responsibility and keep them and their families off welfare.

Consider that since the early 1970's, the benefits of economic growth have unevenly distributed among workers. Raising the minimum wage would help ameliorate this trend.

The positive effects of the minimum wage are not felt solely by low-income households, but minimum wage workers are overrepresented in poor and moderate-income households.

Consequently, the minimum wage is an important component of a broad-based policy to help low-wage workers, particularly in households that are working hard to keep themselves and their families in self-sufficiency.

With wages stagnant, people are spending less money. As a result, companies profits are way up and inflation adjusted wages and benefits are climbing at less than half the pace of previous economic expansions.

And with growth in consumer spending down, that means that per capita GDP growth is way below projected trend.

So what does all this mean for you? As many of my colleagues on the other side are seriously considering reductions in the earned income tax credit, workers who are impacted by a stagnant minimum wage are in large part the same people who would be hurt by cuts in the tax credit.

And in this age of personal responsibility, here's the incentive to move out of poverty.

I know that my colleagues vote in favor of this small effort to help hard-working Americans struggle to keep themselves and their families out of poverty. I urge my colleagues to support this bill.

□ 1245

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 26, not voting 42, as follows:

[Roll No. 369]

YEAS—365

Abercrombie
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
LaFalce
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—26

Armey
Barr
Barton
Campbell
Chambliss
Chenoweth
Combest
Crane
DeLay
Doolittle
Ehrlich
Goss
Hoekstra
Inglis
Kingston
Kolbe
McIntosh
Royce
Sanford
Shadegg
Souder
Stump
Thornberry
Tiahrt
Walker
Wicker

NOT VOTING—42

Ackerman
Baker (LA)
Berman
Bevill
Blumenauer
Boucher
Chapman
Coleman
Collins (IL)
Cramer
Cremeans
Doggett
Ford
Gejdenson
Geren
Hancock
Hastings (FL)
Hayes
Holden
Hutchinson
LaHood
Laughlin
Lewis (CA)
Lincoln
Martinez
McDade
Meehan
Mica
Miller (CA)
Miller (FL)
Nethercutt
Payne (NJ)
Pelosi
Peterson (FL)
Quillen
Roberts
Scarborough
Seastrand
Studds
Torricelli
Waters
Young (FL)

□ 1304

Messrs. TIAHRT, STUMP ARMEY, DELAY, COMBEST, EHRLICH, INGLIS of South Carolina, DOOLITTLE, WALKER, SANFORD, and GOSS, Mrs. CHENOWETH, and Messrs. ROYCE, WICKER, CHAMBLISS, BARTON of Texas, and KOLBE changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, on rollcall Nos. 366, 367, 368, and 369, I was unavoidably detained. Had I been present I would have voted "yea" on all four votes.

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the Chair appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House bill, except for title II, and the Senate amendment numbered 1, and modifications committed to conference: Messrs. ARCHER, CRANE, THOMAS, GIBBONS, and RANGEL.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of sections 1704(h)(1)(B) and 1704(l) of the House bill and sections 1421(d), 1442(b), 1442(c), 1451, 1457, 1460(b), 1460(c), 1461, 1465, and 1704(h)(1)(B) of the Senate amendment numbered 1, and modifications committed to conference: Messrs. GOODLING, FAWELL, BALLENGER, CLAY, and OWENS.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title II of the House bill and the Senate amendments numbered 2–6, and modifications committed to conference: Messrs. GOODLING, FAWELL, BALLENGER, RIGGS, CLAY, OWENS, and HINCHEY.

There was no objection.

LEGISLATIVE PROGRAM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY], the distinguished majority whip, for the purpose of asking the schedule for the remainder of this week and for next week.

Mr. DELAY. I thank the distinguished vice chairman of the Democratic Caucus for yielding.

Mr. Speaker, I am pleased to announce that the House has concluded its legislative business for the week.

We will next meet on Monday, July 29, at 12:30 p.m. for morning hour and at 2 p.m. to consider a slew of suspensions. Members should be advised that any recorded votes ordered will be postponed until Tuesday, July 30, at 2 p.m. Please note that there is a possibility that votes could occur later than 2 p.m., although we cannot guarantee it.

On Tuesday, July 30, the House will meet at 9 a.m. for morning hour and at 10 a.m. for legislative business. The House will continue consideration of suspensions before turning to H.R. 2391, the Working Families Flexibility Act.

For Wednesday, July 31 and the balance of the week, the House will debate the following measures, both of which will be subject to rules: H.R. 2823, the International Dolphin Conservation Program Act; and H.R. 123, English as the Common Language of Government Act.

Mr. Speaker, it is my belief that a number of conference reports may be ready next week. Among the possibilities the House may consider are welfare reform, health care reform, safe drinking water and, of course, any appropriations bills that are ready.

Mr. Speaker, the House should finish its business and commence the August district work period by 2 p.m. on Friday, August 2.

Mrs. KENNELLY. I thank the gentleman.

Mr. Speaker, I would like to further ask, does the gentleman expect the minimum wage conference report to be considered next week?

Mr. DELAY. If the gentlewoman will yield further, as the gentlewoman knows, the minimum wage portion of the bill is the same in both Houses. We hope after vigorous consultations and negotiations with the Senate through the conference committee that the tax provisions will be worked out and we have every intention of bringing that conference report back to this House for a vote, hopefully in the next week. But the gentlewoman knows as well as I do, conference committees can slow down.

Mrs. KENNELLY. I thank the gentleman.

Mr. Speaker, I would just like to ask a few further questions. Does the gentleman think we will complete the comp time bill next week?

Mr. DELAY. That is certainly our hope and our intention.

Mrs. KENNELLY. Mr. Speaker, I have noticed we do have a great deal on the plate obviously because we are going to finish and go on August break next week.

We have heard that the DOD, the Agriculture, the foreign operations, the legislatve branch and the immigration conferences might also come up. Could the gentleman address the possibility of those conference reports?

Mr. DELAY. If the gentlewoman will yield further, certainly the Committee on Appropriations of the House is working as hard as they can to see that that happens. We are trying to get as many appropriations bills to the President as quickly as possible in anticipation of adjourning on October 4.

Mrs. KENNELLY. So the above mentioned will be going to conference, or the gentleman is going to try to see if they will go to conference?

Mr. DELAY. If the gentlewoman will continue to yield, we certainly want to go to conference on those bills any way that we can next week so that we can stay on our schedule.

Mrs. KENNELLY. I thank the distinguished majority whip.

ADJOURNMENT TO MONDAY, JULY 29, 1996

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURAL MARKET TRANSITION ACT AMENDMENTS

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 3900) to amend the Agricultural Market Transition Act to provide greater planting flexibility, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DE LA GARZA. Mr Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. COMBEST] for an explanation of the bill.

Mr. COMBEST. I appreciate the gentleman yielding.

Mr. Speaker, H.R. 3900 is a short and simple bill to address two problems related to the implementation of the 1996 farm bill, or the Federal Agriculture Improvement and Reform Act. This bill has been the subject of many staff discussions between Republicans and Democrats on the House Agriculture Committee and with staff of the Department of Agriculture. I have personally visited with my good friend, Secretary Dan Glickman, about the first

part of this bill and he supports making this change.

The first part of the bill simply allows farmers to plant a secondary crop of fruits or vegetables on their farm program acreage following a crop which has failed earlier in the year. This practice, referred to as ghost acres, has been allowed for several years but is being disallowed this year due to the interpretation of the new farm bill by USDA. Allowing this practice clarifies the intent of Congress and does not violate the spirit of any agreements made on the issue of planting flexibility under the new farm bill.

It is unfortunate that the passage of this legislation has become necessary and many of us believe that this problem could have been more easily resolved by a more appropriate interpretation of this provision by USDA. Language very similar to this was recently inserted into the Agriculture appropriations bill on the Senator floor. However, enactment of this change is needed now to allow farmers to get their crops into the field immediately.

The second provision of H.R. 3900 requires the issuance of new regulations by the Department of Agriculture for the Conservation Reserve Program by September 15. This requirement is needed because rural Americans have already waited too long to hear what the details of the new CRP program will be and need to make decisions as to the future use of their land.

Mr. Speaker, this bill has bipartisan support in both Houses of Congress and I urge its immediate adoption.

Mr. DE LA GARZA. I thank the gentleman.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. Speaker, I strongly support this unanimous-consent request.

Mr. Speaker, as you know, the Federal Agricultural Improvement and Reform Act of 1996 contains a provision under section 118 which prohibits the planting of most fruit and vegetable crops on contract acreage, with three narrow exceptions. The primary intent of this provision is to prevent the subsidization of fruit and vegetable production in competition with traditionally nonsubsidized producers of these crops, yet allow for the same flexibility to plant fruits, vegetables, or other commodities as was allowed in the last farm bill, the Food, Agriculture, Conservation, and Trade Act of 1990. Rather than leave the issue open for interpretation, this bill more clearly defines the parameters under which farmers can plant a second crop without incurring an acre-for-acre reduction in their market transition payment.

In Texas, blackeyed peas are historically grown on failed cotton acreage. They make for an excellent followup crop to cotton compared to other crops, because they more readily adapt to the herbicides used in cotton planting. More importantly, blackeyed peas allow producers an opportunity to grow a crop that: First, requires considerably less water during times of drought; second, serves as an excellent ground cover, even if they only get a few weeks growth; third, assists with fertilization for next year's crop by contributing nitrogen to the soil, and fourth, provides lenders additional incentive to work with difficult credit situations like many farmers are experiencing now. Most States have similar cropping substitutes. Maybe it goes without saying, but every true Texan knows that any good luck throughout the year can easily be traced back to those traditional servings of blackeyed peas on New Year's Day. If this year's farm bill is really about flexibility, it is important that producers who operate outside those counties currently designated as double cropping regions, but who have traditionally been able to plant a commodity in lieu of a failed program crop, continue to have that opportunity. I am confident that it was not the plan by the authors of this farm bill to prohibit or restrict planting options relative to the past, and I feel certain that their aim was, at a bare minimum, to maintain the producer's freedom to farm his land at 1990 levels.

With the passing of this bill, we also encourage the Secretary of Agriculture to provide specific guidance to those producers who are considering bringing their land back into production from the Conservation Reserve Program. I understand the excessive workload that the Department is facing in issuing all the rules and regulations associated with this farm bill's implementation and the staffs of all those agencies involved should be commended for the long hours and headaches they have endured this summer—but it is very important that the eligibility requirements be determined and announced as soon as is reasonably possible so that CRP contract holders can know what to expect.

I support this bill and urge my colleagues to do the same.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 3900.

This bill will give the U.S. Department of Agriculture much needed direction in the interpretation of the Federal Agriculture Improvement and Reform Act of 1996—FAIR Act—which we passed earlier this year.

H.R. 3900 is very simple. First, it reaffirms the Department's ability to continue the practice of ghost acres. Under prior farm bills, producers who suffered a natural disaster could plant a second crop of their choosing without having any impact on their participation in commodity programs. This practice allowed producers the ability to try to recoup some of their losses when Mother Nature was in an unkind mood.

The second provision in H.R. 3900 will require the Department to issue regulations by September 15, 1996 to implement the Conservation Reserve Program which was amended by the FAIR Act. Producers and landowners in many parts of the country are wondering what the parameters of the new program will be and this provision will spur the Department on to work out the new regulations in a timely fashion.

Mr. ROBERTS. Mr. Speaker, I rise in support of H.R. 3900 which requires the USDA to publish its regulations governing the Conservation Reserve Program by September 1, 1996. Since its inception in 1985, the CRP has been a valuable tool for America's farmers. The CRP allows producers to protect fragile, highly erodible land from further deterioration by signing contracts to remove the land from production and place it under a managed conservation practice in exchange for fixed annual payments. While the CRP has achieved considerable reductions in wind erosion, it also provides excellent wildlife habitat for pheasants, quail, and other animals that inhabit the American plains.

Mr. Speaker, I am concerned that the regulations governing the future of the CRP have been repeatedly delayed by the USDA. Farmers need to know all of the details of the Federal agricultural policies that affect their ability to make commonsense farm management and production decisions. For weeks I have been hopeful that the USDA would issue its policy guidelines regarding the future of the CRP so that farmers could have full knowledge of the rules that will govern their program participation before they signed up for the 7-year farm program.

Unfortunately, in the more than 3 months that have passed since the new farm bill was enacted, USDA has provided only the barest of details. While the USDA has allowed CRP contract holders to extend their contracts for an additional year, farmers have no certainty regarding the long-term future of the CRP. With the world currently experiencing a grain supply shortage, many farmers worry that the CRP will be abandoned completely. At the same time, others worry that continuing to extend the CRP on a year-to-year basis discourages farmers from doing what they do best—feed a hungry and troubled world.

Mr. Speaker, farmers need long-term guidance from the USDA so they can make crucial production decisions. The new farm bill required that the USDA publish its CRP regulations within 90 days of passage—they are already 2 weeks pass that deadline. With farmers already preparing to plant next year's wheat crop this fall, it is important that they know what the CRP rules will be both for next year and for the years to come.

The CRP debate has dragged on for long enough. America's farmers deserved an answer long before now. They should not have to wait any longer.

Mr. DE LA GARZA. Mr. Speaker, I withdraw my reservation of objection.

□ 1315

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3900

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

Sec. 1 Increased Planting Flexibility.—Section 118 of the Agricultural Market Transition Act (7 U.S.C. 7218) is amended by adding the following new paragraph to subsection (b)(2):

"(D) by a producer on contract acreage following a crop that fails due to conditions beyond the producer's control.".

Sec. 2. Conforming Amendment.—Subsection 118(b)(2) is amended:

(a) in paragraph (B), by striking "or"; and
(b) in clause (ii) of paragraph (C), by striking "vegetable." and inserting "vegetable; or".

Sec. 3. Conservation Reserve Program Regulations.—Not later than September 15, 1996, the Secretary shall issue regulations to implement the Conservation Reserve Program (16 U.S.C. 3831 et seq.), as amended by section 332 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127, April 4, 1996).

AMENDMENT OFFERED BY MR. COMBEST

Mr. COMBEST. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. TORKILDSEN). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST:
On page 2 Line 7 strike "in" and insert "at the end of".

Mr. COMBEST. Mr. Speaker, I would just mention this is strictly technical. It is to further clarify in the amendment a misinterpretation that had been earlier made, and it is purely technical and clarifying in nature.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3900.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 488.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATUS REPORT ON THE CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 1997 AND FOR THE 5-YEAR PERIOD FISCAL YEAR 1997 THRU FISCAL YEAR 2001

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

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of July 22, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by House Concurrent Resolution 178, the concurrent resolution on the budget for fiscal year 1997. These levels are consistent with the recent revisions made pursuant to section 606(e) of the Congressional Budget Act of 1974 as amended by the Contract with America Advancement Act—Public Law 204–121—which provides additional new budget authority and outlays to pay for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1997 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the section 602(a) allocations for discretionary action made under House Concurrent Resolution 178 for fiscal year 1997 and for fiscal years 1997 through 2001. Discretionary action refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised section 602(b) suballocations of discretionary budget authority and outlays among appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on July 12, 1996.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1997 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 178

REFLECTING ACTION COMPLETED AS OF JULY 22, 1996

[On-budget amounts, in millions of dollars]

	Fiscal year 1997	Fiscal year 1997–2001
Appropriate level (as set by H. Con. Res. 178):		
Budget authority	1,314,785	6,956,507
Outlays	1,311,171	6,898,627
Revenues	1,083,728	5,913,303
Current level:		
Budget authority	833,332	NA
Outlays	1,024,830	NA
Revenues	1,100,340	5,970,883
Current level over (+)/ under (−) appropriate level:		
Budget Authority	−481,453	NA
Outlays	−286,341	NA
Revenues	16,612	57,580

NA=Not applicable because annual appropriations act for fiscal years 1998 through 2001 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1997 in excess of $481,453,000,000 (if not already included in the current level estimate) would cause FY 1997 budget authority to exceed the appropriate level set by H. Con. Res. 178.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1997 outlays in excess of $286,341,000,000 (if not already included in the current level estimate) would cause FY 1997 outlays to exceed the appropriate level set by H. Con. Res. 178.

REVENUES

Enactment of any measure that would result in a revenue loss in excess of $16,612,000,000 in FY 1997 (if not already included in the current level estimate) or in excess of $57,580,000,000 for FY 1997 through 2001 (if not already included in the current level estimate) would cause revenues to be less than the recommended levels of revenue set by H. Con. Res. 178.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1997—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (July 12, 1996)				Current level reflecting action completed (July 22, 1996)				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	12,802	13,349	0	0	0	3,853	0	0	12,802	9,496	0	0
Commerce, Justice, State	24,493	24,939	4,525	2,951	0	6,451	0	1,477	24,493	18,488	4,525	1,474
Defense	245,065	243,372	0	0	0	80,745	0	0	245,065	162,627	0	0
District of Columbia	718	718	0	0	0	0	0	0	718	718	0	0
Energy & Water Development	19,418	19,652	0	0	0	6,833	0	0	19,418	12,819	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1997—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)—Continued

[In millions of dollars]

	Revised 602(b) suballocations (July 12, 1996)				Current level reflecting action completed (July 22, 1996)				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Foreign Operations	11,950	13,311	0	0	72	8,253	0	0	11,878	5,058	0	0
Interior	12,118	12,920	0	0	138	4,855	0	0	11,980	8,065	0	0
Labor, HHS & Education	65,625	69,602	61	38	1,858	40,615	0	20	63,767	28,987	61	18
Legislative Branch	2,188	2,179	0	0	0	214	0	0	2,188	1,965	0	0
Military Construction	10,033	10,430	0	0	0	7,204	0	0	10,033	3,226	0	0
Transportation	12,190	35,453	0	0	0	23,785	0	0	12,190	11,668	0	0
Treasury-Postal Service	11,016	10,971	97	84	0	2,381	0	9	11,016	8,590	97	75
VA-HUD-Independent Agencies	64,354	78,803	0	0	365	47,492	0	0	63,989	31,311	0	0
Reserve	722	0	0	0	0	0	0	0	722	0	0	0
Grand total	492,692	535,699	4,683	3,073	2,433	232,681	0	1,506	490,259	303,018	4,683	1,567

DIRECT SPENDING LEGISLATON—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF JULY 22, 1996

[Fiscal years, in millions of dollars]

House committee	1997			1997–2001		
	BA	Outlays	NEA	BA	Outlays	NEA
Agriculture:						
Allocaton	0	0	0	0	0	4,996
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,996
National Security:						
Allocation	−1,579	−1,579	0	−664	−664	0
Current Level	0	0	0	0	0	0
Difference	1,579	1,579	0	664	664	0
Banking, Finance and Urban Affairs:						
Allocation	−128	−3,700	0	−711	−4,004	0
Current Level	0	0	0	0	0	0
Difference	128	3,700	0	711	4,004	0
Economic and Educational Opportunities:						
Allocation	−912	−800	−152	−3,465	−3,153	7,669
Current Level	0	0	0	0	0	0
Difference	912	800	152	3,465	3,153	−7,669
Commerce:						
Allocation	0	0	370	−14,540	−14,540	−41,710
Current Level	0	0	0	0	0	0
Difference	0	0	−370	14,540	14,540	41,710
International Relations:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Government Reform and Oversight:						
Allocation	−1,078	−1,078	−289	−4,605	−4,605	−1,668
Current Level	0	0	0	0	0	0
Difference	1,078	1,078	289	4,605	4,605	1,668
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−91	−90	−12	−1,401	−1,460	−59
Current Level	0	0	0	0	0	0
Difference	91	90	12	1,401	1,460	59
Judiciary:						
Allocation	0	0	0	−357	−357	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	357	357	0
Transportation and Infrastructure:						
Allocation	2,280	0	0	125,989	521	2
Current Level	0	0	0	0	0	0
Difference	−2,280	0	0	−125,989	−521	−2
Science:						
Allocation	0	0	0	−13	−13	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	13	13	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−90	−90	224	−919	−919	3,475
Current Level	0	0	0	0	0	0
Difference	90	90	−224	919	919	−3,475
Ways and Means:						
Allocation	−8,973	−9,132	−2,057	−134,211	−134,618	−10,743
Current Level	0	0	0	0	0	0
Difference	8,973	9,132	2,057	134,211	134,618	10,743
Unassigned:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total authorized:						
Allocation	−10,571	−16,469	−1,916	−34,897	−168,812	−38,038
Current Level	0	0	0	0	0	0
Difference	10,571	16,469	1,916	34,897	163,812	38,038

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1996.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1997. These estimates are compared to the appropriate levels for those items contained in the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178), and are current through July 18, 1996. A summary of this tabulation, my first for fiscal year 1997, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	833,322	1,314,785	−481,453
Outlays	1,024,830	1,311,171	−286,341
Revenues:			
1997	1,110,340	1,083,728	+16,612
1997–2001	5,970,883	5,913,303	+57,580

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997—AS OF CLOSE OF BUSINESS JULY 18, 1996

[In millions of dollars]

	Budget authority	outlays	revenues
Previously enacted			
Revenues			1,100,355
Permanents and other spending legislation	843,212	804,226	
Appropriation legislation		238,523	
Offsetting receipts	−199,772	−199,772	
Total previously enacted	643,440	842,977	1,100,355
Enacted this session			
Taxpayer Bill of Rights 2 (H.R. 2337)			−15
Appropriated entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	189,892	181,853	
Total current level[1]	833,332	1,024,830	1,100,340
Total budget resolution	1,314,785	1,311,171	1,083,728
Amount remaining:			
Under budget resolution	481,453	286,341	
Over budget resolution			−16,612

[1] In accordance with the Budget Enforcement Act, the total does not include $34 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

CAMPAIGN REFORM

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

Mr. WISE. Mr. Speaker, I rise to speak today in the more dispassionate time of special orders, and one day following the vote on campaign finance reform, to talk about campaign finance reform and what the future is. I am not particularly interested in getting into a partisan dispute today.

I think that it was worthwhile defeating the bill yesterday which put more money into politics, it did not take money out, but that was yesterday. Let us talk about some of the very real factors that are affecting campaign finance reform, and some of the difficulties in crafting a bill that deals not only with candidates but the overall issue of campaign finance reform.

First of all we had the Buckley versus Vallejo decision by the U.S. Supreme Court in the 1970's, which began a trail of decisions or started a line of decisions which effectively says that expenditure of money is the equivalent of speech; that as someone has the ability to say anything they want, if money enhances or permits them to say that, they can then expend that money.

So free speech and expenditure of money begin to be equated as the same. That is, I think, a disturbing trend, but that is a judicial decision.

So first of all we have that case, and what that then did effectively say, that we could not limit how much an individual could spend in their own campaign. If we have a billionaire, that billionaire can spend a billion dollars, if they want, of their own money for their own campaign. We can limit how much somebody can contribute to that person. We cannot limit how much that person can spend themselves.

The second major decision occurred only a couple of weeks ago, in which the U.S. Supreme Court ruled that political parties cannot be limited in how much they can spend for independent expenditures on behalf of their candidates. Let me give my colleagues an example:

John Jones, hypothetical candidate, is running, and his political party decides they want to make an independent expenditure, that is, without communication with John Jones, in his behalf. They were previously limited in how much they could spend. Now they can spend hundreds of thousands of dollars running a negative ad campaign against John Jones' opponent, leaving John Jones then free to run positive ads and not have his fingerprints attached to negative campaigning.

Incidentally, four of the Justices suggested at that time that that doctrine ought to be able to carry over to making direct expenditures on behalf of the candidate, so that firewall may be following shortly.

So now we have a situation with the Supreme Court where we cannot limit how much a candidate can spend on behalf of himself or herself out of their own individual funds, and we cannot limit how much a political party, Democrat or Republican, can spend on behalf of a candidate as long as it is independent.

The third factor we have in today's elections are independent expenditures, whether it is the Chamber of Commerce, the National Association of Manufacturers, the AFL–CIO, the Christian Coalition, or whomever, that they can spend in behalf of a candidate as long as it is an independent expenditure. Once again, an outside group can come in, run hundreds of thousands of dollars of political advertising, as long as theoretically it is not done in coordination with the candidate. Once again, we can pass all the legislation we want affecting a candidate, but if we have independent expenditures it really does not make any point.

The fourth is one that both parties abuse, I feel, and that is soft money, the ability to funnel lots of money, unlimited amounts, in effect, to political party committees in States, effectively for organization. Soft money is becoming a bigger and bigger loophole.

A fifth element of great concern, both Presidential candidates in both parties are circumventing or getting around as much as they possibly can the present limitation on campaign financing. The only area, incidentally, where there is some public financing of campaigns is in Presidential campaigns. It is supposed to be limited, but both parties are getting around that as aggressively as possible.

Finally, the watchdog of campaigns, the Federal Elections Commission, is not adequately funded, and so in effect we have got a watchdog that has been defanged or the watchdog is not being given much of a leash to go do its job.

What we may ultimately have to consider in this country and I just suggest this for discussion purposes, is if there is ever going to be a serious limitation of money, if we are going to be able effectively to control how much individuals or individual groups put into campaigns, we may have to talk about a constitutional amendment that overcomes the Supreme Court decisions. But until that happens, then I think the public is going to have to be prepared to take control of this process and demand that the Congress do the same thing.

I use the retail, parking lot test. A lot of people are concerned that political campaigns are turning into retail contests. Then use the retail principles to combat it. The parking lot test for me is when I am standing in a parking lot campaigning and somebody comes up and says, "BOB WISE, I don't think that this should be happening" or "Are you involved in this?" So that way political candidates, whether incumbents or challengers, soon get an idea of what the public will accept.

It may be that the public is going to have to say what it would not accept in campaigns. The public or perhaps outside groups are going to have to devise a voluntary code, and thus get some campaign reform and force Congress to act.

THE FACTS ABOUT THE CAMPAIGN FINANCE REFORM BILL

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

Mr. HOKE. Mr. Speaker, I also want to speak about the campaign finance reform bill that we defeated yesterday, as well as just campaign finance reform generally, because the one thing that has been said repeatedly is that it was a good thing that this bill was defeated because it would do nothing to limit campaign spending. That is simply factually untrue, and I am going to explain why that is untrue.

I will preface that by saying that I did not think it was a perfect bill. There were a lot of things about the bill I was not particularly happy with but at least it moved in the right direction, and I did vote for it.

As we could see, though, from yesterday's vote, Mr. Speaker, unfortunately it was soundly defeated in this House because apparently when it comes to campaign finance reform, people hide behind perfection being the utter enemy of the good, instead of making the incremental reforms that apparently are the only way that we can get anything accomplished with respect to reforming the institution itself or the way that candidates are supported and their campaigns are financed.

Let me tell my colleagues specifically why yesterday's bill, from bottom-up as opposed to top-down philosophy, would have limited spending. It did two things that would have limited spending. It did two things that would have had an immediate impact on reducing the number of dollars in congressional campaigns.

No. 1, it reduced the amount of money that could be contributed by a political action committee, that is, a special interest PAC. Most of them, as we know, Mr. Speaker, are located here in Washington and represent Washington's values, lobbyists' values, special interests' values, as opposed to America's values.

It would have reduced the amount that those PACs could have spent from $5,000 to $2,500 or reduced the amount of money from PACs by 50 percent, reduced them in half. At least that is what it purported to do. Unfortunately, the devil is always in the details and who knows that it might have only spawned twice as many PACs with different hats.

But let us forget that for a second. Let us assume in fact it would have done what it was intended to do, and that was to reduce the amount of money that a PAC could give by 50 percent. That would have reduced by 50 percent all of the money that PACs contributed to congressional campaigns in the last cycle or in the next cycle. If the average amount that a candidate is receiving from a PAC is $300,000 or $400,000, it would have reduced it by half. Clearly, that has an immediate impact on reducing the amount of money that is being spent in political campaigns.

Second, the bill also provided that 51 percent of all contributions must come from individuals who live in the district that the candidate wants to have the honor of representing in the United States House of Representatives; 51 percent. That immediately would have also had the impact of reducing the total number of dollars spent on a political campaign.

Why? Because if 51 percent has to come from in-district, that means that in all of those districts where candidates are in fact raising more than 51 percent from out-of-district, which is in fact for those people who accept political action committee contributions, the majority of candidates, it would have also had the immediate impact of reducing the amount of money being spent in those campaigns, as well.

So as my colleagues can see, this bogey that is being thrown up that this did nothing to reduce the amount of money in political campaigns is absolutely false and it is false because, No. 1, the amount of money spent by PACs would have been reduced. No. 2, there would have been an overall reduction because of the 51 percent in-district requirement.

Now that is a consequence of otherwise good policies. I would go a step further and say this: If we are going to in fact make this body more representative of the districts of America, not of Washington's values but of America's values, then we have to completely eliminate the political action committee contributions.

□ 1330

The reason tha we need to do that is that something very, very insidious happens when a person makes a contribution to a PAC. In other words, if you are a member of a labor union or if you work for a bank and you make a contribution to a bank PAC, or let us say that you are an individual who makes a contribution to a particular other PAC, what happens is that the character of that contribution changes from being complex and subtle and intelligent to being stupid and narrow and ugly, with only one or two specific political agendas for that term of Congress.

ADMINISTRATION SHOULD ADVISE CONGRESS REGARDING CURRENT HAITI SITUATION

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

Mr. GOSS. Mr. Speaker, I will not use the 5 minutes. Mr. Speaker, I took the well last evening because we had received a surprise from Haiti. We were getting ground reports that the 82d Airborne had arrived in that country, at least in company strength, and was very visible on Humvee vehicles with machine guns and battle gear going around the capital city and elsewhere in the country.

The people were puzzled about what was going on, so we asked for an explanation from the administration. Today is another day and today is another day we have had more silence from the administration on exactly what are our increased American troops doing in Haiti and what, in fact, is going on in Haiti.

Many people who do not follow what goes on in that friendly neighboring country just to the south of Florida, which is my district, are not aware that they have just had the equivalent of their O.J. Simpson trial there over the death of a respected man named Guy Mallory who was assassinated a few years ago, among many assassinations that have regrettably taken place in that country. That trial came out that they acquitted two suspects that they felt they had pretty good evidence. And now the President of the country has come along and said there was something, quote, suspicious about the verdict.

The judicial system does not work very well in Haiti. It is a country where passions tend to run very quickly and very intensely. We have now got people in the streets saying that this jury contained people who were enemies of the people. "Enemies of the people" in Haiti is code word and it usually precurses trouble.

We have got now a situation where we have got obviously a bad situation in the country and a lot of agitation and feeling going on. And apparently we have now sent the 82d Airborne, at least part of it. We do not know exactly what they are doing. We do not send the 82d Airborne just anywhere. They are a crack American outfit. We reserve them for our most difficult problems and hot spots. I would suggest that Bujumbura, Burundi, today is a place where the human rights violations and the black-on-black genocide is so atrocious that if there were a need to put our troops some place to make peace and stability and protect human rights, it might rise to a larger order of things to be looking at Bujumbura than Haiti.

But some have suggested that the reason that we have sent the 82d to Haiti is to perhaps try to keep the lid on things there because we know that the Clinton administration has claimed Haiti as a foreign policy success story, and I know that they are anxious to try and keep proving that right up to the election, at least in this country.

I think that the time has come for the Clinton administration to try and reduce the candor gap with the American people on so many issues. But

when it comes to foreign policy and when it comes to committing our troops who are actually in harm's way in a situation as explosive as the one in Port-au-Prince and Haiti today, it seems that they ought to be discussing it with Members of Congress who have legitimate oversight and legitimate concerns about how our taxpayers' dollars are spent, and legitimate concerns about how our foreign policy is executed and when it is executed.

So I am still hopeful that the administration will take advantage of this and the White House will share with the American people and the news networks what exactly is going on in Haiti and why we have more soldiers there.

WHO REALLY SPEAKS FOR THE CHILDREN?

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

Mr. WHITE. Thank you very much, Mr. Speaker. Today I want to spend just a few minutes on a subject that is very important to me that is the subject of children.

I have four children and, as luck would have it, I have one of them here on the floor with me today. My 10-year-old daughter Emily is visiting Washington, DC, with me this week, and she has a 12-year-old sister, a 7-year-old sister and a 4-year-old brother, in our household children are very important. I hope they are very important to every Member of this body because just about everything we do here will have an impact on our country's children.

Mr. Speaker, I am new to this body. I have been here only a year and a half, but I have noticed there is a significant difference between our two parties when we talk about children.

The Democrats tend to talk about Government programs, Government spending, and Government bureaucrats, and I recognize that is an approach that they have taken. They think that is what it takes to raise a child, and I have to tell you, Mr. Speaker, I disagree.

We have spent billions and billions and billions of dollars over the last 30 years on Government run welfare, and our problems have only gotten worse. I think it is time for Republicans and Democrats to call for a new approach or, Mr. Speaker, maybe it is a very old approach. This approach is called responsible parents. That is what it takes to raise a child in America today, responsible parents.

We should not be asking ourselves what should the Government do for children. What we should be asking is how can we help parents do more for their children? What children need is not more Government spending, it is compassion. It is help from their parents. That is something the Government cannot provide.

When we talk about children, Republicans begin with three principles: First, that the moral health of our Nation is at least as important as the economic health or the military health of our country. The fact is you cannot raise children in the proper environment when 12-year-olds are having babies, 15-year-olds are killing each other, 17-year-olds are dying of AIDS and 18-year-olds are graduating with diplomas that they cannot read. If we are going to take care of our children, we have to restore the moral health of our country.

Second, it is results, not rhetoric, that count. Anyone can sound compassionate. Anyone can say what people want to hear. But we have got to go out there and do things that will actually help our children.

Third, we really have to look ourselves in the mirror and admit to ourselves and to the American people that the system we have in place right now is a failure. We have spent billions and billions of dollars over the past 30 years on a system that has not worked, and it is time to try something new.

Mr. Speaker, 30 years ago the Government started out with the best intentions but instead of solving the problem the Government created a welfare trap in this country. We have trapped a generation of Americans on Government assistance. We have deprived them of hope, of opportunity, and in many cases we have destroyed the lives of many precious children.

Take a look at what is happening in our cities. You will see a generation that is fed on food stamps, but starved on nurturing and hope and parental care. You will see second graders who do not know their ABC's, fourth graders who cannot add or subtract. You will see sixth graders who do not know the number of inches in a foot because they have never seen a ruler.

Yet every year, as we have done for the past 30 years, the Government spends more money on programs because it thinks that is the compassionate way to help people. Instead of helping people, Government in expanding the welfare trap from one community to another, from one child to another, from one generation to another. The welfare trap and Government spending makes us think we have done something, makes us feel good about ourselves, when really we have not even begun to solve the problem.

As I say, the Government bureaucracy is well-intentioned, but what Government has failed to understand is that raising more taxes to hire more bureaucrats to expand a welfare system that does not work is only going to make matters worse. We have got to try a different approach.

The fact is welfare is not the only problem that is affecting our children. We recently passed a welfare reform bill in this House that takes a new approach and maybe that will have some positive affects. We need a new approach because at the start of this decade we had the most murders, the worst schools, the most abortions, the highest infant mortality rate, the most illegitimacy, the most one-parent families, the most children in jail, and the most children on Government aid in the world.

We are first only in the numbers of lawyers and lawsuits. That is the situation that has to change. The fact is a government-based policy to help children just does not work. It tends to destroy them, as we have seen over the past 30 years. It does not keep families together. It tends to drive them apart and instead of turning our cities into shining cities on the hill, it has made them into war zones where no one dares to go out at night and sometimes they do not dare to go out in the daytime as well.

So let me describe two competing visions of how we take care of our children in this country. There is the Government-based vision that we have talked about, but there is also a family based vision where parents like me, and like all of us who have children, are empowered to make decisions, where communities can decide for themselves how to fight crime and drugs and educate their children and where local school officials are given the ability to develop a curriculum that fits the needs of their students. That is the sort of approach we need to take.

Too often politicians use children as props. We should use them instead as a reminder that we have got a responsibility to the next generation. We need to help them with compassion and nurturing, not with Government handouts.

Too often politicians simply talk the talk because that is the easy way. It is easy to sound compassionate. But we need to work to reform the system that currently has failed our children, and I think that work begins with reforming welfare.

Let me state this clearly so there is no confusion. We have spent $5 trillion since the midsixties on Government run welfare programs and yet we have more poverty, more crime, more drug addiction, more broken families, and more immoral behavior today than we had at that time. The Government system is broken. It does not work. It needs to be shut down, period.

But we have some alternatives. We have some things that might actually work, and let me give a couple of examples. Why does Habitat for Humanity work? It works because it requires recipients to do their own work, to learn the lessons themselves. Why does Earning for Learning work? It works because it pays young children to read. It educates many more than the Department of Education can ever do.

Let me say, Mr. Speaker, in closing, our children are the future of our country. They are something we have to take very, very seriously. It is not enough to say that we care and not do the work to fix the system so it really does take care of our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gallery will maintain order. Under the rules of the House, expressions of approbation or disapprobation are not in order.

EFFECT OF WELFARE SYSTEM ON OUR CHILDREN

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

Mr. GUTKNECHT. I thank you, Mr. Speaker, and I would like to pursue the discussion that my freshman colleague from Washington [Mr. WHITE] has been talking about. His daughter Emily reminds me a lot of my daughter Emily, who is now 16 years old, and we are having driving lessons. But I want to talk about children in America as well, and I want to talk about the welfare system and what we are doing to children.

Is there anything more cruel to children than consigning them to a lifetime of poverty and dependency? Cannot we do better than the welfare system we have in place now?

Almost everyone agrees that the welfare system has failed. It needs to be replaced. That is why I am encouraged that the House and the Senate have passed welfare reform legislation in the last couple of weeks on a bipartisan basis. This legislation will soon go to the President for his signature.

The war on poverty was begun in the mid-1960's with good intentions. President Lyndon Johnson and others argued that America needed to provide a nationwide safety net to catch those who had fallen on hard time. Some have said that the safety net has become a hammock, but that is not quite fair. In some respects it is more like a gill net, trapping and inflicting damage upon generations of Americans, and one does not have to look far to see its victims.

Out inner cities have become war zones. Out-of-wedlock births have quadrupled in the last 30 years, spawning a generation of fatherless young men and women perpetuating a cycle of illegitimacy, violence, dependency, and despair.

□ 1345

Most Americans now see that the basic flaw with our war on poverty is that it has created a culture of entitlement to benefits through a Washington-dictated, one-size-fits-all system. It set up the wrong kinds of incentives, paying people not to work and penalizing them if they do. It hurts the very people it was designed to help. We are literally killing people with kindness.

Almost no one disagrees that we need fundamental change in our welfare policy. The administration boasts that it has approved a record number of waivers of Federal regulations to allow States to experiment with welfare reform. But that just shows how excessively bureaucratic and tangled the current system is.

For example, the President went out to Wisconsin and he praised the Wisconsin Works welfare reform plan, but the United States Department of Health and Human Services has not yet approved the waivers that would let the plan go forward.

Any reform plan must emphasize work and personal responsibility. The House-passed welfare reform plan will greatly increase States' abilities to design their own solutions aimed at moving people from dependency to work. It combines four Federal poverty programs, including Aid to Families with Dependent Children, the WIC nutrition program and child care, into block grants that give States flexibility to use scarce resources more efficiently. The House bill limits able-bodied adults to 2 years of assistance without work. With a lifetime maximum of 5 years of benefits, States could still grant hardship exceptions to 20 percent of their case load.

It requires people that bring immigrants into our country to live up to their sponsorship support commitments instead of passing them off to the taxpayers. And speaking of living up to their responsibilities, it also creates a nationwide tracking system for enforcing child support payments from deadbeat dads. It only makes common sense to require people to develop habits for working to support themselves. Work is more than the way you earn a living. It helps to define your very life. The great majority of Americans do it every day.

This is common sense. It is a consensus about both the need and the direction we should take in terms of welfare reform and has moved us to a truly historic opportunity to replace the faulty foundation of the welfare state.

The Senate bill, which passed on a bipartisan basis of 74 to 24, had almost all of the Republicans supporting it and over half of the Democrats. The House and Senate are resolving differences between the two bills, and we are hopeful that we can have a bill on the President's desk for his signature early in August. The President promised to end welfare as we know it but has vetoes two previous welfare reform bills.

We have accommodated his objections by separating Medicaid reform from the welfare reform. Now it is time to seize the opportunity to replace the welfare system with work, to replace dependency with responsibility. We are not simply trying to save money here, we are trying to save people, especially kids, from a lifetime of poverty.

Carpe diem, Mr. President. Seize the day.

BOOKS ON BILL CLINTON

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, good afternoon. This is not my bag to go to the airport. This is a show and tell special order.

It is 10 minutes to 1 in Chicago. It is 10 minutes to noon in Denver. It is only 10 minutes to 11 in Orange County, in Los Angeles and Seattle. Still the shank of the morning in Hawaii. And in Guam it is tomorrow. I have people that write to me from Guam where America's day begins. I just spoke to a whole bunch of students outside. They said: Why does the news media still persist in saying that those of us on both sides of the aisle who do special orders, 5 minutes or 1 hour or 1 minute, why do they persist in saying that we are speaking to an empty Chamber? I see 10 people, I see 10, 20, 30, 40 in the gallery. A few more over here. I see some more staffers and chief staffers back there. There are 1,300,000 people watching.

Is that not right, Mr. GUTKNECHT, who is going to be elected by a landslide in his great district. And may I do radio spots for you, as many as you want. May you put them all on Rush Limbaugh's show. A million people are listening to me right now.

Let me get serious. This case is what I am taking on the road as head of a Bob Dole peace task force. I am not going to read the titles until I get them in chronological order here. This is turning into a cottage industry of books on Bill Clinton.

And respecting rule XVIII of the House, which I intend to change after the election, if we are in the majority, and I will explain rule XVIII. It keeps us from going for one another's throats around here. It implores us to say, will the distinguished and honorable and wonderful Member yield. And if you just cannot get that out of your throat, you at least have to say, will the Member from Massachusetts yield. That is as mean as we can get.

We get our words taken down if it gets too rough and if we start to talk about something they are doing in the Chamber that likes to call itself the upper Chamber, which I sometimes love to call the House of Lords, but it certainly is coequal with us. Superior

in foreign affairs and ratifying treaties, but we are superior, and it was by design, on issues like money, taxation, raising taxes. And all spending bills originate in the House.

So that rule XVIII is to protect the camaraderie, what we call comity. I do not use that word very much because, no matter how hard you hit the T, it sounds like you are saying comedy to the average American. But comity means goodwill and camaraderie and it keeps us sane with one another in the two Chambers when we have to come together in conference, which we will be doing for the next 2 or 3 months on the major 13 major appropriations bills.

We are way ahead of the Senate, as usual, because the money bills start here. But we cranked into this protective rule XVIII the Vice President, AL GORE, and whoever is sitting in the White House. I watched my friend of fifty-eight, combat Navy hero, and a grandfather of 14 children and a wonderful, trustworthy friend, George Bush. I watched that President of the United States, as he was sitting President, trashed in the well regularly from the Democratic lectern.

I watched Ronald Reagan hit sometimes over the edge with words taken down and withdrawn. But we have a tripartite system of Government here, checks and balances. As I said on this floor a few days ago, I can just tear into any one of the Supreme Court Justice. I can shred Hazel O'Leary's terrible stewardship and horrible squandering of taxpayers' dollars renting a Madonna luxury jet that Madonna had used to party around the world to take hundreds of staffers around the world in expensive hotel suites and all running up credit cards.

I can do anything I want to show that I do not think she or Bruce Babbitt or anybody should have a Cabinet seat. I thought Janet Reno, and this would have definitely happened in Great Britain, I thought Janet Reno, a very nice lady, should have resigned after 20 children and several pregnant mothers were suffocated to death. Hopefully they were not burned to death. But as far as I know, they were all suffocated to death, little faces could not have a gas mask, in the Waco government tragedy.

I would never, ever have had them come out of my mouth, and I resented it, to call any good law enforcement person who is poorly led any kind of a thug, let alone use military terms that would harken up the image of the Gestapo, but that was a disaster and heads rolled. People were fired, then rehired. A lot of agents quit in disgust. A lot of those guys tried to join the FBI first, and the FBI did not do much better at Ruby Ridge. Besides, the DEA mess, my favorite agency of all law enforcement agencies, firearms, Alcohol, Tobacco and Firearms, ATF.

DEA, fantastic since its inception, which was since I have been a Congressman. The ATF, a lot of those people wanted to join the FBI first. So when the FBI came in, I had ATF agents call me on the quiet and they said, we thought the FBI was going to come in and rescue us, and they made it even worse. By that time we did not want a fire in the compound or to press religious zealots to the breaking point where a few men destroy their women and children on their ego.

She should have resigned over that. I still believe that. I still believe her presence cripples the agencies under her, including the FBI. I think what is so tragic here is that she was not in command of the agency at that time. We all know that she had to answer, even though she did not know it, to Webster Hubbell. He, the man who is? Jail now, No. 2 at Justice. He created a title for himself. That is in some of these books I am about to show you.

Pressing rule XVIII to the outer limits.

I will try to put these in order. And the newest one, Unlimited Access, by an FBI agent, has a bibliography in the back with books I never even heard of. I hope I did not forget some. My wife is reading Blood Sport, by James T. Stewart.

So, let us see, what is the first book I read on Bill Clinton? On the Make. That title alone might push rule XVIII. Before the Parliamentarian thinks about it, it means seducing the voters with a smooth line. All politicians like to think about that. It is by a lady journalist without peer in the great State of Arkansas. A great State, 23 Medal of Honor winners. I campaigned in seven towns last year for one of our great Congressmen down there, one of our two, soon to be three, Republicans. And this book, On the Make, by Meredith Oakley, the Rise of Bill Clinton, is the subtitle, takes you back to one of the only two Federal races Mr. Clinton has been in, and he lost it.

He tried to take on a combat veteran who flew the gooney bird over the hump in the China-Burma-India theater, a great Congressman. I served with him over a decade, J. P. Hammerschmidt, in 1974. He did not wipe out that World War II great veteran. But it put him on the map. And 2 years later in 1976—I cannot go to surgery; pardon me, I had my beeper on—2 years later, he was the Attorney General at 30 years of age. And 2 years after that, he was the Governor of the great State of Arkansas, at 32 years of age. And 2 years after that, he was defeated Governor at 34 years of age.

Then the other books pick up the story. But this takes him from his first race and before his involvement in the McGovern campaign with Betsy Wright, chief cook and bottle washer and suppressor of scandals and hirer of Jack Palladino, who had thousands of dollars of campaign money, intimidated and shut up people on the campaign trail to grease the path for Clinton to the White House.

On the Make by Meredith Oakley.

The next one that came out that I came across was the incomparable Pulitzer Price-winning Bob Woodward's book, The Agenda. In this book he talks about Clinton having volcanic eruptions where lava flows out of the top of his head and that he treated George Stephanopoulos like an abused spouse. Number 2.

I find out that there are books in between here that I did not know about.

Then I come across, and in this book it has Mr. Clinton in an argument with a friend of mine who is a Democratic Senator, BOB KERREY, Medal of Honor recipient, chastised me in the hall the other day and told me to lose 10 pounds. These ex-Navy Seals are tough, Mr. Speaker. And started pulling on my coat. BOB KERREY is yelled at by the President with the ultimate, by Mr. Clinton with the ultimate Anglo-Saxon obscenity on page 267, I think. And I turned the page, expecting a Navy Seal to fire back at him. Instead, he keeps his cool and says that his responsibility is to the voters of Nebraska before anything else.

Blank you, Clinton yelled. Senator KERREY always tried to be respectful of the Commander in Chief, but he also wanted to defend himself. And he continued shouting back. Clinton pressed on two themes. He just had to have KERREY's vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

The Chair thinks the gentleman referred to the rules of the House several times and knows that it is not in order to refer to the President's personal character even if one is reading material.

The Chair thinks the gentleman is getting pretty close to, if not over, the line as far as being personally offensive to the Chief Executive of the country.

Mr. DORNAN. We have 103 days to change American history, Mr. Speaker. I will ask the Chair to refer to the Parliamentarians.

These are books out there on the marketplace. I know there are probably some favorable books out there. I have never heard of them.

□ 1400

These books are either objective, and that is certainly what the Woodward book is, or very critical. But it is important to our country's future, and I am going to press on and have you and the Parliamentarians listen closely. I will speed it up and go through titles. I am already past the roughest title, "On the Make." "The Agenda" is the simple title, and I will lay out the titles.

Not selling books; these are books that I own and I have read.

The next one has a positive title that I read. It is called "First in his Class." But that does not mean he graduated first in his class, ever. It is by David Maraniss, also the winner of a Pulitzer Prize, a top Washington Post reporter, one of America's three prominent liberal papers of record, and there are no conservative national papers, just our great Washington Times inside the Beltway, which is in the top eight, but the New York Times, the Washington Post, and the L.A. Times, arguably in that order; I put the L.A. Times first, they have more foreign correspondents, and it is an easier to read paper with better print; it does not come off on your hands like the Post.

But this book was serialized on the front page of the Washington Post: "First in his Class," by David Maraniss. And I read this and could not believe some of the stories in there. I will not discuss them until I think more about pushing the envelope here.

The next book I read was "Inside the White House." Now, this did not include just Mr. Clinton. This included several Presidents. It is by the best-selling author of "The FBI;" that is on my bookshelves, and I skip read it, and "Inside the CIA," which I slowly read. Those are Ronald Kessler's two other books, "FBI," "Inside the CIA." It says has a subtitle, this is "Inside the White House: The Hidden Lives of the Modern Presidents and the Secrets of the Worlds Most Powerful Institution." He interviewed cooks in the White House. I think we should call them chefs. He interviewed valets, a term that Presidents do not like to hear, but Roosevelt, President Franklin Roosevelt, needed a valet. The man was in a wheelchair, was overcoming, as he said at the lectern just below you, Mr. Speaker:

"I'm sorry I'm late to a State of the Union Message. But you will recall I have 10 pounds of iron on my legs," the only reference he ever made publicly to his polio wounds that kept him in a wheelchair all of his life.

So when you talk to the valets, the housekeepers, the cooks and get the inside story, I cannot quote anything from this book about both the Clintons in the White House, although I could do it to Hillary, and as I said, and the Parliamentarians know this, I choose not to attack Mrs. Hillary on this House floor. Her power all comes from her husband. She was elected to nothing, and he warned us, he said you will get two for one if you elect me. She will have power. There must have been deals cut because after the "60 Minutes" show on January 26, 1992, everybody knew that his entire future career to ever get elected dog catcher and Govenor again was in the palm of her hand. Whatever she did on that show or from that moment forward would determine if he would ever hold elective office again, because he had already broken his promise he would not run again as Governor.

So I could quote Mrs. Clinton in this book, but I will not, because if I quoted her in the context of being his wife, I cannot quote anything on him because it absolutely would go over the line on rule XVIII.

But the title, and since there are other Presidents in here, "Inside The White House," from another award-winning author.

Then there was a slight gap, and I got hold of "Clinton Confidential" by a terrific writer, George Carpozi, Jr., bigger than the prior three, equal in size to Meredith Oakley's "On the Make." I told him after the fact I did not like his title, "Clinton Confidential: The Climb to Power." I said "confidential" is a tabloid-type name. I said why did you not just name it, George, "Clinton: The Climb to Power"? but in here he broke the code on the trip to Moscow that I, as an U.S. Congressman under a Republican President, George Bush, talking to FBI and Foreign Service people, no one had the information that he found in this book on why Clinton went to Copenhagen, to Stockholm, Sweden, to Helsinki, to Leningrad, to Moscow, and stayed with the founding member's family of the Communist Party in Prague, Czechoslovakia. George Carpozi does it. He has written fantastic books on Senators, and on past Presidents, on the Kennedys. I think he lives on Long Island. And his may be coming out in pocket book. That one my wife grabbed for me and finished before I was able to read it.

Then there is a long gap, and I was not aware of some other books coming out until I got hold of "Unlimited Access" until "Blood Sport" comes out. "Blood Sport" is by James B. Stewart. He was brought into the White House. The subtitle is "The President and his Adversaries." He was brought into the White House; let me give his credentials. Author of "Den of Thieves" and winner of the Pulitzer Prize.

Now, if I am pushing the rule here, Mr. Speaker, I have got three out of six are Pulitzer Prize winners, and Meredith's is the winner of other awards. All of them have been best-sellers.

James T. Stewart comes into the White House, by Hillary Clinton staffers, to clear up the Whitewater confusion and to write a good book, as a Pulitzer Prize winner, establishing their innocence. He starts doing research, and when he starts getting close to the truth, the door starts slamming in his face, and finally he did the same thing that the author of the book on the Green Beret; his name will come to me, Joe McGuinness; the Green Beret doctor who had murdered his wife and children and is still in prison for it, he started to write a book declaring the innocence of that Army doctor. I am not going to use that Army doctor's name because he is in prison and his family has changed their name, and they have a life, and it has been a movie, been a TV movie. Same guy, Gary something, that played Custer, played him very effectively.

In the middle of researching the book, Joe McGuinness breaks off with the doctor who already has been found guilty and is in prison, and writes the definitive book that this guy did it trying to blame it on imaginary hippies, and he is still in jail, and that was so much for hiring Joe McGuinness, another, I think, Joseph Pulitzer Prize winner to try and clear you.

I would suggest to guilty people in prison, if you ever want to get out after 30 or 40 years, do not hire honest reporters like James B. Stewart and expect them not to find the truth and to write lies and cover you up.

So James T. Stewart writes the definitive book on Whitewater, called "Blood Sport," and I am going to make, not a confession, but an admission that I am only that far because my wife took it away from me, and Whitewater is complex, like the early days of Watergate. It is not a fast read. It is not exciting stuff. It does not have much to read in the airport in here, it does not have much of the Thomases or the other Thomasson or the guy who was running cocaine to everybody in the structure, cut it off right under Clinton. Everybody below Clinton and all of his best friends were into some kind of cocaine scam here, and the guy that was doing it was pardoned by Clinton and put in a halfway house, and he paid off—I cannot remove this one—or I am allowed to tariff Roger Clinton—he paid off Roger Clinton's drug debt, and I underlined that once in the L.A. Times and passed it to my wife to read, and she said you should have pointed this out to me. Why? She said, Roger Clinton's cocaine debt. And I said, why? It says this friend of Clinton that he pardoned paid off his drug debt, and she says—Lassiter is his name—and she says, well, to whom was that debt owed? To the FBI? Was he paying off his court trial costs? No, we taxpayers pay that, or in this case, State case, the good taxpayers and the families of those 23 Medal of Honor winners in the State of Arkansas and my friend, Carl Eugene Holmes and his wife, Irene, their tax dollars. That is the colonel that was deceived and trampled upon his honor, the Bataan death march survivor and was nominated for the Congressional Medal of Honor, not enough witnesses, so he gets the most guy getting it, the Distinguished Service Cross. It was Colonel Holmes and Irene Holmes who had to pay the tax bill for Roger Clinton's cocaine trial. So to whom was the debt owed? And my wife said was it owed to drug dealers?

That is worthy of a big long pause: Sally Dornan says to me, did David

Lassiter pay off Roger Clinton, the President's only brother? He has no sisters. Well, he has got half brothers around, and he called them on the phone and then would not even invite him to the White House. He denies them in this essence: his only brother, and that is a half brother. And I said, Sally, I am going to check this out.

Guess what? David Lassiter and Patsy Thomasson, who is head of personnel at the White House or something, or head of the administration at the White House, testified on the Senate several times, faulty memory like everybody who has testified here or at the Senate from the White House, she ran the office while he went to prison for a few minutes until Clinton pardoned him for cocaine. It appears David Lassiter paid off the President's half brother's cocaine debts to organized crime.

If someone has a different take on that, call me here at the capital.

Blood Sport, James B. Stewart, best seller, has not come out in paper back yet.

And then I get, well, these two books came out the same week: Unlimited Access by an FBI agent, subtitle: "A FBI Agent Inside The Clinton White House," Gary Aldrich. I read the reviews on that. A few days later "The Choice," Bob Woodward; so of these eight books Woodward has two, Woodward's book, "The Choice," comes out. I send for them both, and they arrive the same day. I am just starting "The Choice." Cannot give you a review on that one, but I hear it is very fair to Bob Dole and not all that subjective on Clinton, that it is objective on both, and somebody told me if the whole Nation read this book and disregarded polemical skills, disregarded crying in public—I have cried in public; so has Bob Dole; but we do not make a habit of it like somebody else I am looking at.

If they disregarded all of the surface television imagery the way Democrats used to beg us to look aside from Ronald Reagan's just commanding demeanor; they did not know about his heart, that it matched his intellect. His heart and his communication skill were a match. They synched up; what you saw was what you got, an anti-Communist, ex-Democrat who believed in smaller government and paying your debts, and when somebody kills two American sergeants, Goines and Ford, two Specialist Fifth Class, in the LaBelle disco April 5, 1986. The planes were in the air to Libya 9 days later.

Ronald Reagan said you cannot hide. There was a man of his word who, although he had not seen combat because he was the father of three kids and was over 30 years of age, had turned 30 a month, a year before Pearl Harbor, turned 31 on February 6 of 1942. So people, Democrats say, well, Reagan did not serve. No, Reagan was not at Oxford in his early twenties getting the third request from Uncle Sam: I want you. Reagan volunteered and did wear the uniform. How many times did I hear in that well or on television? At least Jeff Greenfield corrected himself, that Reagan never wore the uniform. He served in the Army Air Corps and was a National Guard cavalry officer before that. If we had gone to war in 1934, 1935 or 1936, Ronald Reagan could have been killed in combat. He was a loyal son of Dixon, Illinois.

Now, "The Choice," to come back to my first thought on this, if everybody in America read this book, people tell me Bob Dole would win in a landslide. So there is much material in here on Hillary and Elizabeth that would confirm the victory for the Doles, and Bob Dole nor Elizabeth have been running around saying you get two for one.

There are seven of them. Here comes "Unlimited Access: An FBI agent inside the Clinton White House." Mr. Speaker, if I knew Gary Aldrich, and I will meet him one of these days, I would say, FBI Agent Aldrich, did you succumb to your publisher's request to put in a unsubstantiated wild rumor about a certain U.S. President hiding in automobiles under blankets when there was nothing to substantiate it or to involve the newest and maybe the biggest hotel in the core of Washington, DC., the flagship of the great father and son—father now gone to heaven—Marriott line of hotels, the J.W. Marriott Hotel, named after the founder?

□ 1415

He apparently started putting sandwiches on airplanes out here from a little restaurant next to National Airport, and turned it into a worldwide Marriott classy hotel operation. Why involve the J.W. Marriott in a lot of rumors when it was not substantiated?

Because that mistake, and I will bet he knows it was a mistake, and I will bet the publishers know it was a mistake, that mistake caused a lot of liberal journalists who I like and a lot of conservative journalists who were fair, like George Will, they had to trash the book, because everybody focused in on the excitement of a U.S. President evading the Secret Service and slipping out.

I had read that there are people who—the Secret Service has an expression, hogs in the tunnel. It does not mean anything mean about people's eating habits, it means Razorbacks, Arkansas Razorbacks in the tunnel, the tunnel between the White House and the Treasury Department built in World War II. It means cover them, protect them. Do not let them get away.

The people who told me this firsthand did not necessarily mean, they just smiled, that there was anybody near the top, at the very top. They just said hogs in the tunnel means the tunnel is being used between the White House and the Treasury Department.

If Mr. Gary Aldrich, an honorable FBI agent, and I will tell you somebody else who succumbed to this; a friend of mine, Lt. Col. Ollie North. His publishers told him, your book will boom over the top if you say that Ronald Reagan knew all about the Contra arms deal with Iran.

Ollie's book came out. It was a best-seller. It was very exciting. But Nancy Reagan, my friend, knew that her husband did not know the details of the Contra arms deal. She knew he called the Contras freedom fighters and he was trying to break the code in Iran, and end the deadly growth of religious, notice I am not saying Islamic, I have a lot of Islamic friends, religious fanaticism; it happens in every faith. It happened in my faith in Spain, at one period.

He was trying to deal, at the Commander-in-Chief level, with some very tough problems, including the aforementioned bombing of terrorist camps outside of Benghazi, Tripoli. But when my pal Ollie succumbed, in the non-military, he had never done this in uniform, Ronald Reagan probably knew, he said, about the Contra arms deal, to sell books, it enraged, properly, Nancy Reagan; all wives are protective. Nancy set the standard for that kind of loyalty.

And when Ollie went to run for the Senate, at the worst possible time, about 10 days out, in a hot primary between Ollie North and the incumbent, Chuck Robb, two Marines duking it out, Nancy Reagan, and she did not initiate it, she was in a hotel lobby, I remember, or a hotel ballroom that was empty, being interviewed by somebody for PBS or one of the networks, and she said, used tough words, I believe she said "That's a lie." Bingo, it just brought Ollie's campaign to a screeching halt.

All writers must stay on the truth, confirm their facts, like all of these seven books here. Gary Aldrich may be able to recover in paperback. This is growing slowly. It is published by a very honorable house. I have even talked to them about putting down some thoughts with hard covers, Regnery. This, it is my favorite publishing house in the world.

The rest of the book, this is my point, is filled with such deadly information about, talking now from the top down, not covered by rule XVIII, talking about all the people going to jail and coming up here with total memory losses, this is a corrupt administration. They are wrecking the youth of our country on drugs.

When I leave here, I have to call my pal, a great hero, Barry McCaffrey, two distinguished service crosses, two silver stars, three purple hearts, and he carries his wounds proudly on his arms,

when he is in a short-sleeved shirt; the point of the spear in Desert Storm, the ave in the Hail Mary left hook around Kuwait into the center of Iraq to liberate Kuwait and win a 4-day land war; in other words, the Commander of the 24th Infantry Division, Mechanized; hero from Vietnam, a two-star general, Barry McCaffrey, who retired as a four-star SYNC, Commander-in-Chief of southern command in Panama, and who learned down there the enormity of the drug war. It is not a war; it will be a war under him, maybe. But in today's paper, because he is a friend and a solid American patriot, I have to give him the benefit of the doubt that it is out of context, he said "Prior drug use should not stop anybody from serving in government."

I know some reporter clipped that one, because you cannot serve in the FBI, you cannot serve as an officer and NCO in the military if you have touched cocaine once, as far as I know. You cannot be an LAPD street cop. I cannot speak for New York, where I was born, but you cannot touch cocaine and serve in the DEA, the FBI, the CIA, or the aforementioned Alcohol, Tobacco, and Firearms, but you can serve in the White House and be in a drug rehab program.

Now guess who is involved in this drug use and in the rehab program? Scott Livingstone. And I am hearing today that he lobbied to control the nuclear weapons systems code briefcase, affectionately called "the football," or in Hollywood parlance, the red button, which does not make much sense.

The White House drug scandal is a nightmare. It is all in here. And how do liberal talk shows hosts dismiss the 95 percent of this book that is dynamite and valuable, and most of it confirmable? They first deflect you with the silliness of putting in this rumor about the President's sneaking out under blankets in cars and Bruce Lindsey at the wheel, they dismiss it with that, "unsubstantiated rumor"; a wild rumor, I guess.

Then they say that all the rest is that Gary Aldrich was an older man and did not like ex-hippies and baby boomers running around the White House in jeans using foul language and having the domestic help report people having sex in some of the showers. And when the person said, well, it has happened before; no, sir, no, sir, these are both of the same sex. When all of that was reported in here, they said, he just does not like hippies, and then Gary Aldrich gives his birthday. Lo and behold, it turns out he is a baby boomer, and younger than the Clintons. So it is not a generational thing. His honor was offended because he served 2 years under the Bushes and 2 years under the Clintons, and never the twain would meet.

I would recommend, skip over the part about the automobiles and the midnight sojourns, and read this first. And maybe, because there are only 103 days left, 100 days in the campaign, and when we wake up Monday morning, I just found out we have no votes on Monday. So when we are next voting, Mr. Speaker, we are inside the 99-yard line. The count is on.

I had Ronald Reagan tell me that is the most important 100 days in your life, but particularly in your first race. He was endorsing me, helping me in 1976. I was his congressman. I had helped him try to overtake another great naval officer, Jerry Ford, because I was a Californian. Ronald Reagan, as I say, endorsed me.

I drove up to his house once. There he was watering, in a red bathing suit. He told me he liked red because he was a life guard. I said, gee, why can't I look good in a bathing suit? He was tan, he was healthy, he was vigorous, and he was 65 years old, and he was 4 years away from winning the Presidency.

I said, I have the John Birch Society on my case, and all these people, parties trying to force Rockefeller on me. He said, BOB, Rockefeller and I worked together on this committee, me as Governor, and he was a Governor in New York; two Governors, the biggest States, I overtook him with the biggest State during that period. He said, we worked together on this committee to analyze the CIA. He was terrific on the intelligence issues, and he helped save the honor of the CIA.

I said, what does that do to my core base? I am not a country club Republican. He said, that is your call, and that is the end of the good things I can say about my pal Rocky. The next thing I know, the Republican party says, if you are not enthusiastic about having him, then we will not send him. He did not come to campaign for me.

My staff did not revolt. They are not extremists, just good solid fiscal Republicans that were looking at the fiscal mess in New York, so he never came out for me. But Ronald Reagan was as astute, and I will bet he still is, on most days, a political analyst and a good loyal guy.

Maybe he would say, since we are inside the 100-day mark on Monday and time is of the essence, then read these books backward. If anybody lays any pretension to being a scholar, read Unlimited Access first, by Gary Aldrich. Then, The Choice, to get a fair profile of the two competitors that will be inside the 100-day mark on Monday. Then read Blood Sport, and realize why I am allowed to stand here on this floor and say this is a corrupt administration.

Then read why Clinton raped the truth on his road to the White House in 1992. Then read Inside the White House, and hear it from the hired help.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). The gentleman is out of order with his comment about the truth.

Mr. DORNAN. Yes, over the line, Mr. Speaker, When I first said it, he was only the Governor of Arkansas.

Mr. Speaker, I remove my verb "rape" and replace it with "had trouble with the truth." No, let me go back.

Clinton Confidential. Decline to Power, the incredible problem that the news media had getting candidate to answer direct questions, like the New York Times on Whitewater, who wrote that story on March 8, 1992; 60 Minutes on January 27; Ted Koppel, on General Holmes and all the draft problems, on Lincoln's birthday, February 12, 1992; and on and on and on. It is in Clinton Confidential.

Then read Inside the White House, and here what the hired help has to say about the foul speech ricocheting off the walls. Then First in his Class, which takes you back through the whole life. You should now be into October, and you will get to The Agenda, with Bob Woodward, and the volcanic eruptions and the wife abuse of George Stephanopolous. By then you ought to be ready to be a scholar and read On the Make, and go back to the early days. By then you ought to be ready to write your own book.

I talked about the bibliography in the back of "Unlimited Access." Mr. Speaker, guess what I left out? I thought I had it. Somebody swiped my book. That is not it, that is "POW," the definitive book on the torturing to death of Americans by people who are now giving, fighting for the torture masters to get most-favored-nation status.

I left out "Primary Colors," anonymous, by anonymous; no long anonymous. Random House, Joe Klein. Maybe it is good that that is not in here, because that is fiction, or Joe Klein will tell you, fiction based on fact.

I understand that some news organization has told Joe Klein to go on what we Catholics call a retreat, a spiritual, prayerful, reflective retreat, and think about his period of direct denying to his friends that he was not anonymous.

Since he has now made $6 million on "Primary Colors," and I just remember where it is, my wife has it upstairs and she is reading it. She is staying busy, getting ready to write her own book on Clinton. Joe Klein's book, "Primary Colors." It will say anonymous on the cover, but believe me, it is Joe Klein. He and I had some long talks in 1992 and in the 1988 convention. I withheld my judgment whether a reporter has a right, for public relations reasons, to advance a back without laying claim to it when it is fiction.

I guess it is tough when you are writing tough columns in one of America's three major news magazines, dailies. I cannot find a time to read them because I am reading three others: National Review, the Weekly Standard,

and Crisis, and First Things. Those are the four I read, so I am not reading much Time, Newsweek, and U.S. News anymore, because there are too many good conservative, factual, truthful magazines out that take a more global, I mean, a more theological and broader, metaphysical view of the world than the news magazines that when I was a young man in college, or when I was a child and first started to read them, at my mother and father's encouragement, and heroes were on the cover, like Roosevelt, Churchill, and fake heroes who were despots, like Stalin and, evil personified, like Adolph Hitler; those magazines, with not as many ads, and thoughtful essays. But of course Henry Luce was around, the guy name that named that and Fortune and other things.

□ 1430

Now, he gives books that are not necessarily just related to the Clintons. I see he has got this "Unlimited Access," FBI agent Gary Aldrich. He has Saul Alinsky's book here, "Rules for Radicals." He has Bill Clinton: "Comeback Kid." That is not here. I always thought that was a book that was just a puff piece because of that title.

He has John Barron's book that I have read, "Operation Solo," inspiring story of an enormously successful FBI operation involving two heroic brothers, Jewish brothers who had escaped Stalin's wrath and went back under harrowing circumstances to operate openly as member of the U.S. Communist Party. And all this time, seconds away from death sometimes in the Kremlin itself, pretending to be loyal Communists when they both dumped out of the Communist Party because of the antisemitism, murder of millions of farmers and the purges of military officers by Stalin, the only man in history bloodier than Adolf Hitler except for possibly Mao. So he has got all sorts of books.

He has got Lee Brown's book, "National Drug Control Strategy." And of course Lee's office was gutted by Clinton.

He has Califano's book, "The Triumph and Tragedy of Lyndon Johnson." So he goes way far afield there, but has got "Clinton Confidential." He has got Hillary's "It Takes A village."

He goes way back to one of my school heroes, Alexis de Tocqueville. Remember that quote.

New chairman in the chair, once a marine, always a marine.

Remember Alexis de Tocqueville's most famous quote: "As long as America is good, she will be great. When America has ceased being good, she will cease being great."

Then he has DeLoach's book on Hoover. Elizabeth Drew's book is not here. I have got to get it. She is excellent, a fair liberal, hard to find. Not sounding so liberal lately. Her book is called "On The Edge." Clinton always on the razor's edge. Simon & Schuster. It has been out 2 years. How did I miss that? I am busy, Elizabeth. I am a double chairman, intelligence, military personnel, conference committee.

He says, the FBI agent, one of the better books on Clinton—my gosh, I am running out of time.

Tip O'Neill's book here, "Man Of The House," great book. He has got "The Ruling Class," Regnery, favorite publishing house, 1993. "The Dysfunctional President." Now there is a title that is pushing rule XVIII. One of the possible explanations for Bill Clinton's aberrant behavior, by Paul Flick. I never heard of it.

He has got a book I do not recommend because it is semipornography, "Passion and Betrayal." Gennifer Flowers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Remarks in debate may include criticisms of the President's official actions or policies, they may not include criticism on a personal level.

The gentleman may proceed.

Mr. DORNAN. Mr. Speaker, I understand.

The title of the book was "The Dysfunctional President." I never heard of it. That could mean politically dysfunctional. I read the subtitle. I accept that because it discussed behavior. Gennifer Flowers.

I had a discussion with the Parliamentarians here whether I could ever say her name on the floor. I disagree with him so let us try this. Emery Dalton books, do not read it, it is stupid. It comes under the heading—I cannot read the subtitle because it involves cocaine. But Gennifer Flowers wrote a book called "Passion and Betrayal." Tough, she deserved to be betrayed.

Now, here is one, "The Sixties: Years of Hope, Days of Rage." That is a book from the 1980's, Bantam, captures the essence of the new left. That is a fabulous book that I have read. "The Sixties: Years of Hope, Days of Rage." But it is about 80 percent puffery; 20 percent lets you know the modus operandi of people who were stoned most of the time.

The Glazers, husband and wife, Myron and Penina, "Whistleblowers: Exposing Corruption In Government and Industry." Well, that is bipartisan. That takes place everywhere.

"Reporting the Counterculture," Richard Goldstein. Sounds good.

I know the next one is good, Mr. Speaker, "The Federalist Papers," by Alexander Hamilton. James Madison. We finally passed his 27th amendment that we cannot give ourselves pay raises while we are sitting here. I do not think we deserve pay raises for a long time to come, sitting or even in the next Congress. John Jay, great Justice, "In Defense of Elitism." That does not sound like a good title. A good pocketbook on American society from a liberal perspective. "In Defense of Elitism."

Elitism stinks. In the Republican Party it is called country clubism. In that party it is called limousine liberalism. Pass on it.

AL GORE, "His Life and Career." A puff piece written by a former FBI agent. It might be good.

Alice had a great career, we are classmates, 1976.

"Hill Rats," this was by one of our staffers. Great depiction of shenanigans at the other end of Pennsylvania Avenue. Fair enough. "Hill Rats." I am not calling it the Hill anymore.

I have got a bumper sticker on the back of my window, my Bronco sitting out there, I own a Bronco. I have owned three of them 10 years before double-throat-slashing O.J. Simpson. I got a big sticker, Mr. Speaker, on the back window. It says "cutthroat island." That is what I am calling this place until further notice, not the Hill. This is an island up here, old Jenkins Hill, cutthroat island. That is what we got going here until further notice. That sticker's great on the back of by Bronc.

Here is one, "Hill Rat, Inside the FBI"; I already mentioned that by Kessler. Kessler wrote the book "Inside The White House." He mentions, remember this is an FBI agent, so he likes all these FBI books.

Then "The Secret World of American Communism." I got to start going fast here. "The Adult Children of Alcoholic Syndrome." Whoa, that ought to be interesting given some backgrounds we know about.

"Whistleblowers In The Soviet Union," complaints and abuses under state socialism.

"Doing Time." Well, that applies to a lot of people that Mr. Clinton put on the job. Gordon Libby's book, "Will."

I see Bob the actor, what is his name, strapped to the front of something in a prison where Gordon Liddy was inside reforming prisons. He is quite a guy. No fear, that is his middle name, the G-man.

Rush Limbaugh, "See, I Told You So." Boy, do they hate it when Rush keeps bragging about all the things he predicted.

"The Way Things Ought To Be." Well, Rush went positive there and was not quite as painful as, "See, I Told You So," because he was right on most things.

Here is David Maraniss, "First In His Class," recommended by—see, if you get "Unlimited Access" and buy it first, it is an easy read. Forget the stuff that is rumor. And then you get this bibliography in the back. "Healing For Adult Children of Alcoholics" by Sara Hines Martin. That book has been out 7 months, probably good.

Mary Matalin and James Carville, I have got that at home. Mary is my buddy. Cannot say much about the

other Catholic for abortion, but "All's Fair," Simon and Schuster. That was a big hit and they are great on a show. But to get the Cajun off message, you have to, I guess, dunk him in ice water or something because he is like a broken record. He just keeps saying, cocaine, so what? Scandals, so what? Whitewater, so what? Webster Hubbell, so what? Vince Foster, so what? So what, so what, so what? Have a shrimp, have a catfish. Mary, keep an eye on that guy. I guess he is cute.

"Unraveling of America: History of Liberalism in the 1960's." This one I know of, excellent description of new left infiltration of academia, the media. And they are still all around us here in Government. I will read that one again, Allen Matusow, M-A-T-U-S-O-W, "Unraveling of America: History of Liberalism in the 1960's."

Peggy Noonan, I got that one at home, "What I Saw at the Revolution." But that only brings you up to 1989. Ollie North and William Novak, "Under Fire"; good book. "On the Make," thank you, agent Gary Aldrich. You have got all my books here, "On the Make."

Regnery again, 1994, Tip O'Neill, I already said that is a great book, "Man of the House." Tom Pauken, "The Thirty Years War," best book on this page. Tom Pauken, terrific Vietnam vet, decorated, wounded, President Republican State chairman of Texas State, "The Thirty Years War." He sent me the book. This is a confession, I have never read it. Why? Is there a pocket book? Thomas, send it to me, I hope, Mr. Speaker.

Personal experience of the new left with which agent Aldrich says he could readily identify. John Podhoretz, fast read, great book, "A Hell of a Ride," it is called. John Podhoretz, great family, intellectual family, "Hell of a Ride," Simon and Schuster, 1993. Is it a pocket book?

Gail Sheehy, oh, I want to stay on her good side. She writes for Vanity Fair occasionally, and, boy, it is a rough ride. Her book is called "Character." This is 1990. A good book from a liberal perspective, useful on AL GORE. I bet she is fair to him because AL GORE is a man of character. Gail Sheey, "Character."

James Stewart, "Blood Sport." I got it covered, Aldrich.

Michael John Sullivan, "Presidential Passions," up through 1990, so it is probably talking about overall White House years. "See How They Run," November publishing, that is also 1990. Pane Taylor, P-A-N-E.

Cal Thomas, my buddy. This one is like going to church, "The Things That Matter Most," HarperCollins, 1994. Great man, great book. Cal Thomas, "The Things That Matter Most."

Gregory Walden, "On Best Behavior." Who does that apply to?

"The Hudson Institute." Great institute. Al Haig was last up there running that, great four-star general, my pal. Good Secretary of State. Should have hung around a whole term, the whole 8 years of Reagan. A good book but written mainly for lawyers about ethical lapses in the Clinton administration. I say administration, it is OK.

"Whitewater," the Wall Street Journal, highly recommended. Wait a minute, better than "Blood Sport"? Better than Robert James B. Stewart's "Blood Sport"? The Wall Street Journal's book "Whitewater," and it has been out 2 years? I will accept the FBI's analysis. Get "Whitewater" and read it before "Blood Sport," but read "Blood Sport," too.

"The Agenda," got it covered, agent Aldrich. "The Agenda," Simon and Schuster, now 2 years old, a book with its own agenda. It is inaccurate, uh-oh, and this misses most of the salient characteristics of this Clinton administration. Well, then read it last, read "The Choice" first. Read Woodward's book "The Agenda" last. I just like those temper tantrums in it, that is all.

Here is the last one, oh, my gosh, agent Aldrich, let us have lunch. Mr. Speaker, let us, you and I, have lunch with agent Aldrich. Listen to his last recommendation. George Washington, the most prolific writing President in American history. They still have handwritten journals of the Father of our Country, first in war, first in peace, first in the hearts of his countrymen. Ninety journals have not yet been updated, ended and published. The most prolific writer. Everybody thinks Jefferson is the scholar and he is the warrior Statesman. This is an intellect, George Washington.

Listen to what he says: His book, "George Washington's Rules of Civility and Decent Behavior in Company and Conversation," Applewood Books, 1988. I want that book, Mr. Speaker. You know why? George Washington, when he was 16 years of age, wrote down and published "Rules of Civility and Behavior for Children" at 16, 35 points of behavior.

When I was an aviation cadet, I was asked not so politely, ordered to memorize the following on words like hell and damn and filthy speech, not in front of women but in front of combat veterans like yourself in combat in Vietnam. George Washington wrote to his men at Valley Forge under a general order; that is where we get the name for these special orders. There are special orders in the military and general orders. The general orders come from the general, and General George Washington, Commander in Chief, rotten record-breaking winter at Valley Forge, a third of his men dying from the inclement weather and the snow, half of them without shoes, griping at the weather, looking up to God for assistance, far enough outside Philadelphia so as not to be attacked by the British but close enough to keep the pressure on.

And he says to them, general order:

The general, Washington, is sorry to be informed that the foolish and wicked practice of profane cursing and swearing is growing into fashion. He hopes the officers will endeavor to check it. And he meant NCO's, too. He hopes the officer will endeavor to check it and that both they and the men will reflect that they can have little hope of the blessing of heaven upon our arms if we insult heaven by our impiety and folly. Added to this, it is a vice so mean and so low without any temptation that every man of sense and character detests and despises it.

They ought to clean up their mouths at the White House, get George Washington's book and read it.

□ 1445

Now, Michael McCurry, who is not protected by Rule 18, I assume. He is Irish. He may be Catholic with that name. That was a disgraceful performance of his to stand before this Nation and say: When I was a kid, I used marijuana. A New York Times reporter told me he swore the next line our of his mouth was going to be, And I snorted coke a little bit. Thank heavens he did not say that. But he was cavalier about that.

What did I do? I checked his birthday. October 27 of a year that made him, in the 1970's, 15 to 25. Now, is a 15-year-old kid on September 2, the fiftieth anniversary of World War II, I was with five people who were in combat at 12 and 13 and 14 and 15 years of age.

But, yes, when people are slaughtered like a school in Israel, they were seniors in high school, a bomb was thrown in, we called them children. Okay. They are adults to have sex and get condoms and be lectured to about homosexuality when they are 10, 11, and 12. But I have got a 15-year-old grandchild and, yes, he is a kid sometimes and other times he is a top A scholar and a student.

But if he is talking about his high school years, what a disgrace. But what I meant, let me jump to the other end. Does McCurry mean he smoked pot at 25? I had been out of the Air Force 2 years at 25 and I was an F-100 element leader at 23 years of age, a supersonic fighter. And if I had smoked pot, I would have been betraying my officer's oath and military oath and if I had been an enlisted man I would have been kicked out of the Air Force. You cannot be an FBI agent like Gary Aldrich if you are cavalier about drug use. You still cannot touch it at West Point.

Who does Michael McCurry think he is to say: I smoked pot in the 1970's and here I am now. If you do not inhale, you get to be President? If you smoke it and you are cavalier, you get to be press secretary? It is unbelievable.

Why did not he say and it was wrong and I broke the law? Smoking marijuana is 40 times worse for your lungs in carcinogenic effect than a cigarette. This is unbelievable. I will do an hour next week on drug use in the White House, as I did an hour press conference out there today with my classmate, BOB WALKER.

Mr. Speaker, we are in a war for the soul of our country. Read these books, and vote for Bob Dole.

NEED TO END PARTIAL-BIRTH ABORTION

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

Mr. STOCKMAN. Mr. Speaker, I want to say to the gentleman from California, it is always a joy to hear my good friend from California speak as he speaks from the heart and he speaks the truth. And if there is one thing that the gentleman has taught me, is that speaking the truth does not make you popular, but it is for the record and for the people to hear, and I want to thank my good friend from California.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. STOCKMAN. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I think I scare some liberals when I get passionate. Have you ever seen me carry that passion or any ill will in the Speaker's lobby or in the Cloakroom or anywhere in the Halls of this place?

Mr. STOCKMAN. No, absolutely not. I think you are respected for your passion toward both sides of the aisle.

Mr. DORNAN. You are a freshman. When I was a freshman, I hit the ground running like you, like your whole wonderful nonextremist mainline class. And I loved Tip O'Neill, the Speaker of the House. He sat with me alone in his office for 1 hour with my uncle, Jack Haley, the Tin Man in the Wizard of Oz, and that Irish actor and that Irish politician were dealing in first names about friends and people they had not seen in 40 and 50 years.

But Tip O'Neill indicated to me, for speaking out in the well on the Panama Canal and the B–1 bomber, and on three issues he told me he disliked, this is Tip O'Neill, "Man of the House," I just mentioned his book, abortion, busing, and Koreagate. Koreagate, if you recall, way before your time, was a scandal with people going around here with bags of money corrupting Congressmen and, of course, it was uncomfortable to him. But to not talk about it would have been blindsiding the American people. Busing was a cultural issue that was tearing communities apart.

Mr. STOCKMAN. Which now we realized we spent more money on busing and we should have been spending it on schools.

Mr. DORNAN. Right, and how could a good Irish Catholic politician tell me not to talk about abortion, the chief moral issue? And now we are debating homosexual sodomy marriage and killing a baby by puncturing his head and taking its brains out when his arms and legs are out in the world moving and it is four-fifths born. That, as the Pope says and Billy Graham says, is infanticide.

Mr. STOCKMAN. That is exactly why I came to the well to day to talk about. BOB, are you getting these little green cards from your constituents? They are put out by the Catholic Church and Mr. Speaker they are putting them in——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Texas [Mr. STOCKMAN] will suspend for a moment. The gentleman will address his remarks to the Chair.

Mr. DORNAN. Mr. Speaker, would the gentleman yield?

Mr. STOCKMAN. Let me do this real quick.

Mr. DORNAN. Ask for unanimous consent to engage in a colloquy.

The SPEAKER pro tempore. The gentleman has 5 minutes and cannot have additional time. This is a 5-minute special order. The gentleman has 2½ minutes remaining.

Mr. STOCKMAN. I just want to say to the Sepaker, we got thousands of these little cards talking about a baby that was born halfway and coming out of the mother's birth canal. And what they do is they go in the back with the forceps and puncture the back of the head and suck it out. And I am in a district in which I was written by the Catholic diocese.

Mr. DORNAN. Would the gentleman yield? It is not forceps. They do not even have an instrument of death for this. They use Mendelson's scissors and they shove them in and open them up to tear the back of the skull to take the brains out. They had to adapt a tool to do that.

Mr. STOCKMAN. And I want to point out to the Speaker that we have received, and I am holding in my hand a letter which I will submit for the RECORD, we have in my district a good Catholic diocese, and the staff from there have signed this petition asking that the Congress override the President's veto.

We had even PATRICK KENNEDY voting with us on this issue. It was a bipartisan vote, and I cannot believe that we have to override the President on it. They are going to be holding candlelight vigils all across America in September and I think once people find out about this issue and get educated on this issue, like my good friend from California has so articulately explained to the American people, they will unanimously support the Congress' effort to stop this sad tragedy in America today.

Mr. Speaker, I yield 1 minute to my good friend from California.

Mr. DORNAN. Get this on Michael McCurry. I ask unanimous consent to put in the information my staff has gotten me. I did not give the year he was born. October 27, 1954. I first flew in a jet 6 days before that. He attended Princton from 1972 to 1976. Was he a kid, for God's sake? He graduated magna cum laude smoking pot. Do you know what that does? It tells kids you can use drugs and graduate cum laude.

Mr. STOCKMAN. Mr. Speaker, the fact that Congress is still debating the legality of partial-birth abortion shows the decline of our Nation's moral and spiritual health. The truth is that this cruel and morbid procedure should end. My hope is that our Nation will soon legally recognize that the unborn must be protected from this immoral procedure.

There is widespread consensus on this issue from Members of both parties. Our opposition to partial-birth abortion is rooted as much from our spiritual beliefs as from common sense. This procedure could hardly be more brutal in its execution and deserves to be outlawed.

My constituents have overwhelmingly condemned this so-called medical procedure. For example, 24 staff members from the Catholic Diocese of Beaumont, TX, signed a letter urging me to vote in favor of overriding President Clinton's veto of H.R. 1833, the Partial Birth Abortion Ban Act.

I insert this letter into the RECORD at this time.

DIOCESAN PASTORAL OFFICE,
DIOCESE OF BEAUMONT,
Beaumont, TX, May 24, 1996.

Rep. STEVE STOCKMAN,
9th District, Cannon House Office Building, Washington, DC.

DEAR REP. STOCKMAN: Our staff here at the Catholic Diocese of Beaumont write to urge you to vote to override President Clinton's veto of HR 1833, the Partial-Birth Abortion Ban Act.

Signed:

Father Michael Jamail, Colleen Vice, Gail Hernandez, Anne Steinman, Nancy Fontenot, Gertrude Morrison, Sandra Borel, Deede Covington, Father Richard de Stefano, Rita Frederick, Carolyn Koch, Rosalind Sanchez, Father James Vanderbilt, Joyce Borque, Mary Cooke, Marilyn Vollmer, Evelyn E. Kummer, Marilyn Price, Karen Gilmer, Father Stephen T. Smithers, Beverly Escamilla, Addie Weems, S. Janice Matthews, Carol M. Duhon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLDEN (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. DOGGETT (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

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

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

Ms. DELAURO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

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

Mr. JONES, for 5 minutes, on July 29.

Mr. STOCKMAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. REGULA, for 5 minutes, on July 30.

Mr. HANSEN, for 5 minutes, on July 30.

Mr. WHITE, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. SAXTON, for 5 minutes each day, on July 30 and 31 and August 1.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Ms. DELAURO.

Mr. MILLER of California.

(The following Members (at the request of Mr. WHITE) and to include extraneous matter:)

Mr. EHLERS.

Mr. CANADY of Florida.

Mr. DUNCAN.

Mr. WAMP.

Mr. BURTON of Indiana.

Mr. MANZULLO.

(The following Members (at the request of Mr. STOCKMAN) and to include extraneous matter:)

Mrs. FOWLER in two instances.

Mr. STENHOLM in two instances.

Mr. LEVIN.

Mr. COYNE.

Ms. MCCARTHY.

Mr. FORBES.

Mr. MANZULLO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1784. An act to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into bailers and compactors that meet appropriate American National Standards Institute design safety standards.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1627. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3235. An act to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, July 29, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

4383. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Assessment Rate [Docket No. FV96-956-2 FIR] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4384. A letter from the Acting Under Secretary for Food Safety, Food and Safety Inspection Service Agency, transmitting the Service's final rule—Use of Trisodium Phosphate on Raw, Chilled Poultry Carcasses [Docket No. 92-026F] (RIN: 0583-AB65) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4385. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—International Banking Operations [Regulation K; Docket No. R-0916] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4386. A letter from the Administrator of National Banks, Comptroller of the Currency, transmitting the Office's final rule—Management Official Interlocks [Docket No. 96-15](RIN: 1557-AB39) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4387. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance—Loss Mitigation Procedures [Docket No. FR-4032-I-01] (RIN: 2502-AG72) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4388. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2853, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4389. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1508 and H.R. 3121, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4390. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1995," pursuant to 42 U.S.C. 2120e(d)(2)(E)(ii)(II); to the Committee on Commerce.

4391. A letter from the Director, Office of Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance [PP 4F427/R2253; FRL-5385-1] (RIN: 2070-AB78) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4392. A letter from the Director, Office of Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diethyl Phthalate; Toxic Chemical Release Reporting; Community Right-to-Know [OPPTS-400096A; FRL-5372-6] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Pesticide Food Additive Regulations [OPP-300360B; FRL-5388-2] (RIN: 2070-AB78) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerance [PP 2F4137/R2259; FRL-5387-2] (RIN: 2070-AF78) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Norflurazon;

Pesticide Tolerance [PP 9F3766/R2254; FRL-5385-3] (RIN: 2070-AB78) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—1,1-Difluoroethane; Tolerance Exemption [PP5E04443/R2258; FRL-5386-8] (RIN: 2070-AB78) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—I/M Program Requirement—On Board Diagnostic Checks [FRL-5543-7] (RIN: 2060-AE19) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan Regarding Prevention of Significant Deterioration [TN 119-1-6379a; TN 172-1-9639a; FRL-5539-9] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Arizona-Phoenix Area; Carbon Monoxide [AZR91-003; FRL-5543-6] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program; Final Approval of Operating Permit and Plan Approval Programs Under Section 112(1); Final Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Plan Approvals and Operating Permits Under Section 110; Commonwealth of Pennsylvania [PA065-4025; AD FRL-5535-3] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; General Operating Permit and Plan Approval Program [PA065-4026; FRL-5535-2] received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4402. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Policies and Rules Governing Interstate Pay-Per-Call and Other Information Services Pursuant to the Telecommunications Act of 1996 [CC Docket No. 96-146; FCC 96-289] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4403. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fredericksburg, Helotes and Castroville, Texas) [MM Docket No. 94-125] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4404. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revocation of Certain Device Regulations [Docket No. 95N-310R] (RIN: 0910-AA54) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4405. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; Revisions of Certain Labeling Controls; Partial Extension of Compliance Date [Docket No. 88N-0320] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4406. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Decommissioning of Nuclear Power Reactors (RIN: 3150-AE96) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4407. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (41 U.S.C. Sec. 47(a)(2) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee Reform and Oversight.

4408. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Wasp Series and R-1340 Series (Military) Reciprocating Engines (Federal Aviation Administration) [Docket No. 95-ANE-26; Amendment 39-9693; AD 96-15-02] (RIN: 2120-AA64) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4409. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—CFR Chapter Name Change (Federal Aviation Administration) [Docket No. 28636] (RIN: 2120-ZZ02) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4410. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 93-CE-35-AD; Amendment 39-9689; AD 93-15-02 R2] (RIN: 2120-AA64) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4411. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Part-Time Career Employment Program (RIN: 2900-AH75) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4412. A letter from the Chief, Foreign Trade Division, Bureau of the Census, transmitting the Bureau's final rule—Collection of Canadian Province of Manufacture Information for Softwood Lumber on Customs Entry Records (15 CFR Part 30) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters (Revenue Procedure 96-39) received July 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2636. A bill to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia, and for other purposes; with amendment (Rept. 104-368, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3006. A bill to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California, and for other purposes; with amendments (Rept. 104-709). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Oversight. H.R. 3491. A bill to repeal the American Folklife Preservation Act; with an amendment (Rept. 104-710). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3579. A bill to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes; with an amendment (Rept. 104-711). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3868. A bill to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996 (Rept. 104-712). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3024. A bill to provide a process leading to full self-government for Puerto Rico; with an amendment (Rept. 104-713, Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3539. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 104-714, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 2636 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Rules discharged from further consideration of H.R. 3539.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3024. Referral to the Committee on Rules extended for a period ending not later than September 18, 1996.

H.R. 3539. Referral to the Committee on Ways and Means extended for a period ending not later than July 29, 1996.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HANSEN (for himself and Mr. MARTINI):

H.R. 3907. A bill to facilitate the 2002 Winter Olympic Games in the State of Utah at the Snowbasin Ski Area, to provide for the acquisition of lands within the Sterling Forest Reserve, and for other purposes; to the Committee on Resources.

By Mr. FAZIO of California:

H.R. 3908. A bill to prevent the illegal manufacturing and use of methamphetamine; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 3909. A bill to improve aviation security by requiring the installation of certain explosive detection equipment at certain airports, by requiring the installation of explosive resistant cargo containers on aircraft, to provide assistance for the acquisition of such equipment, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ (for himself and Mr. THORNBERRY):

H.R. 3910. A bill to provide emergency drought relief to the city of Corpus Christi, TX, and the Canadian River Municipal Water Authority, TX, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 3911. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. PORTER:

H.R. 3912. A bill to amend the Federal Election Campaign Act of 1971 to encourage compliance with spending limits on elections for the House of Representatives and enhance the importance of individual contributions and contributions originating within congressional districts; to the Committee on House Oversight.

By Mr. ARMEY:

H. Con. Res. 203. Concurrent resolution providing for an adjournment of both Houses; considered and agreed to.

By Mr. FORBES (for himself, Mr. MCDADE, Mr. CRAMER, Mr. LAZIO of New York, Mr. FRISA, Mr. KING, and Mr. ACKERMAN):

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress concerning the tragic crash of Trans World Airlines flight 800; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself, Mr. BONO, Mr. BROWN of Ohio, Mr. FUNDERBURK, Mr. LANTOS, Ms. PELOSI, Mr. ROYCE, Mr. SCARBOROUGH, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TORRICELLI, and Mr. DORNAN):

H. Res. 490. Resolution expressing the sense of the House of Representatives that Taiwan should be admitted to the World Trade Organization without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the WTO; to the Committee on Ways and Means.

By Mr. PAYNE of New Jersey (for himself, Mr. PORTER, Mr. LANTOS, Mr. BEREUTER, Ms. PELOSI, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. WOLF, Mr. FATTAH, Mr. TORRICELLI, Mrs. CLAYTON, Mr. OLVER, Mr. EVANS, Ms. WATERS, Mr. CONYERS, and Mr. CUMMINGS):

H. Res. 491. Resolution expressing the sense of the House of Representatives that criminals from the genocide in Rwanda should be brought to justice by the International Criminal Tribunal for Rwanda; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 1127: Mr. HOLDEN.
H.R. 1281: Mrs. MORELLA.
H.R. 1920: Mr. FRANKS of New Jersey.
H.R. 2167: Mr. VOLKMER.
H.R. 2400: Mr. TORRICELLI and Mr. WALSH.
H.R. 2434: Mr. EDWARDS.
H.R. 2480: Mr. BUYER.
H.R. 2807: Mr. WICKER.
H.R. 2892: Mr. GUTIERREZ, Ms. SLAUGHTER, and Ms. FURSE.
H.R. 2976: Mr. GILLMOR, Mr. TORRICELLI, and Mr. WATT of North Carolina.
H.R. 3123: Mr. WELDON of Florida.
H.R. 3195: Mr. SALMON.
H.R. 3244: Ms. DUNN of Washington, Mr. JEFFERSON, Mr. JACOBS, Mr. LEWIS of California, Mr. FOX, and Mr. HAYES.
H.R. 3283: Mr. HOYER.
H.R. 3294: Mrs. THURMAN.
H.R. 3427: Mr. DOOLITTLE and Mr. NEY.
H.R. 3515: Ms. KAPTUR, Mr. BRYANT of Texas, Mr. EVANS, and Mr. LEVIN.
H.R. 3556: Ms. FURSE and Mr. SAWYER.
H.R. 3590: Mr. FRAZER, Mr. MCDERMOTT, and Mr. ACKERMAN.
H.R. 3609: Mr. HOUGHTON, Mr. OLVER, Mr. MCDERMOTT, Mr. DELLUMS, Ms. MCKINNEY, Mr. BEILENSON, and Mrs. MORELLA.
H.R. 3618: Ms. WOOLSEY, Mr. OWENS, and Mr. HYDE.
H.R. 3687: Mr. INGLIS of South Carolina.
H.R. 3710: Ms. ROYBAL-ALLARD, Mr. MASCARA, and Mrs. FOWLER.
H.R. 3724: Mr. CLINGER and Mr. GALLEGLY.
H.R. 3753: Mr. HAYWORTH and Mr. LAHOOD.
H.R. 3766: Mr. STARK, Mr. OWENS, Mrs. LOWEY, and Mr. WOLF.
H.R. 3775: Ms. GREENE of Utah and Mr. SENSENBRENNER.
H.R. 3783: Mr. HOLDEN, Mr. CAMP, Mr. NEY, Mr. SENSENBRENNER, Mr. FOX, and Mr. SHUSTER.
H.R. 3807: Mr. KENNEDY of Massachusetts, Mr. SPRATT, and Mr. BENTSEN.
H.R. 3821: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. DURBIN, Mr. EHLERS, and Mr. GREEN of Texas.
H.R. 3830: Mr. WATT of North Carolina and Mr. CUMMINGS.
H.R. 3839: Mr. COSTELLO.
H.R. 3863: Mr. KNOLLENBERG, Mr. FOX, Mr. ENGLISH of Pennsylvania, Mr. MCHUGH, Mr. WELDON of Pennsylvania, Mr. BORSKI, and Mr. ZIMMER.
H.R. 3879: Mr. ABERCROMBIE, Mr. FRAZER, Mr. RAHALL, Mr. ROMERO-BARCELO, AND MR. HAMILTON.
H.J. Res. 114: Mr. DINGELL.
H.J. Res. 176: Mr. HEFLEY.
H. Con. Res. 151: Miss COLLINS of Michigan, Ms. FURSE, Ms. KAPTUR, and Mr. MATSUI.
H. Con. Res. 202: Mr. TRAFICANT.
H. Res. 423: Mr. ENGLISH of Pennsylvania.
H. Res. 470: Mr. RAMSTAD and Ms. MOLINARI.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

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

Petition 13 by Mr. CONDIT on House Resolution 443: David M. McIntosh.

Petition 15 by Mr. BONILLA on House Resolution 466: Steve Stockman, David M. McIntosh, Sonny Bono, John J. Duncan, Jr., Charles H. Taylor, Walter B. Jones, Jr., J.D. Hayworth, Solomon P. Ortiz, J.C. Watts, Jr., Pete Geren, Chet Edwards, and Helen Chenoweth.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 123

OFFERED BY: MR. CUNNINGHAM

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "English Language Empowerment Act of 1996".

TITLE I—ENGLISH LANGUAGE EMPOWERMENT

SEC. 101. FINDINGS.

The Congress finds and declares the following:

(1) The United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds.

(2) The United States has benefited and continues to benefit from this rich diversity.

(3) Throughout the history of the United States, the common thread binding individuals of differing backgrounds has been a common language.

(4) In order to preserve unity in diversity, and to prevent division along linguistic lines, the Federal Government should maintain a language common to all people.

(5) English has historically been the common language and the language of opportunity in the United States.

(6) The purpose of this title is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States.

(7) By learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States.

(8) The use of a single common language in conducting official business of the Federal Government will promote efficiency and fairness to all people.

(9) English should be recognized in law as the language of official business of the Federal Government.

(10) Any monetary savings derived from the enactment of this title should be used for the teaching of the English language to non-English speaking immigrants.

SEC. 102. ENGLISH AS THE OFFICIAL LANGUAGE OF FEDERAL GOVERNMENT.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE FEDERAL GOVERNMENT

"Sec.
"161. Declaration of official language of Federal Government
"162. Preserving and enhancing the role of the official language

"§ 161. Declaration of official language of Federal Government

"The official language of the Federal Government is English.

"§ 162. Preserving and enhancing the role of the official language

"Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

"§ 163. Official Federal Government activities in English

"(a) CONDUCT OF BUSINESS.—Representatives of the Federal Government shall conduct its official business in English.

"(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Federal Government solely because the person communicates in English.

"(c) ENTITLEMENT.—Every person in the United States is entitled—

"(1) to communicate with representatives of the Federal Government in English;

"(2) to receive information from or contribute information to the Federal Government in English; and

"(3) to be informed of or be subject to official orders in English.

"§ 164. Standing

"A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.

"§ 165. Reform of naturalization requirements

"(a) FLUENCY.—It has been the longstanding national belief that full citizenship in the United States requires fluency in English. English is the language of opportunity for all immigrants to take their rightful place in society in the United States.

"(b) CEREMONIES.—All authorized officials shall conduct all naturalization ceremonies entirely in English.

"§ 166. Application

"Except as otherwise provided in this chapter, the provisions of this chapter shall supersede any existing Federal law that contravenes such provisions (such as by requiring the use of a language other than English for official business of the Federal Government).

"§ 167. Rule of construction

"Nothing in this chapter shall be construed—

"(1) to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English;

"(2) to discriminate against or restrict the rights of any individual in the country; and

"(3) to discourage or prevent the use of languages other than English in any nonofficial capacity.

"§ 168. Affirmation of constitutional protections

"Nothing in this chapter shall be construed to be inconsistent with the Constitution of the United States.

"§ 169. Definitions

"For purposes of this chapter:

"(1) FEDERAL GOVERNMENT.—The term 'Federal Government' means all branches of the national Government and all employees and officials of the national Government while performing official business.

"(2) OFFICIAL BUSINESS.—The term 'official business' means governmental actions, documents, or policies which are enforceable with the full weight and authority of the Federal Government, and includes publications, income tax forms, and informational materials, but does not include—

"(A) teaching of languages;

"(B) actions, documents, or policies necessary for—

"(i) national security issues; or

"(ii) international relations, trade, or commerce;

"(C) actions or documents that protect the public health and safety;

"(D) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;

"(E) actions, documents, or policies that are not enforceable in the United States;

"(F) actions that protect the rights of victims of crimes or criminal defendants;

"(G) actions in which the United States has initiated a civil lawsuit; or

"(H) documents that utilize terms of art or phrases from languages other than English.

"(3) UNITED STATES.—The term 'United States' means the several States and the District of Columbia.".

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

SEC. 103. PREEMPTION.

This title (and the amendments made by this title) shall not preempt any law of any State.

SEC. 104. EFFECTIVE DATE.

The amendments made by section 102 shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE II—REPEAL OF BILINGUAL VOTING REQUIREMENTS

SEC. 201. REPEAL OF BILINGUAL VOTING REQUIREMENTS.

(a) BILINGUAL ELECTION REQUIREMENTS.—Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a) is repealed.

(b) VOTING RIGHTS.—Section 4 of the Voting Rights Act of 1965 (42 U.S.C. 1973b) is amended by striking subsection (f).

SEC. 202. CONFORMING AMENDMENTS.

(a) REFERENCES TO SECTION 203.—The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

(1) in section 204, by striking "or 203,"; and

(2) in section 205, by striking ", 202, or 203" and inserting "or 202".

(b) REFERENCES TO SECTION 4.— The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

(1) in sections 2(a), 3(a), 3(b), 3(c), 4(d), 5, 6, and 13, by striking ", or in contravention of the guarantees set forth in section 4(f)(2)";

(2) in paragraphs (1)(A) and (3) of section 4(a), by striking "or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2)";

(3) in paragraph (1)(B) of section 4(a), by striking "or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision"; and

(4) in paragraph (5) of section 4(a), by striking "or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision".

H.R. 2391

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 2: Page 2, insert after the period in line 15 the following: "An employer which provides compensatory time shall provide that an employee may use the compensatory time within 7 days of the date on which the employee earned overtime compensation.".

H.R. 2391

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 3: Page 4, line 22, strike "240" and insert "222".

Page 5, line 23, strike "480" and insert "444".

Page 6, line 1, strike "240" and insert "222".

Page 6, line 3, strike "480 or 240" and insert "444 or 222".

Page 8, insert after line 15 the following:

SEC. 4. OVERTIME.

(a) AMENDMENT.—Section 7(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)) is amended by striking "forty" and inserting "thirty-seven".

(b) REVISIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall report to the Committee on Economic and Educational Opportunities of the House of Representatives the revisions required to be made in the employment hours specified in section 7 of the Fair Labor Standards Act of 1938 to conform to the amendment made by subsection (a).

H.R. 2391

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 4: Page 8, insert after line 15 the following:

SEC. 4. VOLUNTARY OVERTIME.

Section 7(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)) is amended by striking the period at the end and inserting the following: "and such employee has agreed to be employed in excess of such hours. No other provision of this subsection may be construed to authorize the employment of employees for a workweek longer than 40 hours unless such employees have agreed to such employment.".

SENATE—*Friday, July 26, 1996*

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

PRAYER

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

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

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

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

RESERVATION OF LEADER TIME

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

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

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

AMENDMENT NO. 5088

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

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. Two minutes equally divided.

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

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

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

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

[Rollcall Vote No. 246 Leg.]

YEAS—22

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

NAYS—78

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

The amendment (No. 5088) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5078, AS AMENDED

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

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

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

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

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

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

Mr. ROCKEFELLER addressed the Chair.

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

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

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

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

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

The Chair recognizes the Senator from Kentucky.

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

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

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

I hope that my colleagues will not approve this amendment.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

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

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

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

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

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

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

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

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

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

The legislative clerk called the roll.

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

[Rollcall Vote No. 247 Leg.]

YEAS—73

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

NAYS—27

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

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

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

INTERNATIONAL MILITARY EDUCATION AND TRAINING [IMET]—INDONESIA

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

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

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

Second, to improve the ability of participating foreign countries to utilize their resources, including defense articles and services obtained from the United States, with maximum effectiveness, thereby contributing to

greater self-reliance by such countries; and,

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

In fiscal year 1995, 109 countries participated in IMET.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I also supported the McConnell-Leahy sanctions on Burma that were included in the committee reported version of the bill. Unfortunately, these sanctions were eliminated by the Cohen amendment. It is universally agreed that the current regime in Burma is illegitimate, undemocratic, and abusive of even the most basic human rights standards. It is a virtual certainty that every dollar finding its way to the ruling party in Burma will be used to oppress the legitimately elected government. The United States must not participate in this kind of unconscionable oppression in any way.

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

I would like to call attention to committee report language urging the U.S. Agency for International Development to fund microenterprise programs at their current levels. I supported earmarking funds for this purpose, but understand the managers reluctance to earmark. Microenterprise has been a remarkable success in the developing world. The small local banks created

through microenterprise programs truly have the ability to wipe out poverty in their regions. I want to add my voice to that of the committee and urge AID, in the strongest possible terms, to allocate the maximum possible level of funding to microenterprise programs.

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

Mr. McCONNELL. I yield back my 2 minutes.

Mr. LEAHY. I yield back my 2 minutes.

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

The committee amendment, as amended, was agreed to.

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

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

The bill was read a third time.

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

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

The PRESIDING OFFICER. Is there a sufficient is second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The bill clerk called the roll.

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

[Rollcall Vote No. 248 Leg.]

YEAS—93

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

NAYS—7

Byrd	Helms	Smith
Craig	Hollings	
Faircloth	Kempthorne	

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

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

Strike out all after the enacting clause and insert:

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

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

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

SUBSIDY APPROPRIATION

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

ADMINISTRATIVE EXPENSES

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

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

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

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1997 and 1998: Provided further, That such sums shall remain available through fiscal year 2005 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997, and through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

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

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

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

POPULATION, DEVELOPMENT ASSISTANCE

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

CYPRUS

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

BURMA

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

PRIVATE AND VOLUNTARY ORGANIZATIONS

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

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

INTERNATIONAL DISASTER ASSISTANCE

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

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying direct loans extended to least developed countries, as authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, as authorized under subsection (a) under the heading "Debt Reduction for Jordan" in title VI of Public Law 103–306, $27,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committee on Appropriations.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

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

HOUSING GUARANTY PROGRAM ACCOUNT

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

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

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

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

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

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

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

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

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

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

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

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

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

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

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

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

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

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

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

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

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

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

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

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

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INDEPENDENT AGENCY

PEACE CORPS

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

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

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

MIGRATION AND REFUGEE ASSISTANCE

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

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

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

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

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

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

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

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

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

administering military assistance and sales: Provided further, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1997 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

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

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE GLOBAL ENVIRONMENT FACILITY

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

CONTRIBUTION TO THE INTERIM TRUST FUND AT THE INTERNATIONAL DEVELOPMENT ASSOCIATION

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

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

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

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

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

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

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

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

NORTH AMERICAN DEVELOPMENT BANK

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

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

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

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

LIMITATION ON RESIDENCE EXPENSES

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

LIMITATION ON EXPENSES

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

LIMITATION ON REPRESENTATIONAL ALLOWANCES

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

PROHIBITION ON FINANCING NUCLEAR GOODS

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

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

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

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act

shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act.

DEOBLIGATION/REOBLIGATION AUTHORITY

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

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

AVAILABILITY OF FUNDS

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

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

COMMERCE AND TRADE

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

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

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

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

SURPLUS COMMODITIES

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

NOTIFICATION REQUIREMENTS

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

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

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

shall remain available for obligation through September 30, 1997.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

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

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

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

POPULATION PLANNING ASSISTANCE LIMITATIONS

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

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

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

REPORTING REQUIREMENT

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

SPECIAL NOTIFICATION REQUIREMENTS

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

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

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

CHILD SURVIVAL AND AIDS ACTIVITIES

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

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

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

RECIPROCAL LEASING

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

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

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

AUTHORIZATION REQUIREMENT

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

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

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

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

(2) otherwise supports international terrorism.

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

COMMERCIAL LEASING OF DEFENSE ARTICLES

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

COMPETITIVE INSURANCE

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

STINGERS IN THE PERSIAN GULF REGION

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

DEBT-FOR-DEVELOPMENT

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

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

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

SEPARATE ACCOUNTS

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

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

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

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

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

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

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

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

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

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

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

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

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

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

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

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

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

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

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

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

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

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

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

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

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

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

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

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

POW/MIA MILITARY DRAWDOWN

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

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

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

MEDITERRANEAN EXCESS DEFENSE ARTICLES

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

CASH FLOW FINANCING

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

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

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

IMPACT ON JOBS IN THE UNITED STATES

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

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

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

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

AUTHORITY TO ASSIST BOSNIA AND HERZEGOVINA

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

(b) Within 60 days of any transfer under the authority provided in subsection (a), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

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

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

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

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

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

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

(1) there is substantial progress toward—

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

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

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

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

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

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

SPECIAL AUTHORITIES

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

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

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

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

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

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

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

(2) the President should—

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

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

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

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

ANTI-NARCOTICS ACTIVITIES

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

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

ELIGIBILITY FOR ASSISTANCE

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

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

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

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

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

EARMARKS

SEC. 548. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for

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

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

CEILINGS AND EARMARKS

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

EXCESS DEFENSE ARTICLES

SEC. 550. (a) During fiscal year 1997, the authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

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

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

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

PROHIBITION ON PUBLICITY OR PROPAGANDA

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

USE OF AMERICAN RESOURCES

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

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

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

CONSULTING SERVICES

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

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

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

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

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

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

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

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

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

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

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

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

EXPORT FINANCING TRANSFER AUTHORITIES

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

WAR CRIMES TRIBUNALS

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

TRANSPORTATION OF EXCESS DEFENSE ARTICLES

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

LANDMINES

SEC. 562. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines and unexploded ordnance for humanitarian purposes may be disposed of

on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out "During the five-year period beginning on October 23, 1992" and inserting in lieu thereof "During the eight-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

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

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

(1) alcoholic beverages;

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

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

HUMANITARIAN ASSISTANCE

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

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

"(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

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

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

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

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

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

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

POLICY TOWARD BURMA

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

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

(A) humanitarian assistance,

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

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

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

(C) assistance promoting human rights and democratic values.

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

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

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

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

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

(1) progress toward democratization in Burma;

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

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

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

(f) DEFINITIONS.—

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

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

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

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

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

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

REPORTS ON THE SITUATION IN BURMA

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

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

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

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

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

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

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

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

SPECIAL DEBT RELIEF FOR THE POOREST

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

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

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

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral

official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

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

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

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

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

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

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

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

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

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

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

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

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

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

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

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

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

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

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

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

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

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

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

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

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

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

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

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

(A) the Nazi government of Germany;

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

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

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

LIMITATION ON ASSISTANCE FOR HAITI

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

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

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

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

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

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

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

UNITED STATES GOVERNMENT PUBLICATIONS

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

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

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

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

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

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

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

TRANSPARENCY OF BUDGETS

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

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

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

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

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

PROMOTION OF HUMAN RIGHTS

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

GUARANTEES

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

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

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

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

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

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

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

(2) in subsection (c)—

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

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

(C) by adding at the end the following:

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

FEMALE GENITAL MUTILATION

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

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

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

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

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

SENSE OF CONGRESS REGARDING THE UNITED STATES-JAPAN INSURANCE AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENSE OF CONGRESS REGARDING THE CONFLICT IN CHECHNYA

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

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

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

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

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

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

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

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

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

REPORT ON DOMESTIC FEDERAL AGENCIES FURNISHING UNITED STATES ASSISTANCE

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

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

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

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

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

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

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

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

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

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

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

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

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

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

HAITI

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

TRADE RELATIONS WITH EASTERN AND CENTRAL EUROPE.

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

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

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

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

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

(5) The presence of a market with more than 140,000,000 people, with a growing appetite for consumer goods and services and badly in need of modern technology and management, should be an important market for United States exports and investments.

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

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

(1) developing closer commercial contacts;

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

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

(4) negotiating bilateral investment treaties;

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

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

(7) establishing fair and expeditious dispute settlement procedures.

LIMITATION ON FOREIGN SOVEREIGN IMMUNITY

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

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

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

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

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

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

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

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

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

SENSE OF CONGRESS REGARDING CROATIA

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

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

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

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

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

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

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

ROMANIA'S PROGRESS TOWARD NATO MEMBERSHIP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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

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

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

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

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

PROSECUTION OF MAJOR DRUG TRAFFICKERS RESIDING IN MEXICO

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

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

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

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

(b) PROHIBITION.—

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

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

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

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

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

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

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

DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS

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

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

"(a) REQUIREMENT TO DEOBLIGATE.—

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

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

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

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

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

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

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

SENSE OF SENATE REGARDING THE GOVERNMENT OF BURUNDI

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

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

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

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

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

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

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

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

SENSE OF THE SENATE REGARDING ENVIRONMENTAL IMPACT ASSESSMENTS

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

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

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

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

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

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

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

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

INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 599B. FINDINGS.—

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

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

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

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

(5) The International Criminal Tribunal has issued 57 indictments against individuals from all parties to the conflicts in the former Yugoslavia;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE VI—NATO ENLARGEMENT FACILITATION ACT OF 1996

SEC. 601. SHORT TITLE.

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

SEC. 602. FINDINGS.

The Congress makes the following findings:

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

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

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold

War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 603. UNITED STATES POLICY.

It is the policy of the United States—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 609. EXCESS DEFENSE ARTICLES.

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

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

SEC. 610. MODERNIZATION OF DEFENSE CAPABILITY.

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

SEC. 611. TERMINATION OF ELIGIBILITY.

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

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

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

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

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

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

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

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

SEC. 612. AMENDMENTS TO THE NATO PARTICIPATION ACT.

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

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

"SEC. 206. DEFINITIONS.

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

SEC. 613. DEFINITIONS.

As used in this title:

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

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

TITLE VII—MIDDLE EAST DEVELOPMENT BANK

SEC. 701. SHORT TITLE.

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

SEC. 702. ACCEPTANCE OF MEMBERSHIP.

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

SEC. 703. GOVERNOR AND ALTERNATE GOVERNOR.

(a) APPOINTMENT.—At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 3 of the Bretton Woods Agreements Act, shall serve ex-officio as a Governor and the alternate for the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

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

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

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

SEC. 705. FEDERAL RESERVE BANKS AS DEPOSITORIES.

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

SEC. 706. SUBSCRIPTION OF STOCK.

(a) SUBSCRIPTION AUTHORITY.—

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

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

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

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

(1) PAID-IN CAPITAL STOCK.—

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

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

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

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

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

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

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

SEC. 708. EFFECTIVENESS OF AGREEMENT.

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

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

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

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

SEC. 710. TECHNICAL AMENDMENTS.

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

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

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

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

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

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

The motion to lay on the table was agreed to.

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

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

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

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

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

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

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

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

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

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

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

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

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

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

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

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

rights, not if we expect to see our economy grow, not if we expect to alleviate some of the misery in the world.

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

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

The PRESIDING OFFICER. The Chair recognizes the majority leader.

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

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

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

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

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

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

The bill clerk read as follows:

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

The Senate proceeded to consider the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

The State of New Mexico can thank Senator PETE DOMENICI for the presence and the health and viability of much of that State's Federal presence. The Federal presence in the State of New Mexico is rather overwhelming

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

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

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

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

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

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

PURPOSE OF THE BILL

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

602(B) ALLOCATION FOR THE BILL

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

SUMMARY OF RECOMMENDATIONS

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

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

TITLE I, ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, the recommendation is for a total of new budget authority of $3,455,623,000, which is $89 million over fiscal year 1996 and $163 million more than the budget estimate.

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

TITLE II, DEPARTMENT OF THE INTERIOR

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

TITLE III, DEPARTMENT OF ENERGY

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

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

For departmental administration $218 million is recommended offset with anticipated miscellaneous revenues of $125 million for a net appropriation of $93 million. A total of $245.6

million is recommended in the bill for the Power Marketing Administrations and $146.3 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

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

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

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

TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

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

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

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

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

With thanks to my chairman, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

So at the same time we are moving ahead in a new approach, we have to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I came to the Senate in January 1989. I was not here very long before I realized our State was facing a very difficult problem with the sudden surge of the importation of out-of-State waste. Our capacity to dispose of our own waste was quickly being filled to overflowing, and action needed to be taken.

The State of Indiana Legislature has taken a number of steps to attempt to limit this flow of unwanted waste coming from other States. Yet, each one of their attempts was met by a court challenge, and a challenge that was successful in that it said we were violative of the interstate commerce clause of the Constitution.

In reviewing the court opinions on that subject, we discovered the court said if the Congress specifically and affirmatively grants States the authority to regulate its flow of out-of-State waste, then it would meet constitutional muster. So, I then proceeded to offer legislation on that subject to find a solution to not only our problem but a number of importing States' problems throughout the country.

That was a contentious issue at the time, and it was tied up in filibuster and a whole number of procedural delays. We persisted, and in September of 1990, a modified version of my original amendment passed the Senate by a vote of 67 to 31, as an amendment to the District of Columbia appropriations bill. It was not a partisan issue. It was a bipartisan issue—Democrats and Republicans joined together to pass this legislation.

Unfortunately, in the conference on the appropriations bill in 1990 in October, just before we adjourned for the elections, that provision was stripped. That was the 101st Congress.

In the 102d Congress, early on in that Congress, March of 1992, I introduced new legislation which, after some considerable debate and maneuvering, we managed to pass by an even more overwhelming vote. I was joined by the Senator from Montana in that effort. He was very helpful in allowing us to move forward on that legislation. It passed the Senate in July of 1992 by a vote of 89 to 2. We had addressed a number of the objections that were raised in the original legislation, States that had particular and peculiar problems, and we even worked with the exporting States that were putting the waste into play on an international basis, and satisfied a number of their demands.

In other words, we achieved a balance, a balance between the legitimate needs of those States that found State waste overwhelming their own environmental plans to adequately dispose of their own waste to protect their environment, and we addressed the needs of the exporting States who needed some time to ratchet down their exports, out-of-State exports, and deal with their waste on an intrastate basis. That accommodation resulted, as I said, in that vote in 1992. The support from the Senator from Montana was critical to that success.

Unfortunately, the House failed to act on that legislation, which brought us to the 103d Congress. In February 1993, I again introduced the interstate waste bill, and after considerable negotiations and work, we passed that bill in the Senate, the Coats-Baucus bill, in September 1994. In October, it passed the House and came to the waning days of the 103d Congress, and because of procedural reasons we needed unanimous consent to proceed with that. We moved the legislation through the House, through some very difficult negotiations, got 435 Members of the House to agree to that, and we got 99 Members of the U.S. Senate to agree. Unfortunately, we could not get that last vote. Because we needed all 100 and needed unanimous consent to proceed to the legislation, it failed.

Then the 104th Congress came, and in March 1995 I reintroduced the legislation. In May, on May 16, 1995, on my birthday—I do not think it was a birthday present from the Senate to me, but it happened to fall on that particular date—the Senate passed that new legislation by a vote of 94 to 6. The House subsequently has done nothing.

Now, I am hoping that Members will detect there is a pattern here, that there is a pattern that this issue is not going to go away, and that I will keep introducing that as long as I have voice to speak and the good people of Indiana choose to send me back to the U.S. Senate. This is an issue that is not only important to my State, the people who I represent, but it is important to the Nation.

Given the votes that we have had here in the Senate, a lot of people are wondering, why can't we finalize this? We cannot finalize it now because the House refused to act on it for a number of reasons.

We are not going to give up. The pattern is we will just keep coming back and back and back and back and back until this issue is resolved and we strike the necessary legislation and put it into law, giving States control over their own borders.

The legislation before the Senate is a bipartisan effort. I am being joined this morning by Senator LEVIN from Michigan, another importing State. I know a number of other Senators here have a vested interest in this issue, and whether they need to come to the floor to discuss this or not, I am not sure. I am confident we can move forward. But, again, we want to make the point that this legislation is not going to go away. My effort is not going to go away. We are going to persist with this until we finalize this.

This is an amendment, with due respect to the chairman and the ranking member of the Energy and Water Appropriations Subcommittee, this is an effort to try to attach it to somewhat relevant legislation so that we can get it into conference and hopefully convince the conferees that this strongly bipartisan, strongly supported effort, after literally years of intense negotiations—with importing States, exporting States, all involved; waste haulers, all involved—we have reached a reasonable agreement that ought to be enacted into law.

I am offering it this morning along with my colleague from Michigan, Senator LEVIN. We do strike an appropriate balance. What we are offering today is exactly the same legislation that the Senate has voted on in this Congress and passed by a vote of 94 to 6. In the interests of time and in the interests of Senators who I know are trying to make plans to travel back to their States for this weekend, and to move this appropriations bill forward, I am going to limit my remarks to this, unless I need to respond to questions or opposition raised on this particular legislation.

I thank the chairman for his tolerance and willingness and his support in this effort to, once again, move this legislation. I yield the floor.

Mr. DOMENICI. Mr. President, I know Senator LEVIN wants to speak to this very important legislation.

Mr. COATS. Will the Senator yield?

Mr. DOMENICI. I am happy to yield to the Senator.

AMENDMENT NO. 5092

(Purpose: To provide authority for States to limit the interstate transportation of municipal solid waste)

Mr. COATS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. LEVIN, proposes an amendment numbered 5092.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COATS. Mr. President, I ask for the yeas and nays.

Mr. JOHNSTON. Mr. President, I think we are willing to accept it.

Mr. DOMENICI. I believe we are willing to accept it. That is what I told the Senator.

Mr. COATS. Mr. President, I will withhold that request at this time.

Mr. DOMENICI. We will have to talk about it. We are working on the premise that if we get all the Senators to agree to the amendments on a list, there would be no votes today. We would like very much to see if we can get that worked out.

That would not preclude the Senator from having a yea and nay vote on Tuesday, although I recommend that he not do that. We are not taking anything away.

The PRESIDING OFFICER. Does the Senator withdraw the request for the yeas and nays?

Mr. COATS. I temporarily withdraw that request.

Mr. DOMENICI. Mr. President, once again, I want to say publicly what I told the distinguished Senator from Indiana. We are willing to accept this amendment and take it to conference. It is obvious that, at one time or another, legislation like this has received almost the unanimous support of Congress. Because of that, we will take it.

I want to say to Senators one more time—not those here, but Senators and staff in their offices—who are concerned about what is going to happen for the rest of today, Monday, and Tuesday. We are asking each office to tell us if they have amendments to this bill. We are making some real headway. There are a few offices we have not been able to work this out with. But it is important to get that done. That will define the schedule for the remainder of the day.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am pleased to cosponsor the amendment of the Senator from Indiana. He has worked on it so long and hard, and so many other Members of this body, particularly Senator BAUCUS of Montana, the Senators from Louisiana, and so many others, to finally give States and local government some control over the flow of waste both into their jurisdictions and out of their jurisdictions.

The Senate has expressed its will on this issue over and over again—most recently, in May of last year by an overwhelming vote of 94 to 6. The Senator from Indiana has gone through the number of times that the Senate has expressed its will. He has gone through the number of ways in which the vast majority of House Members have expressed their will on this matter in support of this legislation, made necessary by a Supreme Court decision which said it is up to Congress to decide whether or not it wants to give these powers to the State and local governments.

Now, Michigan, my State, my counties, and my townships have plans for waste disposal. They have invested in it. They spent a lot of time with these investments and a lot of money on these investments to dispose of their waste locally. Those plans and those investments are totally disrupted when contracts are entered into without consideration by State, county, or local government of the impact of those contracts for importing waste into those areas, because when you import waste in that way, without consideration of plans, and without consideration of the efforts that local governments have made to dispose of their own waste, it totally disrupts those efforts and those expenditures. It is not right.

States and local governments have a right to do that planning and to make those investments in order to dispose of their own waste and not see their own plans displaced by the import of waste from other places, based on contracts between haulers and those other places.

Our local people should not be dumped on any longer. They should have some control over their own jurisdictions, and over their own land. That is what this issue is really all about. And so I want to commend all the Senators who have been involved in this effort for so many years. It has been truly a bipartisan effort all along. It will continue to be that. It will continue to be made until we finally not just get a bill passed in the Senate, which we have done over and over again, but get the same bill passed by the Senate and the House. And this effort to adopt this amendment on this particular appropriations bill is another statement to the House that we expect action this year.

Here we are with, perhaps, 30 legislative days left in this session. Last year the Senate expressed itself. I, on at least one occasion, have stood up saying I was going to offer this kind of amendment, and have been dissuaded from doing so based on the assurance that there would be efforts made to get the House to act. The House has not acted. There are a few people there who oppose it, who have been able to displace the will of what appears to be a clear majority of House Members.

It is simply time that we again express ourselves as a Senate on this issue, not just speaking into the ether, but speaking directly to the House and saying we are very serious that we want this bill—at least we want consideration of both parts of this bill by the House this year, on both the questions of interstate waste coming into a State and the question of flow control of waste from a State. Both of those subjects are covered in this bill in a balanced way, as the Senator from Indiana has said, in consideration of both importing and exporting States.

Before I yield the floor, I simply again want to thank my good friend from Indiana, and particularly single out the Senator from Montana, who, for so many years, has fought this battle. It will be essential not just to his State, my State, Indiana, Louisiana, and other States, but to all of our States that we finally have some control over our own land, over our own plans, over our own investment for waste disposal. The Senators from Indiana and Montana have been leaders in that effort.

Mr. JOHNSTON. If the Senator will yield. Mr. President, I cosponsored a bill on this subject matter filed by my colleague, Senator BREAUX, a few years ago. Does this differ in any way from that?

Mr. LEVIN. I wonder if I could ask my friend from Indiana, I understand this bill is precisely the same as S. 534, which passed in May 1995 by a vote of 94 to 6, and that that bill is this amendment. That is my understanding.

Mr. COATS. Mr. President, the Senator is correct. The amendment we are offering today is identical, word-for-word, to the legislation that passed this body earlier in this session of Congress.

Mr. JOHNSTON. That was this session?

Mr. COATS. Yes, it was. I can give you the exact date.

Mr. JOHNSTON. Is it the same as we had a few years ago?

Mr. COATS. It has been modified from the original legislation. We have addressed some of the concerns of the exporting States and struck a balance between the timetables, in terms of their ratcheting down the exports, and we made some adjustments on the importing State side. We allow, for instance, local jurisdictions to enter into what are called host agreements. We do not upset those agreements. We don't want to breach any contractual obligations already entered into. We have added flow control language to address that particular issue, also. This is identical to what we passed in 1995 in this Congress.

Mr. JOHNSTON. Well, Mr. President, I commend the Senators for proposing this legislation. Being one of these recipient States of this waste, who has never been able to control this situation, I commend them for coming up with a solution that I believe will work. Of course, the minority will enthusiastically accept the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I don't want the sponsors to have any concern about whether the Senator from New Mexico favors this when we go to conference. I favor it 100 percent.

We were a State that was at least threatened with all kinds of external dumping of garbage in our State. We talk about solid waste, but this is not nuclear waste. This is essentially garbage with maybe a little frill on the edges.

So I will take the bill. I want the Senator to know I will take it. I will take it and try to keep it. I think we ought to pass it. Whether our bill gets to the President and gets signed, we may have that confronting us. We are going to do our share of trying to keep it in conference.

Mr. COATS. If the Senator will yield, I am fully aware of the perils and pitfalls of moving appropriations bills to the executive branch and having the President sign them. I know that is not directly related, although I think it is indirectly related to energy and water.

I appreciate the commitment from the Senator from New Mexico in doing his very best to see if we can add this in an appropriations bill and get it accepted in conference.

As I said, this is not a partisan issue. The President has already indicated that he would sign this particular provision. So this will not be a deal breaker.

If I can get the commitment from the Senator from New Mexico and the Senator from Louisiana that they will fight for this effort in conference and do their best to reflect the Senate position on this, in deference to my colleagues, who I know are seeking to catch planes and wrap up the session, if there are no other votes ordered on this legislation, I will not be the one to scuttle the picnic here. So I will make that commitment to the Senator.

Mr. DOMENICI. I want to make one additional point. I have just received word that Senator CHAFEE wants to come down and speak on the measure. I think it is quite appropriate. He is chairman of the subcommittee of original jurisdiction. We did not intend to

vote or accept this in the next few minutes anyway. So if Senator CHAFEE wants to speak, we urge that he come down as soon as he can.

Mr. BAUCUS. Mr. President, I am happy the Senator from Indiana offered this amendment. He has been committed, including the Presiding Officer, for many years to trying to get this passed.

There has been a development which makes this legislation more imminent. Recently, the city of New York announced that it is going to close its Fresh Kills landfill. Fresh Kills landfill is probably the biggest landfill in this country. They receive 13,000 tons of garbage a day at Fresh Kills landfill in New York. That amounts to 1,200 trucks a day of garbage dumped at the Fresh Kills landfill. That is going to be closed. It will be closed in 2 years. I think it will be phased out ultimately by the year 2001.

That is a problem. It is a problem for a lot of so-called importing States, States that receive other States' garbage. It is a problem because States are having a very difficult time enacting laws providing for incinerators. People do not want incinerators to burn garbage.

This is a major proposal in the State of New York for the State of New York to build a major incinerator in Brooklyn. It has been turned down. It is the old not-in-my-backyard syndrome. Nobody wants an incinerator in their backyard.

So incinerators are not getting anywhere, which means that New York has a problem. New York City has a big problem with Fresh Kills closed. Where is all that garbage going to be, 13,000 tons, 1,200 trucks a day?

That is just an example of the problem that we face.

I might say that my State is typical; that is, Montana has wide open spaces. A lot of folks from the East think that is a good place to dump garbage. "Let's dump it out in the West. They have wide open space out there."

Regrettably, a major entrepreneur in an Eastern State decided that he wanted to open up a big landfill in Miles City, MT. We in Montana do not want this big landfill in Miles City. He was able to cut a deal with a couple of folks in Miles City to build this landfill, whereas the vast majority do not want this landfill in Montana. The State of Montana could not pass legislation prohibiting this, could not pass legislation limiting the dumping of out-of-State garbage in our own State. Why? Because the Supreme Court says the States cannot do that. It is in violation of the commerce clause of the Constitution.

Very simply, this is a very basic proposal. Basically, we are saying that by the passage of this legislation, with some modifications, the States have the right to say no. They have a right to say no to the shipment of out-of-State garbage being dumped in their State.

We talk a lot around here about local control. We talk a lot around here, "Gee, let States decide their own destiny, and let local communities decide their own destiny." This legislation will allow States to do that. They will be able to say no to the dumping of out-of-State garbage in their own States.

I hope that the House conferees take this provision. It is going to be difficult.

I very much appreciate the statement of the manager of the bill, the chairman of the Budget Committee, Senator DOMENICI, as well as its ranking member of the subcommittee, Senator JOHNSTON, that they will push for this amendment in conference. The trouble is that the House has not looked very favorably on this legislation recently. It is basically because of who is on what committee over in the House and what States are exporting States. It is a problem.

But I urge our Senate conferees to be very vigorous in pushing this amendment in conference, because then, finally, we are going to get this thing enacted.

I can tell you that there are a lot of people in our country who very much want to control their own destiny in a lot of ways, and one way is to be able to say no to the shipment of out-of-State garbage. I have been working with Senator COATS on this for years.

When the Democrats were in the majority, I had the subcommittee that got this legislation passed a couple of years ago. This is very similar to that legislation, this proposal before us.

I very strongly commend the Senator from Indiana for his very, very deep dedication to this issue. I hope we can finally get it passed.

I yield the floor.

Mr. COATS. Mr. President, I would like to add as original cosponsors to the bill Senator SPECTER, Senator BAUCUS, and Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am pleased to be an original cosponsor of this amendment that will get a grip on the serious problem of interstate waste. I am also pleased to be working again with Senator COATS on an issue that affects both our States—the unchecked flow of interstate waste.

As you and many of my colleagues are aware, out-of-State waste creates problems for States that are unable to control the amount of trash that is sent across the border for disposal. This imported waste takes up landfill space, which complicates State and local waste planning and requires States to devote valuable resources to the problem other States have neglected. Scarce landfill space in Kentucky should be allocated for Kentuckians, not trash from hundreds of miles away.

During my tenure in this Senate, I have committed myself to resolving this issue and ensuring that Kentucky doesn't become a dumping ground to out-of-State waste. In 1990, and every year since, I have introduced legislation or worked with Senator COATS in crafting language that has ultimately led to the compromise legislation that came so close to passing last year.

In 1990, I introduced S. 2691, a bill to give States the ability to fight long-haul dumping by charging higher fees for disposal of waste coming from other States. This bill passed the Senate with 68 votes.

During the 102d Congress, I introduced S. 197 to once again provide States the authority to impose a fee differential for out-of-State waste. In 1992, Senator COATS and I joined forces and produced comprehensive legislation to provide States the authority to regulate waste. That same year, the Senate passed an interstate waste bill by an overwhelming vote of 88 to 2. Unfortunately, the bill died in the House.

During the 103d Congress, I joined with Senators COATS and BOREN in introducing S. 439. Although the Senate didn't act until late in the session, Congress came extremely close to passing an interstate waste bill. Again, the House stalled long enough to effectively kill the bill on the last day of the session.

Last year, the Senate passed a waste bill, S. 543 which passed 94 to 6. This legislation is a fair proposal that gives communities control of not only their own waste streams, but the flow of trash from other States, it will protect importing States like Kentucky and Indiana from becoming garbage colonies for States who aren't willing to deal with their own waste problems.

Mr. President, this issue has recently come to the forefront of national news with the announcement of the closure of Fresh Kills landfill in New York. This 3,000-acre monstrosity located on Staten Island receives 26 million pounds of garbage daily. The 48-year-old landfill, known as the world's largest garbage dump, is so enormous that it can actually be seen by orbiting astronauts.

Closure of this facility will necessitate an astounding outflow of garbage from New York City that will be absorbed by States as far away as Kentucky. I, for one, refuse to stand by and allow Kentucky to become a garbage colony.

Unfortunately, the House has absolutely stalled on this issue. Hopefully, with the inclusion of the Coats amendment, interstate waste problems will finally be addressed during a conference with the House of Representatives.

Mr. ROBB. Mr. President, I rise today in support of the interstate

waste amendment offered by the Senator from Indiana.

Last Congress, I introduced legislation to give localities the opportunity to restrict the flow of interstate waste into landfills in their communities. In my view, it is essential that local governments be given the authority they need to determine for themselves whether to accept out-of-State waste. I am pleased that S. 534, the legislation which passed the Senate overwhelmingly last year, contained provisions that will help protect communities from being inundated with unwanted garbage generated out-of-State and provide localities with some leverage to deal with landfill developers who seek to dispose of out-of-State trash.

The pending amendment—identical to the one we passed last year—deserves the support of all Members. In my view, it strikes the appropriate balance between importing States and exporting States, and solves a problem which has persisted for too many years. Because this issue deals with interstate commerce, only Congress has the authority to resolve the problem of unwanted out-of-State garbage, as the Senators from Indiana, Michigan, and Montana have discussed. Therefore, I urge my colleagues to reaffirm our support for this legislation, and make passage of this bill a priority during the remainder of this session.

With that, Mr. President, I thank my colleagues and yield the floor.

Mr. COATS. I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I see the chairman of the committee and the ranking member on the floor. I mentioned earlier that I very much appreciate the statements by them, if they will urge the House to adopt this amendment.

Might I ask the chairman of the committee, along with the ranking Member, if they will, in pushing this, consult with the chairman of our committee, Senator CHAFEE, as well as the ranking member as you work with the House in attempting to persuade them to adopt the amendment. As we all know, there might be give and take and some modifications. I very much hope that the managers would consult the managers of the authorizing committee.

Mr. DOMENICI. Let me respond. This is not just a Republican bill. So I would say for the Record that we will consult not only with the chairman, but we will consult with the ranking member of the committee of jurisdiction as it moves its way through.

Mr. BAUCUS. I appreciate that. I thank the Senator.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEMALE GENITAL MUTILATION

Mr. REID. Mr. President, I would like to take this opportunity to commend the managers of the bill we passed this morning, the foreign operations appropriations bill. In that measure, one of the amendments accepted by the managers deals with a subject that I have spent many months of my legislative career on. It is an issue that has become easier to talk about, by this Senator, but not easy to talk about. I have spoken a number of times about the issue of female genital mutilation.

I was of course struck last week, Mr. President, when again I read in the Washington Post, and the same article appeared in newspapers around the country, that another young girl died as a result of this barbaric practice. This death occurred in Egypt, an 11-year-old girl.

Mr. President, these brutal, vicious practices take place all over the world. These practices leading to death are not reported often, even though deaths occur frequently. In this instance, the one in the Washington Post last week, the Associated Press:

> An 11-year-old girl bled to death after a botched circumcision performed by a village barber, police officials said today.
>
> The officials said the child, whose name was given only as Sara, died Friday in a Cairo hospital after doctors were unable to stem bleeding.
>
> The girl's clitoris was removed, in line with custom, by a barber in a village in the Nile Delta the day before, when several girls were circumcised during a village celebration. . . .
>
> The government has sought to end female circumcision . . . a ritual aimed at keeping women clean and chaste. It has banned the practice from state medical facilities.

Mr. President, what is this practice that is sweeping the country? It is something that has been in existence for a long time. FGM is the cutting away of female genitals and then sewing up the opening, leaving, many times, only a small hole for urine and menstrual flow. It is performed on children, but it is also performed on girls, and it is also performed on young women, up to age 22 or 23 years old. The initial operation, as indicated in this news article, leads to many health complications, complications that plague these young women most of their lives, if they are fortunate enough to survive the initial cut.

The immediate health risks are not over after a couple of months or even a couple of years after the operation. During childbirth, additional cutting and stitching takes place with each birth, and all this recutting and stitching creates scar tissue and emotional scars that are not seen.

There is no medical reason for this procedure. It is used as a method to keep girls chaste and to ensure their virginity until marriage, and to ensure that after marriage they do not engage in extramarital sex.

In September 1994, I introduced a sense-of-the-Senate resolution condemning this cruel practice and committed at that time to inform my colleagues and the country about this practice. This sense-of-the-Senate resolution was passed. A month later, I introduced a bill to make this procedure illegal in the United States, and called upon the Secretary of Health and Human Services to identify and compile data on immigrant communities that have brought this practice to the United States. I have been joined in this effort by the junior Senator from Illinois, CAROL MOSELEY-BRAUN, and the senior Senator from Minnesota, Senator WELLSTONE. I am happy to report my legislation directing the Secretary of Health and Human Services was passed this year in the omnibus appropriations bill. Another amendment which criminalized FGM in the United States is still pending in the immigration bill.

Mr. President, this barbaric practice is now being conducted in the United States because of the inflow of people from around the world. We have had a report in one California community where there were seven of these practices committed on young women. I hope the conferees working on the immigration bill are allowed to proceed and get this very important bill ironed out, and this provision I direct the Senate's attention to.

FGM is a practice that has been around for thousands of years. In fact, some say it was there during the time of Cleopatra. We need to continue to talk about it, insist upon aggressive education of communities, especially African communities that practice it, as well as implementation of laws prohibiting it.

Mr. President, 6,000 young women and baby girls are mutilated each day—6,000. Two million girls are mutilated a year, at least.

I have three little granddaughters and a daughter. To even think about a procedure like this, on these people that I love—it is hard to consider. Six thousand people, just like my little granddaughters and my daughter, are having this done to them each day. It

is estimated we have had about 130 million girls and women genitally mutilated. The practice is predominantly practiced in Africa; 75 percent of all cases occur in Egypt, Ethiopia, Kenya, Nigeria, Somalia, and the Sudan. In Somalia, 98 percent of the girls are mutilated; 2 percent escape.

Today many African countries are sifting through their cultures and revising some traditions while holding on to others. The time is right for the international community to take a stand against this practice, without destroying the cultural integrity of the Africa countries where it is entrenched.

Mr. President, if the international community and some organizations are so concerned about human rights violations, why they do not talk about this—some do—and why there is not an outrage in the international community to stop this, is beyond my comprehension. There are certain practices that take place in some countries. We do not like the way they conduct their prisons. We do not like the way they handle their arrests, their interrogations. For Heaven's sake, why do we not care what they are doing to 6,000 girls each day?

Mutilation is not required by any religion. It is an ancient tradition designed to protect virginity. That is what it is for. In communities where education initiatives have taken place, we are starting to see the death rates are down and the health risks certainly outweigh the dated notion that this procedure will keep girls chaste. In the past, FGM was mishandled on the international level. It was sensationalized and spoken about in a condescending manner. This approach created a defensive reaction, forcing the practice to go underground.

As African immigrants move throughout world, taking this barbaric practice with them, many women are working to halt the practice in their new communities. Few are willing to speak up in their traditional communities. But this is occurring in countries where they immigrate. They are immigrating to the United States, Canada, Australia, France, and the United Kingdom, to name only a few.

The United States, I believe, is a world leader and needs to realize its influence in the world. I do not believe it is our place to go into other countries and dictate their traditions. But, at the same time, we need to show African governments that we take this issue seriously. We need help from others in the international community. We expect those countries to work not only to pass laws stopping this, but to work to educate people about the harms of this ritual and, in the process, take steps to eradicate the practice.

Most often we refer to FGM and women, but we need to look at this, Mr. President, from the eyes of those who talk about child abuse. This is not spanking, this is not correcting children; this is mutilating children, and we certainly have to speak out against this.

Children do not deserve having this done to them. Young ladies do not deserve having this done to them.

We know a lot about the psychological effects of child abuse. We know that because we have had significant studies recently in the United States. Imagine the psychological effect this must have on children from the initial operation throughout adulthood.

Mr. President, I first learned about this from a friend of mine. A mother of six children sent to me a videotape of a program that was on one of the TV stations about this happening in Egypt.

A beautiful little 6-year-old girl comes to a party. She has on a white dress. She is dressed for a celebration—cake, drinks, party. Suddenly, they grab this little girl, spread her legs and cut her genitals out. The little girl, when it is finished, screams, "Daddy, why did you do this to me?"

Mr. President, 6,000 young children each day are screaming, "Why did you do this to me?" The health complications are a constant reminder of the mutilation they underwent.

I had the opportunity and the pleasure to meet a courageous young woman by the name of Stephanie Welsh. Stephanie is a young lady who graduated from Syracuse University and wanted to see the world. She went to work for an international news organization in Kenya.

While there, she became interested in this barbaric practice of female genital mutilation. She tried for a long time to get someone within the community to allow her to view one of these procedures. They do 6,000 of them a day in the world, so they go on all the time in Kenya. She could not get anybody in the city to allow her. They did not trust this non-African from the United States.

So Stephanie went out into the country. She befriended some people, and they allowed her to take photographs of this ritual. A courageous woman. In fact, the day she completed this, they had no water in the village. She couldn't drink the water because of typhoid, and she walked 15 miles without water in the very hot desert Sun in Africa carrying her film.

She had to go to a small community in the bush because communities closer to the cities know the Western view of FGM is torture rather than ceremony and would not allow her to observe.

This is the young girl. Her name is Seita. This beautiful child of 16 was told that if she was going to continue her education, she had to have her genitals cut out, in effect. So she came home and went through this process. This is the girl.

This picture, which I hope you can see, shows five people over Seita. It took five people to hold this strong 16-year-old down while they proceeded to circumcise her, is the gentle word.

This, Mr. President, is the picture that Stephanie Welsh—who, by the way, won a Pulitzer Prize for her courageous photography—this is Seita in the bush looking at herself to see what they have done to her.

Of course, Stephanie describes the scream of this 16-year-old girl. She is checking herself here to see what has been cut away, if enough has been cut away so they do not have to do it again.

The next one is the picture of the instrument of torture: a double-edged razor which you buy in a drugstore. I do not know how many times it has been used or what it has been used for. This is what they used to cut out Seita's genitals. You see the white on her hand. That is what they use to stop the bleeding. It is the fat from a sheep, sheep fat, goat fat, that they use. This is the hand that did the torture, did the brutality.

Here, Mr. President, is something—I am used to the picture now, but I was not in the beginning—this is Seita's foot. This is the blood that is flowing from her body after this torture. The red here is not something on the ground, it is not a blanket, it is not a scarf, it is Seita's blood, the blood on her foot, going up between her toes, on her other foot from her.

The final picture of the Pulitzer Prize-winning series is this girl being comforted by one of the village elders.

The pain will last for a lifetime and complications will last for a lifetime. So I very much appreciate the committee accepting this amendment last night. This amendment will give the U.S. executive director of each international financial institution the power to oppose loans for the government of any country that does not enact laws that make it illegal and enact policies to educate and eliminate this brutality.

I know the custom is deeply embedded in African culture, but that does not mean we should stand by and pretend it is not happening. Simply making it illegal will not be effective. Many of these communities are located in remote areas, and there would be no logical means to enforce the law. Therefore, more than making it illegal, we need to insist upon governments educating people to the health risks and dispelling the myth that FGM keeps women chaste.

Mr. President, I very much appreciate the managers of this bill allowing me to speak on this issue which I feel very strongly about, and I hope the international community will join with us in educating and stopping this brutality of 6,000 girls each day.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, Senator GRASSLEY wants to speak as in morning business. But before we do that, we would like to adopt the Coats amendment to this bill at this time.

AMENDMENT NO. 5092

Mr. DOMENICI. Mr. President, we have no objection on our side to adopting the Coats amendment, and there is no objection on the Democratic side.

The PRESIDING OFFICER. Is there objection to the amendment by the Senator from Indiana?

Mr. COATS. Mr. President, I ask unanimous consent that Senator ROBB be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5092) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DOMENICI. I ask unanimous consent that Senator GRASSLEY be permitted to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I do not think I will use all that time.

MARINE CORPS GENERALS

Mr. GRASSLEY. Mr. President, I want to speak about something that is in conference now between the House and Senate on the fiscal year 1997 defense authorization bill, something I spoke about several times on the floor of this body before. I think I have some new information. In fact, I do have some new information that I was not able to use in the last debate.

This information has a direct bearing on the Marine Corps request for 12 more generals that is a bone of contention in the conference between the House and the Senate—the Senate supporting it, the House, thus far, in their deliberations on the other side being opposed to increasing the number of Marine Corps generals.

I did not have this particular piece of information when I addressed this matter on the floor on June 26 and again on July 17. I spoke on the extra Marine Corps generals during consideration of both the fiscal year 1997 defense authorization bill and the defense appropriations bill. In fact, I offered an amendment to block the Marine Corps request for more generals, but I failed.

These missing documents would have greatly strengthened my case. I want to thank Washington Post writer Mr. Walter Pincus for his alerting me to the fact that these documents existed. I am not talking about some purloined Pentagon documents either.

I am referring to the legislative history behind the current ceiling on general officer strength levels. First, there is section 811 of Public Law 95–79 enacted in July 1977. That established a ceiling of 1,073 general officers after October 1, 1980.

Second, there is section 526 of title X of the United States Code, and this happens to be current law. Section 526 placed a ceiling on the number of general and flag officers serving on active duty at 865 after October 1, 1995.

Mr. President, I ask unanimous consent to have these two sections of the law printed in the RECORD, along with other relevant materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 95–79 [H.R. 5970]; JULY 30, 1977—DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978

* * * * *

SEC. 811. (a)(1) The total number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073 after October 1, 1980, and the total number of civilian employees of the Department of Defense in grades GS–13 through GS–18, including positions authorized under section 1581 of title 10, United States Code, shall be reduced during the fiscal year beginning October 1, 1977, by the same percentage as the number of officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced below 1,141 during such fiscal year, and during the fiscal years beginning October 1, 1978, and October 1, 1979, by a percentage equal to the percentage by which the number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced during such fiscal year below the total number of such officers on active duty on October 1, 1978, and October 1, 1979, respectively.

(2) On and after October 1, 1980, the total number of civilian employees of the Department of Defense in the grades and positions described in paragraph (1) may not exceed the number employed in such grades and positions on the date of enactment of this subsection reduced as provided in paragraph (1).

(3) In time of war, or of national emergency declared by Congress, the President may suspend the operation of paragraphs (1) and (2).

(b)(1) Subsection (b) of section 5231 of title 10, United States Code, is amended to read as follows:

"(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) of this section and section 5081 of this title may not be more than 15 percent of the number of officers on the active list of the Navy above the grade of captain. Of the number of officers that may serve in the grades of admiral and vice admiral, as determined under this subsection, not more than 25 percent may serve in the grade of admiral.".

(2) Such section 5231 is further amended—

(A) by striking out subsection (c):

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) by striking out "numbers authorized under subsections (b) and (c)" in subsections (c) and (d) (as redesignated by subparagraph (B) and inserting in lieu thereof "number authorized for that grade under subsection (b)".

(3) Subsection (b) of section 5232 of title 10, United States Code, is amended to read as follows:

"(b) The number of officers serving in the grades of general and lieutenant general may not be more than 15 percent of the number of officers on the active list of the Marine Corps above the grade of colonel.".

(4) The second sentence of subsection (c) of such section is amended by striking out the period and inserting in lieu thereof a comma and the following: "and while in that grade he is in addition to the number authorized for that grade under subsection (b) of this section.".

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978—CONFERENCE REPORT

* * * * *

Reductions in Certain Military and Civilian Positions in the Department of Defense

The Senate amendment to the House bill (sec. 302) provided for a reduction in the number of general officers and admirals by 23 below planned levels in fiscal year 1978 and an additional reduction of 47 in fiscal year 1979 to an authorized level of 1,071 and also provided for an alteration of the statutory provisions governing admirals in the Navy and generals in the Marine Corps to place them in a similar position to the Army and the Air Force when the national emergency provisions lapse. The Senate amendment (sec. 502) also provided for a reduction in the number of civilians in General Schedule grades GS–12 through 18, or equivalent, by 2 percent in fiscal year 1978 and by the same proportionate reduction as applied to generals and admirals for fiscal year 1979.

The House bill contained no such provisions.

The conferees agreed to reduce the authorized levels of generals and admirals to 1,073 over a 3-year period beginning with fiscal year 1978 and to apply a reduction to Defense civilian employees in General Schedule grades GS–13 through 18, or equivalent, by the same proportionate amount over the same period. The conferees feel strongly that the reductions in the numbers of top-ranking military personnel should be coupled with a concurrent reduction in the numbers in the top six Defense civilian grade levels. For this reason, Sections 302 and 502 of the Senate amendment have been combined and set out as a separate provision (sec. 811) in the general provisions of the conference report. The conferees also agree that all civilian reductions shall be accomplished through attrition. The conferees concluded that a technical correction of the Senate provision was required to achieve consistency between statutory provisions affecting admirals and Marine Corps generals and the general officers of the other services.

The conferees agree on the need for a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of general officers and directs the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers as well as any justification for deferring the proposed military and civilian reductions in whole or part.

The House recedes with an amendment.

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1978 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, ACTIVE DUTY, SELECTED RESERVE, AND CIVILIAN PERSONNEL STRENGTHS, CIVIL DEFENSE, AND FOR OTHER PURPOSES—SENATE REPORT 95-129

* * * * *

Sec. 302: Committee Amendment Reducing the Number of Generals and Admirals

For fiscal year 1977, the Department of Defense plans to have 1,165 generals or admirals—one flag officer for every 1,800 active military members. This number is in sharp contrast to 1968 when during the Vietnam war, there was one general officer for every 2,600 military members and to the peacetime 1964 level when there was one general for every 2,100 military members. The Department of Defense proposed to reduce the number of flag officers by 24 in fiscal year 1978. The committee adopted an amendment to reduce this number by an additional 23 in fiscal year 1978 and by 47 in fiscal year 1979. Since the services have undertaken different levels of effort to reduce flag officers, the amendment gives the President the authority to apportion the total number of flag officers rather than applying a uniform reduction for each service.

The purpose of this amendment is to begin a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of officers at this level. The committee requests the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers including any justification for deferring the proposed reductions in whole or part.

Within the total number of general officers authorized, the Army and Air Force are restricted to having no more than 15 percent of the total number of generals at the grades of lieutenant general and general and no more than 25 percent of the general officers at these two grades can be at the grade of general. However, except in time of war or emergency, certain specific numbers are included in law for the Navy and Marine Corps: 26 vice admirals and four admirals for the Navy, and two generals for the Marine Corps. In addition, the Marines are restricted to a number of lieutenant generals and generals total number of officers at the grades of lieutenant general and no more than 10 percent of the number of general officers. These provisions for the Navy and Marine Corps have been suspended by the President under national emergency authority which is expiring. The committee feels the distribution of general officer authorizations by grade should be consistent and has included provisions in the amendment to make the restrictions for the Navy and Marine Corps consistent with those for the Army and Air Force.

UNITED STATES CODE, TITLE X

* * * * *

§526. Authorized strength: general and flag officers on active duty

(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, may not exceed the number specified for the armed force concerned as follows:

(1) For the Army, 386 before October 1, 1995, and 302 on and after that date.

(2) For the Navy, 250 before October 1, 1995, and 216 on and after that date.

(3) For the Air Force, 326 before October 1, 1995, and 279 on and after that date.

(4) For the Marine Corps, 68.

(b) TRANSFER BETWEEN SERVICES.—During the period before October 1, 1995, the Secretary of Defense may increase the number of general officers on active duty in the Army, Air Force, or Marine Corps, or the number of flag officers on active duty in the Navy, above the applicable number specified in subsection (a) by a total of not more than five. Whenever any such increase is made, the Secretary shall make a corresponding reduction in the number of such officers that may serve on active duty in general or flag officer grades in one of the other armed forces.

(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

(2) this subsection shall cease to be effective on October 1, 1998.

(d) NOTICE TO CONGRESS UPON CHANGE IN GRADE FOR CERTAIN POSITIONS.—(1) Not later than 60 days before an action specified in paragraph (2) may become effective, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the intended action and an analytically based justification for the intended action.

(2) Paragraph (1) applies in the case of the following actions:

(A) A change in the grade authorized as of July 1, 1994, for a general officer position in the National Guard Bureau, a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command.

(B) Assignment of a reserve component officer to a general officer position in the National Guard Bureau, to a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command in a grade other than the grade authorized for that position as of July 1, 1994.

(C) Assignment of an officer other than a general or flag officer as the military executive to the Reserve Forces Policy Board.

(e) EXCLUSION OF CERTAIN OFFICERS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.

(Added Pub. L. 100-370, §1(b)(1)(B), July 19, 1988, 102 Stat. 840, and amended Pub. L. 101-510, Div. A, Title IV, §403(a), Nov. 5, 1990, 104 Stat. 1545; Pub. L. 102-484, Div. A, Title IV, §403, Oct. 23, 1992, 106 Stat. 2398; Pub. L. 103-337, Div. A, Title IV, §404, Title V, §512, Oct. 5, 1994, 108 Stat. 2744, 2752.)

HISTORICAL AND STATUTORY NOTES

Prior Provisions

A prior section 526 was renumbered section 527 of this title by Pub. L. 100-370.

1994 Amendments

Subsec. (a)(4). Pub. L. 103-337, §404, struck out "before October 1, 1995 and 61 on and after that date" after "Corps, 68".

Subsecs. (d), (e). Pub. L. 103-337, §512, added subsecs. (d) and (e).

1992 Amendments

Subsec. (b). Pub. L. 102-484, §403(b), inserted a subsec. (b) heading: "Transfer between services".

Subsec. (c). Pub. L. 102-484, §403(a), added subsec. (c).

1990 Amendment

Pub. L. 101-510, §403(a), designated existing text as subsec. (a) and as so designated, inserted subsection heading and substituted provisions setting forth limitations in authorized strength for the Army, Navy, Air Force and Marine Corps. beginning in Oct. 1995, set out in pars (1)-(4) for provisions limiting authorized strength to 1,073 officers, made minor changes in text and added subsec. (b).

Change of Name

Any reference in any provision of law enacted before Jan. 4, 1995, to the Committee on Armed Services of the House of Representatives treated as referring to the Committee on National Security of the House of Representatives, see section 1(a)(1) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1990 Amendment

Section 403(a) of Pub. L. 101-510 provided that the amendment made by this section is effective Sept. 30, 1991.

Savings Provisions

Reference to law replaced by Pub. L. 100-370 to refer to corresponding provision enacted by such public law; regulation, rule, or order in effect under law so replaced to continue in effect under provision enacted until repealed, amended, or superseded; and action taken or offense committed under law replaced treated as taken or committed under provision enacted, see section 4 of Pub. L. 100-370, set out as a note under section 101 of this title.

Legislative History

For legislative history and purpose of Pub. L. 100-370, see 1988 U.S. Code Cong. and Adm. News, p. 1077. See, also, Pub. L. 101-510, 1990 U.S. Code Cong. and Adm. News, p. 2931; Pub. L. 102-484, 1992, U.S. Code Cong. and Adm. News, p. 1636; Pub. L. 103-337, 1994 U.S. Code Cong. and Adm. News, p. 2091.

CROSS REFERENCES

Reserve general and flag officers in an active status strength and grade exclusively from counts under this section, see 10 USCA §12004.

Mr. GRASSLEY. In 1990, the Armed Services Committee decided there were too many generals. The number needed to be reduced. The committee cut the number of generals from 1,073 in 1990 down to 858 by 1995. That is a reduction of 20 percent or, more specifically, 215 generals in total over a 5-year period of time.

Mr. President, how did this come about? What is the reasoning behind the reduction? By answering these questions, I hope to help my colleagues

understand why the Armed Services Committee reduced the number of generals 6 years ago. If we understand why they did what they did 6 years ago, perhaps we can understand why they are ready to move in the opposite direction today.

The legislative history does contain important clues. It should help us solve this riddle. Back in 1990, the Armed Services Committee could see the handwriting on the wall. They saw the cold war coming to an end. The Soviet military threat was evaporating, and the Defense Department was downsizing and doing it in earnest. In 1990, the committee predicted that there would be an overall force reduction of at least 25 percent between the years 1990 and 1995. Well, the committee's prediction was right on the money.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that shows how military end strengths have gradually declined since February 1987.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year	Total	Army	Navy	Air Force	Marine
1987	2,174,217	780,815	586,842	607,035	199,525
1988	2,138,213	771,847	592,570	576,446	197,350
1989	2,130,229	769,741	592,652	570,880	196,956
1990	2,043,705	732,403	579,417	535,233	196,652
1991	1,985,555	710,821	570,262	510,432	194,040
1992	1,807,177	610,450	541,883	470,315	184,529
1993	1,705,103	572,423	509,950	444,351	178,379
1994	1,610,490	541,343	468,662	426,327	174,158
1995	1,518,224	508,559	434,617	400,409	174,639
1996	1,493,391	499,145	428,412	393,400	172,434

Mr. GRASSLEY. Mr. President, what the committee said would happen in fact did happen, and it is continuing to happen this very day.

Mr. President, I ask unanimous consent to also have printed in the RECORD a table from page 254 of Secretary Perry's March 1996 annual report to the Congress.

There being no objection, the table was ordered to be printed in the RECORD, as follos:

TABLE V–4—DEPARTMENT OF DEFENSE PERSONNEL

[End of fiscal year strength in thousands]

	Fiscal year—			Goal	Percent change FY 1987–97
	1987	1996	1997		
Active Military	2,174	1,482	1,457	1,418	−33
Army	781	495	495	475	−37
Navy	587	424	407	394	−31
Marine Corps	199	174	174	174	−13
Air Force	607	388	381	375	−37
Selected Reserves	1,151	931	901	893	−19
DoD Civilians	1,133	841	807	728	−27

Mr. GRASSLEY. This table shows the process of downsizing, that this process is ongoing and not over yet. It is expected to continue in the future.

Mr. President, the committee concluded that the number of generals and admirals should be reduced consistent with the predicted reductions in the force structure. I want to repeat, the reduction in the number of general officers should be consistent with the reduction in force structure. That was the logic. As the force structure shrinks, the numbers of generals and admirals should come down at a comparable rate. That was the Armed Services Committee's thinking as expressed in its report in the fiscal year 1991 defense authorization bill. That thinking is outlined on page 159 of that Report 101–384.

Mr. President, I ask unanimous consent that that section of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL AND FLAG OFFICER ACTIVE DUTY STRENGTH CEILINGS

The committee recommends (sec. 403) a provision that would establish ceilings on the number of general and flag officers authorized to be on active duty for each of the military Services as shown below:

	Current ceiling	Fiscal year, committee recommendation	
		1991	1995
Army	407	386	302
Navy	258	250	216
Marine Corps	70	68	61
Air Force	338	326	279
Total	1,073	1,030	858

The ceilings established for fiscal year 1995 are consistent with the committee's expectation that force structure and organizational realignments over the next 5 years should result in an overall force reduction of at least 25 percent. The fiscal year 1995 ceilings reflect this expectation, and the fiscal year 1991 ceilings set the military Services on a responsible course to achieve the fiscal year 1995 ceilings.

The committee also believes that these ceilings should assist the military Services in making critical decisions regarding the reduction, consolidation, and elimination of duplicative headquarters. The ceilings should also assist the military Services in eliminating unnecessary layering in the staff patterns of general and flag officer positions.

Mr. GRASSLEY. Based on the shrinking force structure, the committee reduced the number of generals and admirals by that 20 percent as follows: the Army, from 407 down to 302, a reduction of 105; the Navy, a reduction of 42, down from 258 to 216; the Marine Corps, from 70 down to 61, a reduction of 9; the Air Force, from 338 down to 279, a reduction of 59.

Mr. President, with one exception, those figures remain the law today. The Marine Corps got special relief legislation 2 years ago that raised its ceiling from 61 to 68, or by 7. But back in late 1990, there was no disagreement about what had to be done, reducing the number of generals as force structure gets smaller.

The House Armed Services Committee report contained almost identical language. I quote from page 268 of House Report 101–665.

The committee believes that the general and flag officers authorized strength should be reduced to a level consistent with the extra force structure reductions expected by fiscal year 1995.

Mr. President, I ask unanimous consent that that section of the House report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 441—FLAG AND GENERAL OFFICERS

Section 526 of title 10, United States Code provides that the total number of general and flag officers authorized to be on active duty may not exceed 1,073. The committee believes that the general and flag officer authorized strengths should be reduced to a level consistent with the active force structure reductions expected by fiscal year 1995. Section 441 would amend section 526 of title 10, United States Code to limit to 845 the total number of general and flag officers authorized within the military services on September 30, 1995.

Mr. GRASSLEY. Mr. President, as the force structure shrinks, the number of generals and admirals should be reduced. That was the logic used by the House in 1990. That was the logic used by the Senate in 1990. That logic is embodied in current law. That has always been the logic since time began.

Let us apply that logic to the Marine Corps' request for 12 more generals. If the Marine Corps needs more generals, then it must mean that the Marine Corps is getting bigger, that it is expanding. But all the data point in the opposite direction. All the data indicate that the military services, including the Marine Corps, are continuing to downsize.

Why doesn't the 1990 logic apply anymore? Have Marine generals been inoculated to be immune from cuts? Why is the Marine Corps trying to top size while it is downsizing? As the force structure shrinks, we need fewer generals. That was the guiding principle used by the Armed Services Committee in 1990 when they put general officers on the down ramp.

They put the generals on the down ramp even when the dark storm clouds were rising over the Persian Gulf. There was no talk about vacant warfighting positions at that time. There was no talk, as we were given an excuse for this increase, about the joint bill requirements mandated in Goldwater-Nichols. There was just one driver. The force structure was shrinking so we needed fewer generals. In other words, it seems to me that they were expressing at that decisionmaking time in 1990 common sense.

That logic was valid then. It is just as valid today. Nothing has changed. There is no reasonable explanation for what is going down. It is bad public policy.

The Navy, for example, is already on record as saying it needs 25 to 30 more admirals. We know that the Marine Corps request is just a spearhead. It is a test case. The Army and Air Force are getting their wish list ready. If the Marine Corps request goes through,

then these other services will follow, meaning their request for more generals and admirals. Pretty soon we have a national disgrace on our hands.

This is a bad move that will prove to be an embarrassment to the Senate sometime down the road.

I yield the floor and thank my colleagues for the consideration of this point of view. I have expressed this in a letter to the conferees as well. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Washington.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5093

Mr. GORTON. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 5093.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 4, strike all of section 504, and insert the following:

SEC. 504. Following section 4(g)(3) of the Northwest Power Planning and Conservation Act, insert the following new section:

(4)(g)(4) INDEPENDENT SCIENTIFIC REVIEW PANEL.—(i) The Northwest Power Planning Council (Council) shall appoint an Independent Scientific Review Panel (Panel), which shall be comprised of eleven members, to review projects proposed to be funded through that portion of the Bonneville Power Administration's (BPA) annual fish and wildlife budget that implements the Council's annual fish and wildlife program. Members shall be appointed from a list submitted by the National Academy of Sciences, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Panel.

(ii) SCIENTIFIC PEER REVIEW GROUPS.—The Council shall establish Scientific Peer Review Groups (Peer Review Groups), which shall be comprised of the appropriate number of scientists, from a list submitted by the National Academy of Sciences to assist the Panel in making its recommendations to the Council for projects to be funded through BPA's annual fish and wildlife budget, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Peer Review Groups.

(iii) CONFLICT OF INTEREST AND COMPENSATION.—Panel and Peer Review Group members may be compensated and shall be considered as special government employees subject to 45 CFR 684.10 through 684.22.

(iv) PROJECT CRITERIA AND REVIEW.—The Peer Review Groups, in conjunction with the Panel, shall review projects proposed to be funded through BPA's annual fish and wildlife budget and make recommendations on matters related to such projects, to the Council. Project recommendations shall be based on a determination that projects: are based on sound science principles; benefit fish and wildlife; and have a clearly defined objective and outcome with provisions for monitoring and evaluation of results. The Panel, with assistance from the Peer Review Groups, shall review, on an annual basis, the results of prior year expenditures based upon these criteria and submit ifs finding to the Council for its review.

(v) PUBLIC REVIEW.—Upon completion of the review of projects to be funded through BPA's annual fish and wildlife budget, the Peer Review Groups shall submit their findings to the Panel. The Panel shall analyze the information submitted by the Peer Review Groups and submit recommendations on project priorities to the Council. The Council shall make the Panel's findings available to the public and subject to public comment.

(vi) RESPONSIBILITIES OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects to be funded through BPA's annual fish and wildlife budget, and if the Council does not incorporate a recommendation of the Panel, the Council shall explain in writing its reasons for not accepting Panel recommendations. In making its recommendations to BPA, the Council shall: consider the impact of ocean conditions on fish and wildlife populations; and shall determine whether the projects employ cost effective measures to achieve project objectives. The Council, after consideration of the recommendations of the Panel and other appropriate entities shall be responsible for making the final recommendations of projects to be funded through BPA's annual fish and wildlife budget.

(vii) COST LIMITATION.—The cost of this provision shall not exceed $2 million in 1997 dollars.

(viii) EXPIRATION.—This paragraph shall expire on September 30, 2000.

Mr. GORTON. Mr. President, I thank both the chairman and the ranking member of the Energy and Water Subcommittee for their understanding in accepting this modification to a provision already included at my request in this fiscal year 1997 energy and water bill.

Section 504 of that bill, and this modification, amend the Northwest Power Act to address a conflict-of-interest issue that was recently brought to my attention by people in Washington and Oregon concerned and knowledgeable about salmon conservation.

The Bonneville Power Administration's annual fish and wildlife budget, in real dollars spent on projects, totals well over $100 million. This $100 million comes out of the pockets of Northwest ratepayers each year to protect and enhance fish and wildlife in the Columbia and Snake River basins. The Northwest Power Planning Council prepares and adopts a regional plan to protect fish and wildlife and each year allocates this $100 million to support that plan.

At the present time, the Columbia Basin Fish and Wildlife Authority is responsible for making recommendations to the council on projects being funded through BPA's annual fish and wildlife budget.

The membership of the authority includes representatives of affected Indian tribes from the region, the Washington, Oregon, Idaho, and Montana State fish and wildlife directors, and representatives of the Fish and Wildlife Service in the National Marine Fisheries Service.

I am convinced that the authority plays an important and necessary role in providing recommendations to the council on what fish and wildlife projects should be funded each year. I was disturbed to discover recently, however, that authority members were recommending to the council that about $75 million of the $100 million spent in project money go to projects to be performed by the members of the authority itself. Mr. President, it is like the Department of Defense asking one of my other constituents, the Boeing Co., to decide what brand of aircraft the military will use.

My amendment and this modification to the Northwest Power Act would ensure that the authority and its members retain a voice in the process, but that sound objective and disinterested science also is heard. Each year, about 400 proposals are submitted for review by the authority all applying to receive funding from the Bonneville funding administration's annual budget. I am sure independent scientific review would remove any suggestion of conflict of interest in connection with these grants and add an important element of review to the council's decisionmaking process. I am convinced it would also assure that the moneys spent will result in the greatest possible salmon enhancement.

My amendment directs the council to establish an 11-member independent scientific review panel from a list of names provided by the National Academy of Sciences. The panel would be responsible for reviewing projects to be funded under BPA's annual fish and wildlife program. I understand the council, together with the National Marine Fisheries Service, has already established an independent scientific advisory board in order to provide scientific advice to the council and the National Marine Fisheries Service.

I want to note in the RECORD at this time that nothing in this amendment precludes the National Academy of Sciences from recommending that some or all of the scientists who serve on the ISAB serve on the newly created independent scientific review panel, provided that those members meet the conflict-of-interest standards spelled out in the amendment. If ISAB scientists are selected to serve on the newly created panel of ours, they should not be compensated twice for the same services.

After careful consultation with the National Academy of Sciences, I have included a provision in my amendment that requires the council to establish, from a list submitted by the National Academy, scientific peer review groups to assist the panel in making its recommendations to the council. It is these peer review groups that will be doing the actual review of the 400-plus project applications submitted to the council each year for consideration.

The panel will coordinate the work of the peer review groups and ensure that each project is reviewed based upon the following commonsense criteria: Does the project benefit fish and wildlife in the region? Does the project have a clearly defined objective and outcome? And is the project based on sound scientific principles?

The amendment directs the panel to prioritize recommendations for the council from the analysis provided by the peer review groups and that the council make panel recommendations available for public review. The amendment places a cost limitation on the scientific review process of $2 million.

My amendment directs the council to review recommendations of the panel, the Columbia Basin Fish and Wildlife Authority and others, in making its final recommendations to BPA for projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for the decision. The council is directed to consider ocean conditions, among others, in its decisionmaking process, and to determine whether project recommendations employ cost-effective measures to achieve project objectives.

Lastly, my amendment expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on projects to be funded through BPA's annual fish and wildlife budget.

This amendment is intended to be effective on the date of enactment and to be first implemented during the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. The amendment will expire on September 30, in the year 2000, in order that its success can be measured by the people of the Pacific Northwest and this Congress.

Mr. President, my amendment seeks to do just one thing: to make sure that Northwest ratepayer dollars are being spent in a cost-effective and objective manner. I have consulted extensively with interested groups in the region on this amendment and have listened to the constructive suggestions of my colleague, Senator MURRAY, and that is why I am proposing that these changes to the amendment be included in the committee bill.

My amendment will ensure that sound science principles are considered by the council before spending ratepayer dollars to protect and enhance fish and wildlife on the Columbia and Snake River System.

Mrs. MURRAY. Mr. President, will the senior Senator from Washington yield for a question?

Mr. GORTON. I yield to the junior Senator from Washington for a question.

Mrs. MURRAY. I thank the Senator. As you know, the Northwest Power Act requires the Power Planning Council and Bonneville Power Administration to mitigate the effects of the hydroelectric system on fish and wildlife generally, and anadromous fisheries specifically. The amendment proposed by the senior Senator would require the council to consider ocean conditions prior to making its science-based recommendations for mitigation priorities to Bonneville. Does the Senator agree that his amendment does not expand the scope of Northwest Power Act with respect to hydro system mitigation, nor does it make hydro system mitigation efforts contingent on known ocean conditions?

Mr. GORTON. I thank the junior Senator for raising this important question, and agree with her characterization of the amendment. My amendment does not expand the scope of either the council's or Bonneville's mitigation requirements under the Northwest Power Act. It simply suggests that it is valid for the council to consider known ocean conditions when making its recommendations for hydro system mitigation to Bonneville.

Mrs. MURRAY. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that during the session of the Senate on Friday and Monday, July 29, the Senate consider Calendar No. 496, S. 1959, the energy and water appropriations bill, and the following amendments be the only first-degree amendments in order, and must be offered during the session on Friday or Monday.

The amendments are as follows: Domenici, relevant; Lott, relevant; Jeffords-Roth, renewable energy; Kyl, central Arizona project; Grams, Appalachian Regional Commission; managers' package; McCain, regarding the lightwater reactor; McCain, relevant; McCain, relevant; Specter, Sawmill Run; Pressler, relevant; Pressler, relevant; McConnell, USEC; Lott, regarding environmental management; D'Amato, FUSRAP; Burns, one on environmental management; Kempthorne-Craig, environmental management; Gorton, independent scientific review; and Hutchison, DOE.

From the Democratic side: Senator BIDEN, relevant; Senator BOXER, three relevant; Senator BUMPERS, DOE weapons, a water project, and a separate water project; Senator BYRD, relevant in two instances; Senator CONRAD, water quality and bank stabilization; Senator DASCHLE, two relevant amendments; Senator DORGAN, two relevant amendments; Senator FEINGOLD, one relevant; FORD, one relevant; MIKULSKI, one relevant, along with Senator SARBANES; Senator JOHNSTON, relevant; Senator KERRY, electrometallugical treatment research; Senator REID, two relevant; Senator SIMON, two relevant; Senator WELLSTONE, regarding alfalfa; and Senator ROCKEFELLER, regarding Japan semiconductors.

Now, it will be my intent to have these votes stacked at 10 o'clock on Tuesday on a case-by-case basis.

Mr. DORGAN. Reserving the right to object, I shall not object, this has been cleared with the minority side?

Mr. LOTT. It has been cleared on the minority side.

I must say I am totally unimpressed with either side. A list of amendments like this is totally ridiculous. I know a number of these will be worked out, and the managers and the chairman will solve a number of these problems in the managers' amendment, but we ought to have maybe two amendments total on this bill.

Maybe next week will be like this week—a miraculous cooperation will evolve and we will get it done quickly. I do not know why we have to go through this exercise of listing this stuff.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

Without objection, it is so ordered.

Mr. LOTT. I further ask that with respect to any amendment on the Colorado water project there be up to 10 minutes under the control of Senator CAMPBELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that all amendments be subject to second-degree relevant amendments and may be offered on or after Monday, and following the votes with respect to the amendments, the bill be read for a third time and there be 10 minutes under the control of Senator MCCAIN, and the Senate then proceed to the House companion bill, H.R. 3816, all after the enacting clause be stricken, the text of 1959 be inserted, the bill be advanced to third reading, and final passage all occur without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3754

Mr. LOTT. Mr. President, with regard to the legislative appropriations bill, we intend to bring that up, I believe, at 5 o'clock on Monday, and we have a consent agreement we would like to ask for on that.

I ask unanimous consent that during the session of the Senate on Monday,

July 29, the Senate consider the legislative appropriations bill, the committee amendments be deemed agreed to and considered original text for the purpose of further amendments, and the following amendments be the only first-degree amendments in order and must be offered during the session of the Senate on Monday.

The amendments are as follows: Senator CHAFEE, a relevant amendment; Senator HATFIELD, relevant amendment; Senator SPECTER, regarding mailings of town meetings; Senator MCCAIN, revolving-door amendment; Senator COVERDELL, relevant; Senator LOTT, relevant; Senator MACK, the managers' amendment.

In addition, two relevant amendments by Senator BYRD; two relevant amendments by Senator DASCHLE; one by Senator DORGAN regarding overseas jobs; one relevant amendment for Senator FORD; and two relevant amendments for Senator MURRAY.

I further ask that all amendments be subject to relevant second-degree amendments which may be offered on or after Monday, and following the votes with respect to the amendments, the bill be advanced to third reading and final passage occur, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I am sure under the magnificent leadership of the Senator from Florida, Senator MACK, we will have this done within 2 hours Monday night, and we will either pass it on a voice vote or vote at 10 o'clock on Tuesday. That is certainly my hope.

Reluctantly, Mr. President, I announce there will be no further recorded votes today or on Monday. The next votes will occur at 10 o'clock on Tuesday.

Mr. DOMENICI. For those who want to offer amendments on Monday, what time would you intend to convene?

Mr. LOTT. Mr. President, if I could respond to the chairman of the energy and water appropriations Subcommittee. We will come in, I believe, at 12 o'clock. We have some morning business that would take at least 2 hours. So we should be ready to go by 2 o'clock on the Energy and Water Appropriations bill.

Again, I urge Senators, if they want to offer their amendments—and I assume most of them don't—they will need to be here to offer amendments at 2 o'clock on Monday and today.

Mr. DOMENICI. I thank the majority leader.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE DEREGULATION IS NOT HELPING EVERYONE

Mr. DORGAN. Mr. President, about 2 years ago, Frontier Airlines began jet airplane service in North Dakota. It was actually a carrier that had previously quit service, and some years later a new group of people using the same name, Frontier, reorganized and started a new airline.

Two years ago, when Frontier started service to parts of North Dakota, we were fairly excited about that, because in a small, sparsely-populated State like North Dakota, we need more competition in airline services. North Dakota is served by one major carrier. The fact is that when you have one-carrier service—although I admire that carrier—you generally pay higher prices, and you have the kind of service they decide they want to give to you. So we were fairly excited that we would get that jet airline service to North Dakota.

This morning, Frontier Airlines announced that it will withdraw its service to North Dakota. I spoke with the president of the company this morning. I also spoke with the Secretary of Transportation this morning about this issue, and I want to comment for a moment about this matter because it deals with the larger issue of airline deregulation.

We have people in this Chamber, in the other Chamber, and out in the country who do handstands and all kinds of gymnastic feats when they describe the wonders of airline deregulation for America. They say the deregulation of the airlines has been remarkable. You get lower prices, and you get more service. Well, that certainly is true if you happen to live in Chicago, New York, Los Angeles, or perhaps a dozen other cities. If you are traveling from Chicago to Los Angeles, guess what? Look at an airline guide and you have all kinds of carriers to choose from, and they are vigorously competing with price and so on and so forth. Those are the benefits and virtues of airline deregulation. But the fact is, if you do not live in one of the large cities, airline deregulation has not been a success for you. It means less service and higher prices.

Now, what happened when we had airline deregulation was—and we have seen merger after merger in the combination of smaller airlines bought up or merged into the larger airlines and a subsequent concentration of economic power—the airlines sliced up parts of the country into hubs, and they control the hubs and decide how they want to serve the public with price and service. Then a new carrier starts up. How does a new carrier compete when you have an airline industry that is now highly concentrated with a few giant economic powers? The fact is, it does not compete, and it cannot compete very well.

Two years ago, when this airline started, I went to the Secretary of Transportation and had a meeting with him in his office. I said, the fact is, a new jet carrier cannot start up and be successful under the current circumstances unless the discriminatory practices that exist with the big carriers against these new carriers are ended. The Department of Transportation has a responsibility to end it. That was 2 years ago. Now, a jet carrier trying to serve a State like North Dakota and going into a hub like Denver, in order to be successful, is going to have the other major carriers provide code-sharing arrangements. But, guess what? A very large airline carrier, one of the largest in the country, would say to a carrier like this, I am sorry, we do not intend to cooperate with you under any circumstances—on ticketing, on baggage—and we use our own computer reservation system, and you will not even show up on the first couple of screens that travel agents pull up.

So what happens? The fact is that the new carriers that start up do not make it because there are fundamentally discriminatory practices, and we have a Department of Transportation that drags its feet and does nothing about it. In the last couple of months, the Department of Transportation has started to do some things, but not nearly enough. For 1½ years they did nothing. That result is evident not only in North Dakota, but also around the country where we see regional startups trying to promote more competition in the airline industry. The regional startups are squashed like bugs by the big carriers because of what, I think, are fundamentally anticompetitive practices.

Now, you can make a case, I suppose, that a big carrier does not have to cooperate with anybody under any conditions. I think it is a silly case to make, but I know people will make that case. What that will lead to is the circumstance that now exists, only more concentrated, and with fewer carriers. We have only five or six major carriers in this country. They have gotten bigger, with more economic power. They have the capability of deciding anyplace, at any time, that a startup carrier is not going to make it because they are not going to allow it.

I have a fistful of information here from travel agents and others, who describe what they consider to be anticompetitive practices by other carriers against this startup carrier in North Dakota. I do not have stock in this company. I do not know much about this company. I do not care about one company versus another. All I care about is that we have a circumstance where we have competitive airline service and an opportunity to get more and better service in a State like North Dakota.

The current system, under deregulation, is an abysmal failure. Those who

twirl around like cheerleaders, believing this represents something good for this country, ought to understand that it represents something good for only part of the country; for those people lucky enough to live in the major cities who are going to get more service at lower prices. For the people in the parts of the country where there is less opportunity and where we have a need for the startup of new regional jet carrier services, the cheerleaders for deregulation ought to understand that these startups are squashed like bugs by the major carriers of this country, and the major carriers do this under the watchful eye of the people who are supposed to be concerned about competition.

I hope the Secretary of Transportation and the Department of Transportation are able, at some point, to take the kind of action that we expect them to take to deal with these issues.

We have a DOT bill coming to the floor next week. I intend to be here, if necessary, with a whole range of amendments talking about the airline issues and what DOT has or has not been doing on these issues. I might not get more than one vote for them. It would not matter much to me.

I am not going to sit by and see this happen. This notice today of the withdrawal of service of another carrier in North Dakota means North Dakotans will have less service and pay higher prices once again. The fact is, this is not brain surgery, and this is not a problem for which we do not know a cure or a solution. We understand the problem and we know the solution. The solution is not to preach about deregulation and then decide you could care less about whether there is anticompetitive behavior. If this Government, this Congress, this Department of Transportation, or this Secretary of Transportation, do not do something about the anticompetitive practices and anticompetitive behavior, we will never see this problem resolved.

If I sound a little upset this morning, I am. I hope that perhaps some discussions in the coming days might convince some of these carriers, that are out there trying to make it in an anticompetitive environment, that somebody is going to do something to make it competitive and fair once again.

Mr. President, as I said, from what I hear about the Senate schedule next week we will have the Department of Transportation appropriations bill on the floor. I intend to be over here actively and aggressively working on some of these issues then. It may be the only appropriate and opportunistic way for me to make the point that I think needs to be made.

So I appreciate the indulgence.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, I would like to speak on the bill, if I may, for 3 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to commend the managers of this bill and the staff for the energy and water development appropriations bill which I have in my hand which has a provision for the Mid-Dakota Rural Water System for $7.5 million.

I hope in conference, or possibly in future developments, that the funding level for mid-Dakota can be raised to $11.5 million, which is the House level. I was disappointed with the administration only recommended $2.5 million. While we need to change that, we can actually save money on a contractual basis by accelerating this project and going to the $11.5 million level.

Let me say a word or two about the mid-Dakota project. It will bring water into eastern South Dakota to 24 communities, and it will run from Pierre to Huron, SD, along Highway 14 and surrounding areas.

In the State of South Dakota in eastern South Dakota we have a problem with water. On my farm we have a rural water system hooked up where water is brought from a central source as opposed to farms in this area that depend on wells. In this case, it takes the mid-Dakota project. This project will bring water from the Missouri River eastward. We have the great resource of the Missouri River in our State. It is almost unused. But this is using Missouri River water for our people.

I have had a number of meetings on this project over the past several years. I met with Kurt Pfeifle yesterday, the general manager of mid-Dakota project to discuss ways to get a higher funding level. I have met with him and other South Dakotans who traveled here to propose this important project for 30,000 people in eastern South Dakota—Tom Edgar from Orient, Susan Hargens from Miller, Johnny Gross from Onida, Eugene Warner from Blundt, Mory Simon from Gettysburg, to name a few.

So, Mr. President, let me say in conclusion that I thank the managers of the bill for the $7.5 million that has been included for mid-Dakota. It is a very important water project in our State. I hope that the level can be increased to $11.5 million.

I note that the administration included only $2.5 million in their recommendations. So it has been a struggle. But it is very, very important to the people of South Dakota. To have clean drinking water for livestock and people is very, very important to the farmers and the people of eastern South Dakota.

Mr. President, I yield the floor.

AMENDMENT NO. 5093

Mr. DOMENICI. Mr. President, the pending business is the Gorton amendment.

The PRESIDING OFFICER (Mr. SHELBY). That is correct.

Mr. DOMENICI. We have no objection to the Gorton amendment, and the other side has no objection to the Gorton amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 5093) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 5094

(Purpose: To clarify that report language does not have the force of law)

Mr. MCCAIN. Mr. President, I have two amendments. The first one is at the desk. I ask for the immediate consideration of the first of the two amendments.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 5094. On page 36, line 1, strike all after the word "this" through line 3 and insert in lieu thereof the following: "Act."

Mr. MCCAIN. Mr. President, I and my staff spend some time perusing the appropriations bills as they come up. I will have comments on some aspects of the bill before the bill is voted on.

But I was quite disturbed to see on page 36 of the bill beginning on page 35 where it says:

Notwithstanding the provisions of 31 U.S.C. funds made available by this act to the Department of Energy shall be available only for the purposes for which they have been made available by this act, and only in accordance with the recommendations contained in this report.

My understanding of that language in the bill is that it means that the report language has the force of law.

Mr. President, that is just not something that is correct. It is not appropriate. It is not in keeping with the proper procedures used by the Congress.

I hope that my colleague from New Mexico will accept the amendment to strike that language. If not, obviously, I would want to ask for the yeas and nays.

Mr. President, I have no more discussion of that amendment. I am ready to move on to the other amendment at the appropriate time.

Mr. DOMENICI. Mr. President, I am not prepared to accept the amendment at this time. My counterpart is not here at this time. Obviously, we both want to look at it in light of our reasons for putting it in. Our reasons for putting it in are different than the Senator's reasons for taking it out. We would like to discuss that. So we will debate that at another time.

If the Senator is agreeable to proceed to another amendment, if he would like, if he would set his aside, it will be properly sequenced.

Mr. MCCAIN. Mr. President, I would be glad to do that. Prior to doing so, I guess I would ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, again I would be more than happy to engage in a discussion with both distinguished managers on this amendment. I have only been here 10 years, but I have not seen such language in an appropriations bill. I would be very disturbed to see that became custom here in the Senate although, if the Senator from New Mexico States has other reasons for it being in there, I would be more than happy to discuss that. And perhaps we could change that language so that the effect of the language is not as I see it.

So, Mr. President, I ask unanimous consent that my amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5095

(Purpose: To prohibit the use of funds to carry out the advanced light water reactor program)

Mr. MCCAIN. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. GREGG, and Mr. KERRY, proposes an amendment numbered 5095.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . ADVANCED LIGHT WATER REACTOR PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out the advanced light water reactor program established under subtitle C of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13491 et seq.) or to pay any costs incurred in terminating the program.

Mr. MCCAIN. Mr. President, this amendment terminates funding for the Advanced Light Water Reactor Program, which provides taxpayer-funded subsidies for corporations for the design, engineering, testing, and commercialization of nuclear reactor designs.

I am pleased that Senators FEINGOLD, GREGG, and KERRY of Massachusetts have joined me as cosponsors on this important amendment. I urge my colleagues to support us in ending this wasteful Government spending and corporate welfare.

Organizations such as Public Citizen, Citizens Against Government Waste, Competitive Enterprise Institute, Taxpayers for Common Cause, and the Heritage Foundation have lent their strong support to eliminating the funding for the advanced light water reactor, and last year a bipartisan Senate coalition, with the help of the Progressive Policy Institute and the Cato Institute, included the Advanced Light Water Reactor Program as one of a dozen high-priority corporate pork items to be eliminated.

Many Americans would be surprised to know that this program has already received more than $230 million in Federal support over the last 5 years. The Department of Energy has requested an additional $40 million for the program for fiscal year 1997. This program was created under the Energy Policy Act of 1992. That act makes clear that design certification support should only be provided for advanced light water reactor designs that can be certified by the Nuclear Regulatory Commission by no later than the end of fiscal year 1996.

The Department of Energy has acknowledged that no advanced light water reactor designs that would be funded under this bill will be certified by the end of fiscal year 1996. Thus, under the legislation no funds should be appropriated to support this program's designs.

Mr. President, this act specifies that "no entity shall receive assistance for commercialization of an advanced light water reactor for more than 4 years." The Department of Energy's 1997 funding request would allow for a fifth year of Federal financial assistance to the program's chief beneficiaries, which are well-to-do corporations which can afford to bear commercialization costs on their own.

General Electric, Westinghouse, and Asea Brown Boveri/Combustion Engineering have already received 4 years' of assistance under this program since 1993, and, significantly, these three companies had combined 1994 revenues of over $70 billion, and last year their combined revenues exceeded $100 billion. I believe these corporations can afford to bring new products to the market without taxpayers' subsidies.

One of the primary recipients of this program funding, General Electric, recently announced that it is canceling its simplified boiling water reactor after receiving $50 million from the Department of Energy because extensive evaluations of the market competitiveness of a 600 megawatt-sized advanced light water reactor have not established the commercial viability of these designs.

The program exemplifies the problems of unfairness, in my view, that corporate welfare engenders. If this program's designs are commercially feasible, large wealthy corporations like Westinghouse do not need taxpayers to subsidize them because the market will reward them for their efforts and investment in this research. If they are not commercially viable, then the American taxpayer is being forced to pay for a product in complete defiance of market forces that a company would not pay to produce itself.

As a practical matter, such unnecessary and wasteful Government spending must be eliminated if we are to restore fiscal sanity. More importantly, though, as a matter of fundamental fairness, we cannot ask Americans to tighten their belts across the board in order that we might balance the budget while we provide taxpayer-funded subsidies to large corporations. Corporate welfare of this kind is unfair to the American taxpayer. It increases the deficit, and we cannot allow it to continue.

Finally, there are no termination costs to worry about because the Department of Energy contract with Westinghouse specifically provides that "reimbursements shall be subject to availability of appropriated funds."

Enough is enough. After 5 years and $230 million, it is time we bring the program to an end.

I ask unanimous consent that copies of letters from Citizens Against Government Waste, Public Citizen, and the Competitive Enterprise Institute be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 18, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to urge you to introduce legislation to eliminate the Advanced Light Water Reactor (ALWR) program. This program has already surpassed its authorized funding level, and extending its funding will exceed the goals of the Energy Policy Act of 1992 (EPACT).

In 1992, EPACT authorized $100 million for first-of-a-kind engineering of new reactors. In addition, EPACT specified that the Department of Energy should only support advanced light water reactor designs that could be certified by the Nuclear Regulatory Commission no later than the end of FY 1996.

In a surprise announcement on February 28, 1996, General Electric (GE) terminated one of its taxpayer-subsidized R&D light water reactor programs (the simplified boiling water reactor), stating that the company's recent internal marketing analyses

showed that the technology lacked "commercial viability." Westinghouse, which is slated to receive ALWR support between FYs 1997-99 for its similar AP-600 program, is not expected to receive design certification until FY 1998 or FY 1999. Taxpayers should not be expected to throw money at projects with little or no domestic commercial value.

EPACT also stipulates that recipients of any ALWR money must certify to the Secretary of Energy that they intend to construct and operate a reactor in the United States. In 1995, the Nuclear Energy Institute's newsletter, *Nuclear Energy Insight*, reported that, "all three [ALWR] designers see their most immediate opportunities for selling their designs in Pacific Rim countries." In Fact, GE has sold two reactors developed under this program to Japan, and still the government has not recovered any money.

As you may recall, CCAGW endorsed your corporate welfare amendment, including the elimination of the ALWR program, to the FY 1996 budget Reconciliation bill. We are again looking to your leadership to introduce legislation to now eliminate this program. I also testified before the House Energy and Environment Subcommittee on Science on May 1, 1996 calling for the elimination of the ALWR. The mission has been fulfilled, now the program should end.

Sincerely,

THOMAS A. SCHATZ,
President.

PUBLIC CITIZEN,
Washington, DC, June 25, 1996.

Senator JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR: We are pleased to support your efforts to terminate further government support for the Advanced Light Water Reactor (ALWR) program at the U.S. Department of Energy. The ALWR program, having received five years of support and more than $230 million of taxpayer money, is a prime candidate for elimination in the coming budget cycle. It represents a textbook example of corporate welfare, provides little value to taxpayers and fails to account for the fact that domestic interest in new nuclear technologies is at an all-time low.

As of today, not one utility or company participating in the ALWR program has committed to building a new reactor in this country nor are there any signs that domestic orders will be forthcoming in the foreseeable future. Instead of providing reactors for American utilities, the ALWR program has become an export promotion subsidy for General Electric, Westinghouse and Asea Brown Boveri in direct violation of the intent of the Energy Policy Act. These companies, with combined annual revenues of over $70 billion, are hardly in need of such generous financial support.

Continuing to fund the ALWR program would send a strong message that subsidies to large, profitable corporations are exempt from scrutiny while other programs in the federal budget are cut to reach overall spending targets. The industry receiving this support is mature, developed and profitable and should be fully able to invest its own money in bringing new products to market.

This legislation is consistent with your long-standing campaign to eliminate wasteful and unnecessary spending in the federal budget. We salute your effort and offer our help in pruning this subsidy from the fiscal year 1997 budget.

Sincerely,

BILL MAGAVERN,
Director,
Critical Mass Energy Project.

COMPETITIVE ENTERPRISE INSTITUTE,
Washington, DC, June 14, 1996.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR CONGRESSMAN MCCAIN: I wish to commend you for your efforts to eliminate funding for Advanced Light Water Reactor (ALWR) research. As a longtime opponent of federal subsidies for energy research of this kind, I am glad to see members of Congress representing the interests of the taxpayer on this issue.

Since 1992, the Department of Energy has spent over $200 million on ALWR research, with little to show for it. If such reactors are commercially viable, as supporters claim, then there is no need to waste taxpayer dollars on what amounts to corporate welfare. If the ALWR is not commercially viable, then throwing taxpayer dollars at it is even more wasteful. The fact that no utility plans to build such a reactor in this country any time soon suggests that the latter is more likely. Either way, federal funding for this program should end.

I fully support your efforts to eliminate the ALWR research subsidy and hope that this effort is the first step in the eventual elimination of the Department of Energy as a whole.

Sincerely,

FRED L. SMITH, Jr.,
President.

Mr. MCCAIN. Mr. President, last May, at the end May, there was an interesting article in the Washington Post by Mr. Guy Gugliotta. I would like to quote parts of his article.

Five or six years ago, depending on whom you asked, Congress voted to fund research on a new kind of nuclear energy plant called the Advanced Light Water Reactor. You remember nuclear energy, right?

The money—more than $200 million so far—has gone to three struggling firms—General Electric, Westinghouse, and Asea Brown Boveri Inc./Combustion Engineering. The idea is to develop a new generation of nuclear powered generators.

Except nobody in the United States wants one. No utility has bought a nuclear plant since 1973, and 89 percent of utility executives polled this year by the Washington International Energy Group said they never would.

Even General Electric decided in February to abandon research on one of its two reactor projects concluding that "extensive evaluations . . . have not established the commercial viability of these designs."

Mr. President, I would point out that I am a supporter of nuclear power. I believe that it is a viable option and someday will be a viable option, but I do not believe that justifies this kind of expenditure.

Mr. President, the San Francisco Chronicle said, "If there's a lucrative export market, let them finance their own development programs."

The Oregonian says, "Asking taxpayers to subsidize nuclear power research is like asking them to build barns to store up horsepower."

The Richmond Times Dispatch editorial lead says, "Zap It."

The Louisville Courier-Journal calls it "A needless subsidy."

The Kennebec Journal says, "Reactor research funding deserves to be terminated."

The Charleston Gazette says, "Nuclear subsidy Corporate welfare?"

The Morning Sentinel of Maine says, "Congress should switch off Energy's nuke-pork project."

The Bangor Daily News says: "Members of the House and Senate have yet to justify the need for what amounts to a large corporate subsidy. It is likely they cannot. Instead, they should end the program before it costs taxpayers any more money."

The Houston Chronicle says, "Time to stop federal subsidies for nuclear generators."

And the Des Moines Register calls it "Nuclear Nonsense."

Mr. President, I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 28, 1996]

RESEARCH FOR REACTOR NOBODY WANTS

(By Guy Gugliotta)

Five or six years ago, depending on whom you ask, Congress voted to fund research on a new kind of nuclear energy plant called the Advanced Light Water Reactor. You remember nuclear energy, right?

The money—more than $200 million so far—has gone to three struggling firms—General Electric, Westinghouse and Asea Brown Boveri Inc./Combustion Engineering. The idea is to develop a new generation of nuclear power generators.

Except nobody in the United States wants one. No utility has bought a nuclear plant since 1937, and 89 percent of utility executives polled this year by the Washington International Energy Group said they never would.

Even GE decided in February to abandon research on one of its two reactor projects, concluding that "extensive evaluations . . . have not established the commercial viability of these designs."

In the next couple of months Rep. Mark Foley (R-Fla.), a young conservative, will try to kill the Advanced Light Water Reactor. It is a waste of money, he said, and, even if it weren't, "large corporations don't need the help of the federal government."

He has 65 signatures on an amendment to erase the reactor from the 1997 Energy Department appropriations bill, and is brimming with confidence since he successfully defunded a gas-cooled reactor last year.

"I understand the nuances of appropriations better," Foley said, which is fortunate for him, because, as everyone knows, starting federal programs is hard, but getting rid of them is much harder.

And the nuclear industry is not going to roll over. "In the next decade, the balance of power demand will shift . . . because of aging and environmental concerns," said Nuclear Energy Institute spokesman Steve Unglesbee. "We think nuclear will be a contender."

That would be a change. Nuclear power, once deemed the magic bullet for energy consumption, has fallen on hard times in the past two decades. Catastrophes like Three Mile Island and Chernobyl haven't helped, but the main reason for the current lack of interest is probably more mundane.

According to the Safe Energy Communication Council, which doesn't like the reactor, nuclear energy today costs 5 to 10 cents per

kilowatt hour while coal-generated energy costs 1.5 to 3.5 cents, natural gas, 3 to 4 cents, and windmills, 5 cents. Utility executives can add.

The United States has 110 nuclear plants, supplying 20 percent of the nation's electrical power needs. All use a controlled fission reaction to generate heat, which in turn makes the steam that drives turbine generators.

The Advanced Light Water Reactor seeks dramatic improvements in the old design through new computer technology and simplified safety features that rely more on gravity and other natural forces and less on complex valve systems.

Almost everything else about the reactor is in dispute. The Energy Policy Act, signed into law in November 1992, authorized five years of development funding. Because the fiscal year had already begun the reactor's proponents say the clock started in 1993, and this year's request—$30.3 million—simply fulfills the five-year authorization.

Foley argues that because the act was signed in 1992, the fifth year was 1996 and the current request is extra. Besides, Westinghouse wants funding through 1998, he adds, which is icing on the icing.

Unglesbee counters that the 1998 funding involves no extra money. Instead, Westinghouse simply wants to pick up $17 million owed from past years, and has signed a deal with the Energy Department to get it.

Further, Unglesbee contends, the corporations will repay the investment once the orders start rolling in—when old reactors wear out or oil prices go up, or both, sometime in the not-too-distant future.

The technology is good, Unglesbee adds, noting that GE is using it in a joint venture in Japan. The Safe Energy Council, however, says this is a violation of the law, because the projects are supposed to be built in the United States, which doesn't want then.

GE hasn't paid back a dime on the Japanese reactors, but Unglesbee says that's because the Nuclear Regulatory Commission hasn't yet certified the design. Once that happens, the corporations have to kick back to the feds no matter where reactors are built.

Until then, one supposes, taxpayers should simply regard their investment as an export subsidy.

[From the Courier-Journal, Louisville, KY, June 4, 1996]

A NEEDLESS SUBSIDY

Congressman John Myers, a moderate Hoosier Republican in the last of his 30 years in the House, has an unbeatable opportunity to make sure he's remembered for opposing flagrant government waste.

Rep. Myers, a banker and farmer from the 7th District in west central Indiana, chairs the Energy and Water Appropriations Subcommittee. His panel is expected to decide this week whether to approve more taxpayer money for private development of advanced, and purportedly safer, nuclear reactors.

This is an easy one and shouldn't require more than a few moments of thought by Rep. Myers and his colleagues.

The committee should join forces on this issue with environmentalists and taxpayer protection groups, consumer advocates and conservative think tanks. All agree that what amounts to subsidies for several multi-billion-dollar companies is a poor investment and money down the drain.

Since World War II, Washington has lavished tens of billions of dollars on civilian atomic research. The dream, never realized, was that electricity generated by nuclear plants would be abundant, safe and cheap. Although those expenditures have been scaled back, the public has continued to support programs at companies like General Electric and Westinghouse.

It could happen that a new generation of safer, more efficient reactors will prove handy many years hence. If that time comes, rich corporations can surely be counted on to invest their own resources to complete work on a commercially successful design. Taxpayers have done more than their share.

But there'll be no market for nukes of any kind in this country so long as such basic problems as safe long-term disposal of radioactive waste remain unsolved.

Given the new competitive pressures in the utility industry, no manager with any concern for his company's financial stability would even think of going nuclear. Demand is as dead as the villages and fields near the burned-out reactor in Chernobyl.

The only potential customers for the fruits of America's tax-supported research are Asian countries, but exports would give rise to new concerns about proliferation of nuclear materials.

That should clinch the case for Rep. Myers and others on the committee to do the taxpayers a very large favor. Just vote no.

[From the Kennebec Journal, June 3, 1996]

REACTOR RESEARCH FUNDING DESERVES TO BE TERMINATED

While it is always hard to start up a federal program, it's even harder to stop one. Such is the case with many pork-barrel schemes Congress creates and then keeps on funding for no apparent reason that it lacks the will to turn off the flow of money.

Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its five-year life span has cost taxpayers $230 million.

This despite the fact that no utility has built a new nuclear plant in the past 23 years and that according to a poll conducted by the Washington International Energy Group, 89 percent of utility executives claim they will never order another nuclear plant.

Yet the research and development lives on. The Advanced Light Water Reactor program was created under the Energy Policy Act of 1992 and was supposed to be funded for only five years. When the fifth year actually ends is in some dispute since fiscal years and calendar years overlap, but the 1997 DOE appropriations bill includes a $30.3 million request to fulfill the original obligation.

The money—which critics such as the Safe Energy Communication Council contends is little more than corporate welfare—goes to multi-national corporations, including General Electric and Westinghouse to develop the advanced nuclear reactors.

Such governmental largesse has caught the eyes of government-watch-dog groups as diverse as Citizens against Governmental Waste, Friends of the Earth and the U.S. Public Interest Research Group, which have petitioned Energy Secretary Hazel O'Leary to eliminate the program.

Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending that amounts to little more than an export promotion subsidy since the reactors would be sold overseas.

Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, may soon get a crack at this issue. Baldacci voted in favor of eliminating the program last year; Longley did not vote.

We would urge them to scrap this wasteful spending, especially when the purpose is no longer of any use.

REACTOR WASTE

The issue: The Department of Energy's Advanced Light Water Reactor program is coming under attack for having spent $270 million over five years for a nuclear reactor no one wants.

How we stand: The project is a classic governmental boondoggle, all the more egregious since it squanders taxpayers' money on wealthy multi-national companies.

[From the Charleston Gazette, May 28, 1996]

NUCLEAR SUBSIDY

CORPORATE WELFARE?

General Electric had $60 billion in revenues in 1994. Yet the company took millions of dollars in tax money to fund research on advanced light-water nuclear reactors.

Then this February, GE announced that it was terminating one reactor program subsidized by taxpayers because it wasn't "commercially viable."

Why on earth is Congress giving taxpayers' money to billion-dollar companies to fund research that isn't commercially viable?

GE isn't the only company taking handouts from the Department of Energy's Advanced Light Water Reactor Program. Westinghouse and other companies are also tapped into the program, which has poured $275 million into their pockets since 1992.

Sadly, this subsidized research probably will never benefit one single American consumer. There has not been a new nuclear reactor ordered in the United States since 1973. Instead of cheap, plentiful energy promised by proponents, nuclear plants turned out to be more expensive than coal-fired generating plants. On top of that, the nation has yet to figure out what to do with all of the nuclear waste generated by the 110 nuclear plants in operation.

Congress should end this subsidy, and let these huge corporations risk their own money designing new reactors that nobody wants.

[From the Oregonian, May 28, 1996]

A TASTE OF CORPORATE WELFARE

No American utility has completed a nuclear power plant in the past 23 years. In fact, U.S. utilities have canceled every nuclear reactor they've ordered since 1973.

Let's face it, nuclear power in the United States, no matter how you might feel about it, is a dead issue. It's simply too expensive to compete with alternative energy sources.

So why then are the Clinton administration and Congress continuing to provide taxpayer dollars to subsidize research and development of the U.S. Department of Energy's Advanced Light Water Reactor?

The House Energy and Water Appropriations Subcommittee should be prepared to answer that question next week when it considers the Energy Department's proposal to give additional funding to the light-water reactor research program.

The facts clearly do not support further public subsidies for conventional nuclear fission development.

Consider this:

A recent poll conducted by the Washington International Energy Group shows that 89 percent of utility executives surveyed say their companies would never consider ordering a nuclear power plant.

Only 8 percent of those surveyed believe that there will be a nuclear power resurgence in the next century.

A 1996 survey of registered voters, conducted by Republican pollster Vince Breglio, found that more than 71 percent of the voters opposed government funding for developing a new generation of nuclear reactors.

The advanced light water reactor research program was created in 1992 to assist major multinational corporations—General Electric, Westinghouse and Asea Brown Boveri/Combustion Engineering—in developing advanced reactors. Never mind that there was no U.S. market for a finished product. This is a pork-barrel of the worst kind. It defines what is meant by the phrase "corporate welfare."

Besides all of that, the Energy Policy Act of 1992, which created this corporate welfare, expires in September, so why is the Energy Department requesting additional funding through fiscal 1997 and perhaps beyond?

It's not as if the three major nuclear vendors are going broke and need extra bucks to finish the job. They showed combined revenues of $73 billion last year.

Moreover, General Electric announced in February it was abandoning development of its boiling-water reactor, which to date has received more than $50 million in taxpayer subsidies under this program.

The Energy Policy Act of 1992 clearly stipulates that recipients of the Advanced Light Water Reactor money must certify that they intend to construct and operate a reactor in the United States. Yet these nuclear reactor manufacturers are selling their U.S. taxpayer-supported reactor designs to Japan, South Korea and other countries—a clear violation of the intent of the law.

Not only has the $275 million the government has paid out since 1992 been spent under false pretenses, but some of the taxpayer dollars for this program also have been wrongly used to reimburse General Electric, Westinghouse and Combustion Engineering for fees charged them by the U.S. Nuclear Regulatory Commission.

This means taxpayers, not the corporations, are paying fees meant to cover the costs of government services.

The conservative Citizens Against Government Waste, Cato Institute and Taxpayers for Common Sense organizations, as well as a variety of environmental groups, are united in their opposition to continued funding for this boondoggle.

Even leaving the valid taxpayer-subsidy arguments aside, continuing this program clearly is in conflict with congressional efforts to cut the federal budget deficit, reduce federal spending and kill corporate welfare programs.

Rep. Jim Bunn, R-Ore., who has used these themes in his campaign for re-election, serves on the House Appropriations subcommittee that will decide the fate of advanced light water reactor funding next week.

Oregonians should be relying on him to be fiscally responsible and take these reactor vendors off welfare.

[From the Richmond Times-Dispatch, June 23, 1996]

ZAP IT

Wouldn't it be nice if Congress could eliminate all examples of dubious federal spending with a single stroke of a mighty pen or Bowie knife? Government doesn't work that way, of course, which is one reason the feds spend more of the taxpayers' money than they should. Cuts generally occur the slow way: one at a time. And that brings us to the Advanced Light Water Reactor (ALWR).

Fermat's Last Theorem is easier to prove than—for liberal arts majors, at least—the ALWR is to explain. Let's just say the ALWR is a nuclear reactor, and leave it at that. Despite generous (profligate?) government subsidies, research into the ALWR has produced few dividends. In a letter opposing continued funding for the reactor, the Heritage Foundation argues:

As a recipient of this research funding has indicated, these reactors have not established their commercial viability. There have been no nuclear reactors ordered or built in America since 1973, and there is no domestic market for nuclear power in the foreseeable future. . .If the reactors truly would be profitable, then corporations would willingly invest their own capital to receive the expected returns. This is the nature of the free market. If an investment has a low probability of being profitable, however, the federal government should not force taxpayers to fund corporate ventures which unnecessarily drain our nation's wealth.

Nuclear power remains a prudent way to generate juice, probably the most prudent way ever devised. Many of the obstacles placed in its path are lamentable. Nevertheless, R&D relating to nukes is not an obligation of government but of industry. Government's role in power is to avoid impeding progress. Except perhaps in times of national crisis, the responsibility for producing energy rests with the private sector. The last time we checked, the U.S. was not fighting a world war. Morever, the companies involved in nuclear research are hardly poor.

Welfare reform ranks among the year's hot issues. Republicans and Democrats, liberals and conservatives, gadflys and cranks are debating how best to promote self-sufficiency. Corporate welfare also deserves some shaking up. The subsidies for the ALWR stand as one example of what government ought not to be doing. Congress should give the ALWR—and similar projects—the zap.

[From the San Francisco Chronicle, May 20, 1996]

END CORPORATE WELFARE FOR NUCLEAR REACTORS

No American electric utility has successfully ordered a nuclear power reactor for the last 23 years. And a recent survey of utility executives concluded that there is "little hope that new nuclear generation" will remain an option "in a time frame that has any practical significance."

So why are U.S. taxpayers still being asked to fork over hundreds of millions of dollars to mature, highly profitable private companies to develop new nuclear power reactors?

The House Energy and Water Appropriations Subcommittee is scheduled to take up that question later this week as it looks for fiscal 1997 budget savings among existing energy programs. A prime candidate should be the Department of Energy's five-year-old Advanced Light Water Reactor program, a shining example of corporate welfare that has never delivered—and probably never will—a single kilowatt of electricity to American consumers.

The idea of subsidizing industry research on a generic, pre-licensed and safer type of reactor for the American market may have made sense five years ago. But except for the reactor's export potential, it's hard to see how a continuation of the program, which is scheduled to expire this year, can be justified.

Just four months ago, General Electric, which has received $50 million from the program to develop a prototype, announced that it was abandoning the effort because its own market research had "not established the commercial viability of these designs."

Indeed, the only markets where new U.S. designed nuclear plants are viable are in Southeast Asia. Westinghouse, one of the program's major benefactors, has identified China and Indonesia as the most likely markets for its reactor—despite a U.S. ban on exports of nuclear technology to China.

But the Energy Policy Act of 1992, which created the subsidy, specifically stipulated that the funds were for development of reactors to be constructed and operated in the United States—not reactors for export. And if, in fact, there is a lucrative export market, there's no reason why companies like Westinghouse and General Electric, with combined revenues of close to $70 billion a year, can't finance their own development programs without help from taxpayers.

This piece of nuclear pork was nearly killed last year by an unlikely coalition of environmental liberals and budget-slashing fiscal conservatives. With electric utility deregulation now adding to an already large surplus of electric generating capacity in the United States, the reasons for letting the subsidy fade into the sunset in September, as scheduled, are better than ever.

[From the Des Moines Register, May 23, 1996]

NUCLEAR NONSENSE

A trio of events has brought the lurid legacy of nuclear energy to the fore in recent days. The first was the anniversary of a nuclear disaster, the second, the need to divert some hot fuel from the weapons market; the third, the need to shut of the federal money spigot feeding a dying industry.

The 10th anniversary of the Chernobyl disaster late last month was a reminder of how wrong things can go, and how one country's energy source can be another's poison. The reactor explosion at the Chernobyl plant in the former Soviet Union spread a cloud of radiation over Europe, releasing 200 times as much radiation as Hiroshima and Nagasaki combined. Thirty-two died, but thousands more may have radiation-related illnesses.

Nothing even close to Chernobyl has happened in the 111 nuclear-power plants in the United States. Civilian reactors have admirably clean records. But there have been some harrowing near-misses.

Meanwhile, the U.S. Department of Energy has announced plans to import some 20 tons of nuclear waste from 41 nations to keep it out of the hands of potential terrorists. Most of it will come from Europe, and some from Asia, South America and Australia. The United States sent the stuff overseas as fuel over a 40-year period. Some of it is weapons-grade uranium.

Finally, Congress will soon vote on whether to continue the taxpayer subsidy of the Advanced Light Water Reactor, a project that has gobbled up $275 million.

The 1992 ALWR project was intended to improve the design of nuclear-power plants in the United States, where no new nukes have been built in a generation. Nobody was enticed by ALWR, either, so the tax money went for reactor designs destined for overseas markets, enriching Westinghouse and General Electric (which hardly need federal subsidies).

Everybody from the conservative CATO Institute to the liberal U.S. Public Interest Research Group wants the program junked. Said Jerry Taylor, CATO's natural resources director, "If ALWR is such a promising technology let the nuclear industry fund it themselves."

The project expires this year. But the U.S. Department of Energy wants another $40 million to keep it going.

Since 1948, when atomic power was being hyped as the energy source of the future, "too cheap to meter," nuclear fission has received $47 billion in federal money for research and development. A bunch of that was spent after utilities gave up on it in the early 1970s.

Today the nation is faced with the apparently impossible task of finding a way to safely dispose of nuclear waste that will remain dangerous for thousands of years. Reactor after reactor was built on the assumption that "someday" science would learn how to handle the waste.

Science hasn't. "Temporary" storage pools are close to overflowing. Nevada is fighting plans to bury it there; everyone else is fighting plans to ship it through their states to Nevada.

Exhibit A: Chernobyl, the ultimate accident. Exhibit B: weapons-grade uranium, the ultimate terrorist tool. Exhibit C: hot waste, the ultimate white elephant.

Despite that sorry scenario, the U.S. Department of Energy wants more money to make the program even worse.

Baloney.

[From the Morning Sentinel, June 3, 1996]

CONGRESS SHOULD SWITCH OFF ENERGY'S NUKE-PORK PROJECT

While it is always hard to start up a federal program, it's even harder to stop one. Such is the case with many pork-barrel schemes Congress creates and then keeps on funding for no apparent reason that it lacks the will to turn off the flow of money.

Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its five-year life span has cost taxpayers $230 million.

This despite the fact that no utility has built a new nuclear plant in the past 23 years, and that, according to a poll, conducted by the Washington International Energy Group, 89 percent of utility executives claim they will never order another nuclear plant.

Yet the research and development lives on. The Advanced Light Water Reactor program was created under the Energy Policy Act of 1992 and was supposed to be funded for only five years. When the fifth year actually ends is in some dispute since fiscal years and calendar years overlap, but the 1997 DOE appropriations bill includes a $30.3 million request to fulfill the original obligation.

The money which critics such as the Safe Energy Communication Council contends is little more than corporate welfare goes to multi-national corporations, including General Electric and Westinghouse to develop the advanced nuclear reactors.

Such government largesse has caught the eyes of government-watchdog groups as diverse as Citizens against Governmental Waste, Friends of the Earth and the U.S. Public Interest Research Group, which have petitioned Energy Secretary Hazel O'Leary to eliminate the program.

Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending that amounts to little more than an export promotion subsidy since the reactors would be sold overseas.

Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, may soon get a crack at this issue. Baldacci voted in favor of eliminating the program last year; Longley did not vote.

We would urge them to scrap this wasteful spending, especially when the purpose is no longer of any use.

WASTED MILLIONS

The issue: Congress is currently considering continuation of funding for something called the U.S. Department of Energy's Advanced Light Water Reactor, which over its five-year life span has cost taxpayers $230 million, despite the fact that no utility has built a new nuclear plant in the past 23 years.

How we stand: Already 65 members of Congress have signed onto a request to scrap what they term wasteful spending. Maine's two congressmen, James B. Longley in the 1st District and John E. Baldacci in the 2nd, should join them.

[From the Bangor Daily News, June 21, 1996]

SPENDING PRIORITY

No U.S. utility has purchased a nuclear plant for more than a quarter century and, according to a recent survey, almost no utility executive plans to ever order another one. This, unfortunately, has not stopped the federal government from spending $235 million in the last five years on nuclear research for a new style of nuclear power plant, nor has it slowed members of Congress from asking for more money—$30 million this year—for the project.

This is not a knock on government-sponsored research but a questioning of priorities. The tax money used for developing the Advanced Light Water Reactor has gone largely to three firms: Westinghouse, General Electric and Asea Brown Boveri Inc./Combustion Engineering. All of them are well able to support their own work and would, if it ever had a chance of turning a profit. A 1995 study by Washington International Energy Group showed that 89 percent of utility executives believed their utility would never order another nuclear power plant, suggesting a dismal future market.

The Advanced Light Water Reactor program has been trying to develop a simpler, safer nuclear plant—a potentially wonderful thing—but supporting this research should not be a priority with a government that is trying to balance its budget and has trouble covering the cost of health care and education for its citizens. If Congress is determined to spend money on nuclear programs, it might consider investing further funds in finding a suitable place to store the high-level radioactive waste from the country's 110 active nuclear power plants.

A wide range of organizations oppose the new proposed funding for the reactor, including U.S. Public Interest Research Group, the Heritage Foundation, the Council for Citizens Against Government Waste and Taxpayers for Common Sense. Sixty-nine members of Congress have signed a letter expressing their opposition to it. The Department of Energy and advocates of the nuclear power industry favor continued funding.

Members of the House and Senate have yet to justify the need for what amounts to a large corporate subsidy. It is likely they cannot. Instead, they should end the program before it costs taxpayers any more money.

[From the Houston Chronicle, June 20, 1996]

DIM FUTURE—TIME TO STOP FEDERAL SUBSIDIES FOR NUCLEAR GENERATORS

Nuclear power plants to produce cheap electricity were once the dream of the future. But the bright future of nuclear plants has dimmed as higher than expected construction costs, environmental considerations and safety concerns have taken their toll over the past two decades.

No new nuclear power plant has been ordered in the United States since 1973, and most utility company executives surveyed this year said they would never consider ordering a nuclear power plant.

Yet, Congress has authorized more than $230 million in federal support to companies since 1992 to develop advanced nuclear reactor designs when no one in the United States apparently wants to buy them.

Now the Department of Energy is asking Congress for a three-year extension in funding for the Advanced Light Water Reactor program, which was supposed to be completed by the end of this fiscal year. Local U.S. Reps. Sheila Jackson Lee, Gene Green and Ken Bentsen have a record of having voted for this program. Congress now should say no to this "corporate welfare."

The fact that few, if any, American utilities appear interested in buying new nuclear plants would make the taxpayers' investment questionable even without today's severe restraints on the federal budget.

Recipients of ALWR funds, including such giants as General Electric and Westinghouse, have the resources to finance the development of these new reactors, if they so choose. If the market is there and ALWR technology works, let them develop these new nuclear plants on their own.

Meanwhile, the bloom is off nuclear power plants for most Americans. Taxpayers' funds should be spent more wisely, particularly with the critical need to balance the budget.

Mr. MCCAIN. Mr. President, I know that there will be some opposition to this amendment because we have debated and discussed this program before in this Chamber. I would obviously be interested in engaging in that debate, which I think may not take place until Monday or Tuesday. But I hope to be here at that time.

In the meantime, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

Not at this time.

Mr. DOMENICI. We will have plenty of time to make sure the Senator gets the yeas and nays.

Mr. MCCAIN. I thank the Senator from New Mexico.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, every day, the working families of Massachusetts have to make tough choices about what they can afford, how to pay the rent, or whether they can send their kids to college.

The Federal budget deficit, while reduced considerably due to President Clinton s leadership and the courage of the Democratic-controlled Congress in 1993, is still over $100 billion a year. We absolutely must get a grip and bring the Federal Government's expenditures within its means.

Like families in Massachusetts, I have been working in the U.S. Senate to make the tough choices concerning our Federal budget.

In 1994, I successfully led the fight to eliminate funding for the dangerous advanced liquid metal reactor.

Last year, I stood with Senators MCCAIN, FEINGOLD, and THOMPSON in an effort to cut $60 billion in corporate welfare programs to get rid of wasteful Federal spending and reduce the deficit.

Today, I am proud to continue that fight as a cosponsor of Senator MCCAIN's legislation to cut one of the biggest examples of corporate pork, the Advanced Light Water Reactor Program.

This program has already spent over $200 million of taxpayer money to improve the designs of nuclear power plants that nobody in this country wants. There is no demand for more nuclear power plants in the United States. No utility has bought a nuclear power plant since Richard Nixon was President.

This program is the definition of corporate pork. The three companies which received the majority of funding for this program had a combined profit of $80 billion last year. It is unconscionable for the Federal Government to subsidize the research and development budgets of these companies when we cannot sufficiently fund our schools or put enough cops on the beat to make our communities safe.

In 1992, the Congress funded research for this project for 5 years ending in 1996. Now proponents of the advanced light water reactor say that they need 3 more years of funding to finish the designs that no one wants. This is just corporate pork and it has to be stopped now.

Proponents of this program cite China as a prime market for the design despite the fact that it is illegal to sell China this technology.

Proponents also argue that corporations are going to repay the Federal Government for its investment in the Advanced Light Water Reactor Program once they receive orders for these new plants. However, General Electric has already canceled part of this project because it is not commercially viable.

For all these reasons the advanced light water reactor must be stopped.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator JOHNSTON has the best grasp of this program and will argue in opposition to it in due course. He is not here today for the rest of this afternoon, but I want to say to the Senator from Arizona how much I appreciate the way he has handled these amendments and the manner in which he has presented them. He has made in a very few moments as good an argument as there is going to be against this program, and he did not fill the air with all kinds of technical things but went right to the heart of it. Surely this has been before us before, but obviously it will be taken up briefly in opposition, and then it will take its place among the votes to occur on Tuesday.

I understand the Senator may have a bit of difficulty being here on Monday. I understand that. He can rest assured we will try to get the yeas and nays at the earliest moment, so he can be assured of that.

Mr. MCCAIN. Mr. President, as always, I thank the very wonderful courtesy of my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to clarify one point in the committee report. Reference is made in the report to the commitment of the State of New Mexico to the Animas-La Plata project. Specifically, this commitment includes the 1986 cost-sharing agreement for the project, allocation of consumptive use required for the project from New Mexico's apportionment under the Upper Colorado River Basin compact, participation in the San Juan River Recovery Implementation Program, and support of the Colorado Ute Indian water rights settlement.

I ask unanimous consent to have two letters in their regard printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW MEXICO INTERSTATE
STREAM COMMISSION,
Santa Fe, NM, October 5, 1995.

Hon. PETE V. DOMENICI,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: Recent news articles and other reports reaching this office indicate continuing controversy concerning efforts to proceed with development of the Animas-La Plata Project.

This agency continues its full support for the project which includes the commitments made by New Mexico under the several interstate stream compacts, congressional authorization of the project, the 1986 cost-sharing agreement for the project, allocation of consumptive use required for the project from New Mexico's apportionment under the Upper Colorado River Basin Compact, participation in the San Juan River Recovery Implementation Program and support of the Colorado Ute Indian Water Rights Settlement. The water committed to the project by New Mexico from the public waters of the state must be made available for use as soon as possible to meet current demands for water in the San Juan River Basin.

I urge that the Congress take such action as is reasonably necessary to ensure the expeditious development of the Animas-La Plata Project to provide needed water supply for use in Colorado and New Mexico.

Please let me know if I may provide additional information.

Sincerely,

THOMAS C. TURNEY,
Secretary.

ATTORNEY GENERAL OF
NEW MEXICO,
Santa Fe, NM, July 17, 1996.

Hon. PETE V. DOMENICI,
U.S. Senator,
Washington, DC.

DEAR SENATOR DOMENICI: I write to you concerning language in draft Senate and House Appropriations Subcommittee reports addressing the proposed Animas-La Plata Project. Because some of the statements in the reports are false and because other statements appear to encourage bypassing of federal laws, I urge you to contact members of the Appropriations Committees to urge that the problematic language be stricken from those reports. Alternatively, I ask that you seek clarification from Committee members on the intent underlying the reports. Although this report language does not carry the force of law, it has great potential to mislead agencies, courts, and the public at large, to the detriment of all.

NEW MEXICO "COMMITMENTS"

The Subcommittee reports state the following: "For purposes of initiating construction of Stage A, the existing repayment obligations of the parties contracting for water, along with the commitments of the States of Colorado and New Mexico, provide adequate assurances that the United States will be repaid in connection with construction of those facilities." (Emphasis added.) This language indicates erroneously that the State of New Mexico has made a financial commitment toward the construction of the Animas-La Plata (ALP) Project. I know of no such financial commitment. Although the State Legislature in 1991 authorized $2 million in severance tax bonds to assist San Juan County with ALP start-up costs, in 1993 the Legislature took the money back and authorized it for other purposes. Because the State of New Mexico has no outstanding financial commitment toward repayment of ALP construction costs, this report statement is erroneous and should be stricken.

EVASION OF FEDERAL AND STATE
ENVIRONMENTAL LAWS

Addressing environmental impacts of the ALP Project, the reports state:

"The present documentation is fully informative of these issues and construction of the first stage of the project may proceed without adversely affecting any of the other water users on the San Juan system.

* * * * *

"The Committee is aware that the San Juan River and its tributaries do not consistently meet New Mexico's newly adopted water quality standards for selenium and that there is concern over the potential effect of the operation of the Animas-La Plata facilities in Colorado on this existing problem. The Secretary of the Interior should take reasonable steps to assist Colorado and New Mexico in improving the quality of surface flows by addressing the problems caused by non-point sources."

This language is problematic because it implies a congressional finding of the adequacy of the environmental documentation for the project and a concomitant exemption from full compliance with the National Environmental Policy Act. Yet the adequacy of the ALP EIS and its supplement is in gave doubt. Just recently, EPA stated that it "ha[d] identified significant shortcomings in the level and scope of [environmental] analysis," and that "this EIS process [for ALP] has not adequately considered the impacts to Navajo water rights and existing water projects, water quality, mitigation, and the impacts associated with municipal and industrial use."

Neither the New Mexico Environment Department nor this office has completed a review of the new documentation, but preliminary analyses indicate that it is sorely lacking, particularly in relation to the Project's water quality impacts in New Mexico and

the absence of analysis of alternatives that would meet the terms of the 1988 Colorado Ute Indian Water Rights Settlement Act. There is simply no basis for a congressional pronouncement that the environmental documentation for the Project "is fully informative of these issues."

Moreover, the reports' implications that New Mexico's only water quality concern relates to its recent adoption of a new selenium standard are false. The ALP Project threatens to violate or exacerbate existing violations of multiple state water quality standards, including selenium, mercury, and possibly others. The 1994 state selenium standard was adopted unanimously by the state Water Quality Control Commission on the basis of extensive and convincing scientific evidence that a higher standard would not be protective of aquatic life.

In addition, a direction to the Secretary of Interior to take steps to address nonpoint source pollution in New Mexico issued simultaneously with a mandate to proceed with construction of a project that, if its agricultural irrigation components are included (Stage B of Phase I and Phase II), will lead to large new nonpoint source pollution problems in the State is both ironic and nonsensical. If the reports' intent is to require the Secretary to mitigate the adverse water quality impacts of the Project, then such mitigation should be identified, described, and committed to in the environmental documentation for the Project, rather than being relegated to a vague allusion in a congressional report.

Contrary to the reports' implications, Stage A cannot be viewed in isolation from the remainder of the Project, especially the remainder of Phase I. Construction of Stage A would not satisfy the requirements of the 1988 Colorado Ute Indian Water Rights Settlement Act. Stage B, which involves a great deal of irrigation and related impacts on New Mexico water quality, must also be constructed in order to meet the terms of the Settlement Act. Since, as the Reports note, New Mexico already had a severe water quality problem in the river stretches affected by the Project, any further deterioration of water quality in that area is not acceptable. Thus, this language, which implicitly endorses evasion of the Clean Water Act and State water quality standards, should be excised.

Please urge the Committees to strike the erroneous language concerning ALP from their reports and to remove from the reports all implications that compliance with federal and state laws may be short-circuited in order to commence Project construction as hastily as possible.

Sincerely,

TOM UDALL,
Attorney General.

GARRISON DIVERSION PROJECT

Mr. DORGAN. Mr. President, the appropriations process provides once again a payment for something called the Garrison Diversion Project, which is a very important project, fulfilling a promise made by the Federal Government to the State of North Dakota 40 years ago.

I appreciate very much the help of the Senator from New Mexico, the Senator from Louisiana, and others on those issues.

I wanted to thank them today for that assistance. It is part of a promise—keeping a promise to a State for water delivery from a series of dams that were built in North Dakota that flooded a half a million acres. That flood came and stayed. We were told that, if you will accept the permanent flood, we will give you some benefits over the next 50 or 60 years.

That is what this process has been about—benefits that will in the long run allow jobs and opportunity and economic growth in a rural State that needs it, but also benefits that are the second portion of a promise that was made if we kept our portion.

We now have a permanent flood of a half a million acres. This payment once again is another installment in the Federal Government keeping its promise to the people of North Dakota.

HANFORD NUCLEAR RESERVATION

Mr. GORTON. Mr. President, this afternoon I want to discuss the Hanford Nuclear Reservation, a place important to me, to the people of the State of Washington, and to the Nation.

Hanford, as my colleagues on both sides of this aisle continually point out, has had its share of problems and challenges for the Nation. That goes without saying when you are the caretaker to 80 percent of the Nation's spent plutonium and 177 tanks filled with millions of gallons of nuclear byproducts. Nuclear weapons production and its associated hangover—cleanup—are tasks that no one wants any more, not Oregon, California, New York, or Alaska. You name it, people in other States of this Nation have gladly accepted the benefits of the efforts conducted at Hanford, freedom provided by a strong nuclear deterrent, but they are relatively uninterested in the mess that is left behind.

Instead, Hanford's critics collectively plug their noses, complain about the lack of results they have received from the money invested in cleanup so far. Not only is that disdainful of Hanford's contribution to this Nation's security and freedom, but it is also plain wrong. Over the past 2 years, the Department of Energy, the Hanford community, and this Congress have made real progress toward getting on with real cleanup.

Mr. President, I would focus this afternoon on three things. I will tell you what has been achieved and actually cleaned up over the last 2 years; I will tell you what more can be expected; and I will make the case for why we need a continued investment in the site.

Cleanup successes at Hanford are beginning to pay off in a big way. The management strategy developed by the Department of Energy is increasing productivity for less money; its making the site a safer place to work; and it has tackled, albeit clumsily, the disturbing but necessary task of trimming the workforce.

With a focused management strategy, DOE allowed Hanford to perform the full projected $225 million environmental restoration work over the past 2 years with only $175 million. This is a $50 million dollar savings. More importantly, DOE canceled its cost-plus contracting, and entered into one of the most aggressive performance-based contracts in its entire complex. The work force has been cut by 4,774 jobs, and costs associated with equipment, inventory, training, and travel have all been slashed. Despite these cuts, important cleanup milestones are consistently met.

Workers at Hanford are in the field, pushing dirt rather than paper. Two years ago, 72 percent of Hanford's employees did paperwork, while only 28 percent actually did cleanup. Today, that field versus non-field ratio has flipped completely.

Here are some other accomplishments worth nothing:

2,300 metric tons of corroding spent nuclear fuel will be stabilized and moved away from the Columbia River three years ahead of schedule and $350 million under budget;

The cost of solid waste disposal has been reduced by 75 percent over the last 5 years, making the price of cleanup lower than commercial equivalents;

Decontamination of PUREX, the Plutonium Uranium Extraction Plant, is 16 months ahead of schedule, $47 million under budget and upon completion in 1997 will cut its annual mortgage cost from $34 million to less than $2 million;

450 unnecessary DOE regulations and orders have been eliminated;

The 50-year practice of discharging contaminated water to the ground soil has been terminated;

7.5 million gallons of water have been evaporated from the tank farms, slowing the leaks and avoiding $385 million in costs for new tanks;

Hanford workers have reduced the generation of new mixed radioactive waste by almost 200,000 gallons a year;

Safety performance at the site has jumped from the bottom 25 percent among DOE sites to the top 25 percent in the fiscal year 1994–95 timeframe;

Worker compensation costs have fallen as safety performance increased: $700,000 was saved on Hanford 6-month insurance and workers compensation bill alone;

17.1 million gallons of ground water were treated;

Over 20,000 cubic yards of contaminated soil were excavated, while 141,000 pounds of tetrachloride were removed from the ground water;

44,000 highly radioactive fuel spacers were removed from the Columbia River; and

The baseline costs for DOE's Remedial Action Project were reduced by $800 million and its scheduled improved by 9 years.

I could go on, but I am afraid I would lose the point of this discussion within

the nuances of technical achievements. That is just a part of what has been accomplished in the past 24 months. You can expect more.

WHERE WE ARE GOING AT HANFORD

This year, the House and Senate passed comprehensive legislation in the 1997 Defense Authorization Act to help lock in greater efficiencies at DOE sites. The legislation, sponsored by myself and DOC HASTINGS in the House, grants expanded authority to site managers to take quick action on cleanup projects; it places strict limits on costly paperwork studies; lays down a 60-day time limit on DOE headquarters review of budget transfers; and it establishes systems to demonstrate and deploy new technologies. Again, many thanks to my colleagues on the Armed Services Committee for their help in seeing this legislation passed.

Within the next few weeks, a new 5-year performance based contract, which will include incentives to ensure tax dollars are spent efficiently, will be awarded at the site. A new management and integrator system will be implemented where the lead contractor—much like on the space station project—will hire subcontractors at the most economical price to complete work at Hanford.

Finally, DOE is expected to award two private contracts to dispose of the 54 million gallons of radioactive waste upon completion of its removal from the 177 underground tanks situated at the site. And although I have generic questions over the scope and nature of DOE's tank waste remediation system project, I think privatization is the only way it will be able to meet its requirements to clean that portion of the site. The Department's pursuit of a two step cleanup process allows for new technologies and developments to be incorporated into the second phase of the project. It has been projected that by using private expertise, DOE is likely to reduce the costs of tank cleanup by as much as $13 billion. That is billion with a B.

We are going to take these three events and push the Hanford management system even harder. Greater productivity can be squeezed out of Hanford, and these initial first steps are a good start.

IT'S OUR STATE, OUR RIVER, THESE ARE OUR PEOPLE—WE ARE NOT GOING TO RETREAT

Last year in the conference on the energy and water appropriations bill, the House and Senate were locked in an intense struggle regarding increased funding for defense environmental restoration and waste management within the DOE complex. I told my entrenched colleagues from the House that this DOE is doing a better job than its predecessor. For Senator MURRAY, Senator HATFIELD, and myself, this is life or death. It's our State, our river, these are our people. We are not going to retreat. I have not changed my position from that conference one bit.

The people of the Tri-Cities and the Columbia River are critical to Washington's economic health. Granted, Hanford has been a nagging cough for some time. But we are beating the systemic problems at the site; we are driving costs down in terms of management, overhead, and superfluous expenses; we are getting on with cleanup.

President Clinton came to Congress with a budget proposal for nuclear waste cleanup which was woefully inadequate. The Senate rightly restored over $200 million to the defense environmental restoration and waste management account. It did not abandon Hanford, as this administration clearly did. We will not let up pressure to get this site clean, because to do so would be a tragic waste of the investment we have already made. An investment, which most of my colleagues know, totals in the billions.

So, Mr. President, I have outlined the progress we have made at Hanford, and I have pointed out where we intend to go. I hope my colleagues will acknowledge that Hanford cleanup is working. My colleagues need to recognize that, and push aside the stereotypes that for too long have been associated with Hanford. We can't forget what Hanford has contributed to the defense of this Nation, and we certainly should not back away from the commitment we have to get this site clean.

Mr. DOMENICI. Mr. President, I ask if there are any other Senators who would like to present their amendments? We can be here for a while if there are. Soon we are going to get wrap-up from the leader, a unanimous-consent here. I will try to get that quickly so we do not keep the Presiding Officer here.

We will have a quorum call so I will see if we can get that done expeditiously.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 75th ANNIVERSARY OF THE REHOBOTH BEACH PATROL

Mr. ROTH. Mr. President, I rise today to commemorate the 75th anniversary of the Rehoboth Beach Patrol [RBP] and the patrol's 75-year perfect safety record. Every summer, Rehoboth Beach, DE, is inundated with tens of thousands of vacationers from Delaware, Maryland, D.C., Virginia, and Pennsylvania. And every summer, the lifeguards of RBP reunite over 400 lost children with their parents, treat hundreds of injuries, and save scores of swimmers.

All too often, with people too busy at work, or in this case, too busy at play, years of work, dedication, and perfection go overlooked. It is only fitting and proper that RBP be recognized after so many perfect years of service.

With the leadership of Capt. Paul "Doc" Burnham in the 1940's, through the firm discipline of Capt. Frank "Coach" Coveleski in the 1950's through the 1970's, to current Capt. Jate Walsh, the swimmers of Rehoboth beach have been, and continue to be, guarded by the best Delaware has to offer. As for the future, Lieutenants Tom Coveleski and Derek Shockro strive to continue our great Delaware tradition into the next century.

On behalf of my fellow Delawareans, and the literally hundreds of thousands of vacationers that have enjoyed the safe beaches of Rehoboth for so many years, I say thank you. And best of luck to Rehoboth Beach Patrol, as it works on another 75 years of perfect service.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 25, the Federal debt stood at $5,181,309,194,639.37.

On a per capita basis, every man, woman, and child in America owes $19,525.39 as his or her share of that debt.

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 203. Concurrent resolution providing for an adjournment of the two Houses.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into

balers and compactors that meet appropriate American National Standards Institute design safety standards.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on July 2, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. DADE, Mr. MYERS of Indiana, Mr. PORTER, Mr. HOBSON, Mr. WICKER, Mr. LIVINGSTON, Mr. HEFNER, Mr. FOGLIETTA, Mr. TORRES, Mr. DICKS, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3448) to provide tax relief for small business, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that act, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill (except for title II) and the Senate amendment numbered 1, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. GIBBONS, and Mr. RANGEL.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of sections 1704(h)(1)(B) and 1704(l) of the House bill and sections 1421(d), 1442(b), 1442(c), 1451, 1457, 1460(b), 1460(c), 1461, 1465, and 1704(h)(1)(B) of the Senate amendment numbered 1, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, Mr. BALLENGER, Mr. CLAY, and Mr. OWENS.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title II of the House bill and the Senate amendments numbered 2–6, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, Mr. BALLENGER, Mr. RIGGS, Mr. CLAY, Mr. OWENS, and Mr. HINCHEY.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. BONILLA, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. PARKER, Mr. LIVINGSTON, Mr. DIXON, Mr. SERRANO, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3535. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the China Joint Defense Conversion Commission; to the Committee on Armed Services.

EC–3536. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Book-entry Procedures for Federal Agricultural Mortgage Corporation Securities," (RIN3052–AB70) received on July 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3537. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations," received on July 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3538. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," received on July 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3539. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation K," received on July 25, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3540. A communication from the Assistant Chief Counsel, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks," received on July 24 1996; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. REID):

S. 1993. A bill to require certain expenditures by the Federal Reserve System to be made subject to congressional appropriations, to prohibit the maintenance of surplus accounts by Federal reserve banks, to provide for annual independent audits of Federal reserve banks, to apply Federal procurement regulations to the Federal Reserve System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 1994. An original bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. WARNER (for himself, Mr. FORD, Mr. ROBB, Mr. MOYNIHAN, Mr. SIMPSON, Mr. COCHRAN, and Mr. GLENN):

S. 1995. A bill to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. 1996. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary.

By Mr. SIMON:

S. 1997. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

By Mr. ASHCROFT:

S.J. Res. 57. A joint resolution requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. HELMS, Mr. BENNETT, and Mr. FAIRCLOTH):

S. Res. 283. A resolution to express the sense of the Senate concerning creation of a new position in the White House as Senior Advisor on Religious Persecution; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 284. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself and Mr. REID):

S. 1993. A bill to require certain expenditures by the Federal Reserve System to be made subject to congressional appropriations, to prohibit the maintenance of surplus accounts by Federal Reserve banks, to provide for annual independent audits of Federal Reserve banks, to apply Federal procurement regulations to the Federal Reserve System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL RESERVE FISCAL RESPONSIBILITY ACT OF 1996

Mr. DORGAN. Mr. President, today Senator REID and I are introducing legislation to eliminate the kinds of budgetary excesses and accountability lapses at the Federal Reserve Board that were recently uncovered by the General Accounting Office [GAO]. At a time when many Federal agencies are downsizing and making tough choices about their spending priorities, the Federal Reserve ought to be tightening its belt too. Regrettably, however, the opposite appears to be the case at the Federal Reserve.

During the past several years, Congress has embarked on a historic and painful path toward deficit reduction. Since 1993, the Federal deficit has been slashed by more than one half.

The Federal Reserve Board's Chairman, Alan Greenspan, has been one of the loudest cheerleaders for deficit reduction. But a one-of-a-kind GAO report about Federal Reserve expenditures between 1988 and 1994 shows us that Chairman Greenspan apparently hasn't been practicing what he preaches.

A few weeks ago, the GAO released the final version of its comprehensive report about the management of the Federal Reserve System. This report, which took the GAO over 2 years to assemble, uncovers disturbing financial practices and management failures within the Federal Reserve System. The report is packed with examples where the Fed could substantially trim costs, and makes specific recommendations for changes in Fed operations. Unfortunately, the Federal Reserve has already dismissed most of the GAO's recommendations as irrelevant or unnecessary.

The GAO report shows that during the late 1980's and early 1990's that Federal Reserve expenditures jumped by twice the rate of inflation. While Fed employee benefits and travel costs are out-pacing inflation, the rest of the Federal Government has been downsizing. For example, between 1988 and 1994, Federal Reserve employee benefit costs skyrocketed by nearly 100 percent—as compared to about 60 percent for the Federal Government—according to the GAO report.

The report also reveals that over 120 Federal Reserve employees actually make more than Chairman Greenspan. In fact, overall personnel cost increases at the Federal Reserve represented over 70 percent of the total growth in the Fed's operating expenses during the years examined by the GAO. This runaway spending is remarkable given Chairman Greenspan's rhetoric about the need for belt-tightening in the rest of the government.

Inexplicably the Federal Reserve also keeps a $3.7 billion cash surplus account of taxpayer's money to protect against losses, despite the fact that the Fed hasn't suffered a loss for 79 consecutive years.

Senator REID and I are introducing legislation today to address these problems. Our bill, the Federal Reserve Fiscal Responsibility Act of 1996, includes many of the changes recommended by the GAO. It would do the following:

First, the GAO, in consultation with the Federal Reserve, will identify and report to Congress a list of the Federal Reserve System activities that are not related to the making of monetary policy. After the report is completed, all nonmonetary policy expenditures, as identified by the GAO, would be subject to the congressional appropriation process. We do not intend to inject politics into monetary policy with this provision. However, over 90 percent of the Fed's operations have nothing to do with interest rate policy according to the GAO. And there is simply no good reason why the Fed's nonmonetary expenditures are immune from the same kind of oversight and review required of other Federal agencies.

Second, the Federal Reserve is required to immediately return more than $3.7 billion of taxpayer's money that has unnecessarily accumulated in its surplus account to the Treasury. In addition, the bill asks the GAO to determine the extent to which any of the Fed's future net earnings should be transferred to the general fund of the Treasury each year.

Third, the regional Federal Reserve banks will be subjected to annual independent audits. This provision merely codifies what the Federal Reserve has been doing for the most part in recent practice.

Finally, the Federal Reserve will be required to follow the same procurement and contracting rules that apply to other Federal agencies. These rules should help to prevent the kinds of favoritism highlighted in the GAO report and increase competition among contract bidders with the Fed. This requirement ought to substantially reduce procurement costs on a system-wide basis.

I invite my colleagues to join us as cosponsors of this much-needed legislation.

Mr. REID. Mr. President, I rise today with the Senator from North Dakota to introduce legislation which we believe will improve fiscal management within the Federal Reserve System.

In September 1993, Senator BYRON DORGAN and I requested a General Accounting Office [GAO] investigation of the operations and management of the Federal Reserve System [Fed]. We were concerned because no close examination of the Fed's operations had ever been conducted before. As Congress scrutinizes each Federal expenditure in an attempt to balance the budget, it is imperative that we be well informed on all activities that affect the Government's finances. Surprisingly, this GAO study was the very first look into the internal operations of the Fed and, to date, there has never been an annual, independent audit of the Nation's central banking system. Further, because of its self-financing nature, the Fed's operating costs have largely escaped public investigation. It was high-time we opened the door and examined the workings of this large and influential public entity.

The landmark GAO report, issued in June 1996, raises serious questions about management within the Fed. One of the most astonishing findings of this comprehensive, 2-year study was that the Fed had squirreled-away $3.7 billion in taxpayer money in a surplus fund, which it claims is needed to cover system losses. In its entire 79 year history, however, the Fed has never operated at a loss. The GAO report indicates that this fund could be safely reduced or eliminated and returned to the Treasury Department, as is standard practice with surplus revenues. It is nonsensical for this cash to be sitting idle at the Fed instead of being used to reduce the deficit.

While the rest of the Federal Government has tightened its belt and downsized, the GAO report revealed that the Fed has enjoyed enormous growth in its operating costs and highly questionable growth in its staffing. The GAO study found that operating costs at the Fed have grown 50 percent between 1988 and 1994, a rate twice that of inflation and much greater than overall Federal discretionary spending. The study also uncovered salary growth at a rate of 44 percent between 1988 and 1994. During the same time period, personnel benefits skyrocketed nearly 90 percent. Further, the GAO report revealed nonuniform travel policies and an excessive 66 percent increase in travel expenses.

The picture the GAO report paints of the internal management of the Fed is

one of conflicting policies, questionable spending, erratic personnel treatment, and favoritism in their procurement and contracting policies. The report makes it clear that the Fed could do much more to increase its fiscal responsibility, particularly as it urges parsimonious practices by all other Federal agencies.

The compelling evidence offered by the GAO report indicates that many of the practices of our Nation's central bank should change, especially when their budgetary excesses represent a direct cost to taxpayers. The surplus fund, along with increasing bloat, perks, and benefits begs greater accountability. For these reasons, I rise today with my colleague from North Dakota, Senator DORGAN, to introduce the Federal Reserve Fiscal Responsibility Act of 1996. This measure follows some of the recommendations of the GAO report and seeks to improve the Fed's fiscal management.

The Federal Reserve Fiscal Responsibility Act of 1996, requires the Comptroller General of United States, in cooperation with the Fed Board, to identify the functions and activities of the Board and of each Fed bank which relate to U.S. monetary policy. After September 30, 1997, all nonmonetary policy expenses of the Federal Reserve System will be subject to the congressional appropriations process. Surprisingly, the monetary policy expenses represent less than 7 percent of the Fed's annual expenses. Our bill would subject the Fed to the cost reduction pressures that affect other public agencies, and ensure congressional oversight over the Fed's questionable spending of taxpayer money.

Further, the Federal Reserve Fiscal Responsibility Act addresses the disturbing matter of the surplus fund. It requires the transfer of all Fed surplus funds to the Secretary of the Treasury for deposit in the general fund of the Treasury. This would occur 30 days after enactment of the legislation. Annually thereafter, the Comptroller General of the United States will determine what percentage of the net earnings of the Federal Reserve banks should be deposited back in the Treasury. This provision would free-up this money for use in deficit reduction.

Our bill also will apply regular Federal procurement procedures to the Fed Board and to each Federal Reserve bank. This will eliminate the possibility of favoritism and conflict of interest in procurement and contracting policies.

Finally, and perhaps most significantly, our measure would require an annual, independent audit of the Fed. An annual audit is fiscally sound policy which would instill greater public confidence in our banking system.

I want to make it very clear that I am not attempting to interfere with, or impugn, the monetary policy of the Fed. I am merely seeking greater accountability in the operating expenses and internal management of one of our most influential institutions.

I look forward to greater discussion of this issue by Congress, and encourage the committee to give favorable consideration to our legislation.

By Mr. WARNER (for himself, Mr. FORD, Mr. ROBB, Mr. MOYNIHAN, Mr. SIMPSON, Mr. COCHRAN, and Mr. GLENN):

S. 1995. A bill to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

THE SMITHSONIAN INSTITUTION NATIONAL AIR AND SPACE MUSEUM DULLES CENTER AT WASHINGTON DULLES INTERNATIONAL AIRPORT AUTHORIZATION ACT OF 1996

Mr. WARNER. Mr. President, I am pleased to introduce legislation on behalf of myself, and Senators FORD, ROBB, MOYNIHAN, SIMPSON, COCHRAN, and GLENN. This legislation would authorize the Board of Regents of the Smithsonian Institution to construct the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport. The legislation clearly states that no appropriated funds may be used to pay any expense of the construction of the center. Funds for the construction will be privately raised and in fact this legislation permits the Smithsonian to move forward with a fundraising drive.

In 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. In 1993, after 10 years of hard work by the Smithsonian Institution, the Virginia congressional delegation, five Virginia Governors, and many local officials, Congress passed and the President signed legislation authorizing the Smithsonian Institution to plan and design the National Air and Space Museum Extension at Washington Dulles International Airport.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of air and spacecraft in the world. However, due to the limited exhibition space in The Mall building coupled with the size and weight of many of the artifacts, only 20 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29 *Enola Gay* and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to America and the possibilities which it holds for the future.

The Air and Space Museum Dulles Center will allow approximately 65 percent of the Smithsonian's air and spacecraft collection to be on display. The center will also allow visitors to view the restoration operations and see first-hand how historic air and spacecraft are preserved.

Mr. President, I call on every Member of the Senate to support this legislation which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. Air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first-hand the magnitude and significance of America's technological achievements.

By Mr. BIDEN:

S. 1996. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary.

THE HEALTHY FAMILIES ACT OF 1996

Mr. BIDEN. Mr. President, I rise to offer a bill that I believe represents an important step forward in the fight against child abuse and crime.

This legislation will make healthy families programs eligible for funding under the local crime prevention block grant, in the 1994 crime law. Essentially, this bill would add the healthy families program to the list of prevention programs eligible for funding under the block grant.

The link between child abuse and later involvement in violence and crime is becoming ever more clear. According to a 1992 Justice Department report, 68 percent of youths arrested had a prior history of abuse and neglect, and abused girls were 77 percent more likely than nonabused girls to be arrested as juveniles.

The healthy families initiative has proven to be very successful in combating this cycle of violence. The program was pioneered in Hawaii in the 1980's. According to the Hawaii Department of Health, 2,254 at-risk families received healthy families services over a 5-year period. Out of that total, abuse was reported in only 16 families. This success shows that the program was able to prevent abuse in 99.3 percent of at-risk families in Hawaii.

The success of this program is based on the voluntary, comprehensive, and

culturally appropriate home visitor systems. These systems provide parenting education that focuses on parenting skills, child development, child health, and support services for new parents, in order to prevent or decrease the risk of child abuse.

As a result of this success, the program has now spread to other communities throughout the United States. The money which would be provided under the block grant, would help other communities create these greatly needed healthy families programs.

Spending money on child-abuse prevention is a sound investment. Not only will it create future savings in the judiciary system and other social services, but even more importantly it's an investment in the lives of our children.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing today appear in the RECORD.

The being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENT EDUCATION SYSTEM.

Section 30201(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"(O) Voluntary, comprehensive, and culturally-appropriate home visitor systems that provide parenting education that focuses on parenting skills, child development, child health, and support services for new parents to prevent or decrease the risk of child abuse. To avoid duplication of services, a system developed pursuant to this paragraph shall be coordinated with other organizations that provide services to children, particularly infants.".

By Mr. SIMON:

S. 1997. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

THE PRESIDENTIAL SUCCESSION CLARIFICATION ACT

Mr. SIMON. Mr. President, today I introduce the Presidential Succession Clarification Act.

Much has been said and written about the laws of succession following the death of a sitting President. In general, these laws clearly and precisely provide for the transfer of Presidential power.

The laws of succession, however, do not adequately address the possibility that a Presidential candidate might die during the voting period itself—by that I mean during the period beginning roughly with the popular election in mid-November and ending with the formal naming of the President-elect in early January.

A candidate's death during this 2-month period could seriously disrupt the voting process and raise doubts about the election results. The seriousness of these problems would depend on the precise point in time at which the death occurred. A hearing that was held in the 103d Congress on this subject highlighted the various scenarios in which legal ambiguities could lead to electoral crises.

Broadly speaking, the act, which I introduced in the last Congress, addresses three distinct situations:

First, let us suppose that a Presidential candidate dies after the electoral delegates have cast their votes but before those votes are counted. If the deceased would have won the election, who is now President elect? Scholars disagree on the answer.

Second, suppose that a major party candidate dies immediately before the popular election, or immediately prior to the time that the electoral college delegates vote. Would it not make sense to give the voters a couple of weeks to adjust to this unsettled situation?

Third, suppose that no candidate wins a majority of the electoral votes, and that the election is thrown into the House of Representatives as a result. If one of the candidates should die at this point, is the House permitted to consider an alternative candidate?

The act provides answers for each of these, admittedly complex, questions. None of these scenarios, of course, is likely to occur during any election cycle. But any one of them could lead to confusion and uncertainty at a time when clarity and stability would be vital. Prudence dictates that we should act now, while we have the time for calm reflection, rather than wait for a possible crisis to catch us unprepared.

By Mr. ASHCROFT:

S.J. Res. 57. A joint resolution requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

GROWTH ECONOMIC AGENDA JOINT RESOLUTION

Mr. ASHCROFT. Mr. President, the joint resolution I am introducing lays the groundwork for the progrowth economic agenda of the next millennium. Senator ABRAHAM, Senator CRAIG, Senator GRAMS, and Senator KYL have joined with me in offering this proposal.

The method of analysis we now use to determine how much a tax cut costs the Government, or a tax hike costs the taxpayers, is hopelessly inaccurate. For example, the 1990 luxury tax increase took in $14 million less than the $31 million the Joint Tax Committee [JCT] predicted it would in fiscal year 1991. The 1986 Tax Reform Act lowered income tax rates while hiking capital gains taxes. The Congressional Budget Office at the time underestimated income tax revenues over the following 3 years by $56 billion and overestimated the 5-year take from capital gains tax revenues by $115 billion. It has also been established that the CBO grossly overestimated capital gains tax revenues by over 100 percent in most years between 1989 and 1995. Finally, the fiscal year 1991 budget, issued before the 1990 budget summit at Andrews Air Force Base, contained a 5-year forecasting error of $1 trillion.

Every Member of Congress relies on CBO's and the Joint Tax Committee's [JCT] projections in deciding how to vote on legislation. Quite simply, we cannot make good decisions if we do not have good data.

These flawed calculations were made using a static economic model that assumes generally that Americans do not change their behavior, such as their spending habits and investment levels when Congress saddles them with higher taxes. The consistent level of inaccuracy in static economic analysis threatens our ability to both reduce the deficit and reduce the current unprecedented tax burden on the American public.

The problem with static economic analysis is its failure to account for the impact that changes in the level of taxes, or the amount of Government spending, will have on the average citizen's behavior. Static estimates assume that the economy's overall performance is generally unaffected for the most part by changes in policy, regardless of how much individuals or businesses must pay in taxes. When we assume that Americans will not change their spending and investment patterns to avoid paying new taxes, we ignore human nature. People generally seek to maximize the value of their dollars and their paychecks.

One well-known apostle of the static economic model; the current Chairman of the Council of Economic Advisors, Laura Tyson, recently went so far to as to state that "* * * there is no relationship between the levels of taxes a nation pays and its economic performance." Such an attitude is the equivalent of an ostrich hiding its head in the sand. Dynamic economic analysis is the principal tool used in private firms and most universities which make estimates and construct models for economic analysis for the private sector.

One of the most successful economic models is the dynamic model used by Lawrence H. Meyers & Associates, an economic forecasting firm in St. Louis. Not only has this model received the Annual Blue Chip Economic Forecasting Award in 1993 and 1995, but Lawrence Meyers himself was recently appointed by President Clinton as a Governor to the Federal Reserve.

By relying on static analyses, Congress is limited to a dangerously myopic and usually inaccurate view of how our laws and our actions affect the Nation. There is a formidable argument that static analysis has played an integral role in exploding our deficits.

That is because static analysis often overestimates the Government's revenue from a tax increase and then relies on such overestimates as the basis for projecting decreases in the Federal deficits and the Nation's debt. As a result the projected revenues never materialize and annual deficits increase.

This problem is compounded by the fact that static analysis also generally underestimates the actual cost to the Government of spending increases and thus contributes to even larger than expected budget deficits. Such inaccurate predictions of what programs will cost lead legislators to make bad decisions. This phenomenon helps explain why every dollar raised in higher taxes has traditionally resulted in $1.58 in new Government spending since 1947.

By adding a more accurate method of analyzing fiscal proposals, Congress will have better information as it evaluates legislation. Adding dynamic scoring analysis will help us eliminate Congress' institutional bias toward higher taxes, increased spending, bigger deficits, and a ballooning national debt.

Mr. President, I emphasize that this resolution does not seek to replace the current static analysis model. It merely states that dynamic estimating techniques should also be used, in addition to current techniques, in determining the fiscal impact of proposed changes in Federal revenue law. Under this resolution, the Joint Committee on Taxation [JCT] and the Congressional Budget Office [CBO] would prepare an estimate of each proposed change in Federal revenue law on the basis of assumptions that estimate the probable behavioral responses of individual and business taxpayers, and the macro-economic feedback effects of any proposed change. This requirement will only apply to changes in the law which would have an effect of $100 million or more.

I want to note that this proposal is a companion measure to House Resolution 170, introduced by Representative TOM CAMPBELL of California and to a similar proposal included in the 1997 legislative appropriations bill passed by the House. TOM CAMPBELL has worked tirelessly to promote a pro-growth agenda. He has refused to sacrifice the standard of living of hard-working Americans on the altar of static economic analysis.

Dynamic economic analyses of tax cut proposals would take into account the acknowledged growth effects of tax cuts on the American economy. In fact, these growth effects could be used in calculating the amount of spending cuts needed to offset a tax cut so that we accurately measure any reduction in revenue and do not increase the deficit. For example, using dynamic scoring for the payroll tax deduction I proposed—The Working Americans Wage Restoration Act S. 1741—the tax deduction would be budget neutral in the first year. In other words, the relief offered by the payroll tax deduction would generate enough new revenue by growing the economy, that the proposal would pay for itself.

Here is how. Based on a preliminary analysis, the payroll tax deduction is projected to increase the Gross Domestic Product [GDP] by 0.5 percent annually. According to the Office of Management and Budget, a 0.5 percent rise in GDP would expand the tax base and increase Federal receipts by $30 billion per year—more than enough to pay for the payroll tax deduction in the first year. However, the Budget Act requirement that tax cuts be paid for by spending cuts would still apply. Dynamic analysis would simply allow lawmakers and the public to understand the growth effects and judge this proposal's—and other proposals'—worthiness accordingly.

In calculating a tax cut's dynamic economic effects, the government would be more realistic in its view of how government economic policies affect the economy. Under the current system of static analysis, our budget forecasters produce skewed numbers causing Congress to make flawed decisions that drain the wallets of working Americans.

This proposed resolution also opens up the congressional economic analysis process to much needed sunshine. Presently, we draft changes to the Federal Tax Code, submit these changes to the Joint Committee on Taxation for a revenue estimate and wait for the magic numbers to appear. It is time to bring sunshine into the black box of Federal forecasting. This resolution would do just that. Any report made by the JCT or the CBO that contains an estimate of revenue effects must be accompanied by a written statement fully disclosing the economic, technical, and behavioral assumptions that were made in producing both the static and the dynamic estimate.

Last, under this joint resolution the JCT and the CBO may enter into contracts with universities or other private or public organizations to perform dynamic analysis or to develop protocols and models for making such estimates.

By reforming the way we calculate the economic effects of congressional proposals, we pave the way for an overall lowering of the average American's tax burden by reducing the current forecasting method's prejudice against pro-growth policies. This resolution will simply provide more information to Members of Congress and the public so that Congress can better determine the benefits of proposed legislation. It will open up the budget forecasting process and permit more tools of measurement, so that over time we will have a clearer and more accurate understanding of the effects of the laws we pass.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 1355

At the request of Mr. DORGAN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to end deferral for U.S. shareholders on income of controlled foreign corporations attributable to property imported into the United States.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1726

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1726, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 1908

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1908, a bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

S. 1964

At the request of Mr. BINGAMAN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1964, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals.

AMENDMENT NO. 5059

At the request of Mr. D'AMATO his name was added as a cosponsor of amendment No. 5059 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

SENATE RESOLUTION 283—RELATIVE TO THE CREATION OF A NEW POSITION IN THE WHITE HOUSE

Mr. SPECTER (for himself, Mr. HELMS, Mr. BENNETT, and Mr. FAIRCLOTH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 283

(a) FINDINGS.—The Senate finds that—

(1) Americans are increasingly concerned about anti-Christian persecution overseas, including rape, torture, enslavement, imprisonment, killings, mutilations, discrimination and mistreatment of Christians, and the fact that far too many foreign governments systematically deny their Christian citizens religious liberty;

(2) reports indicate that the Government of Sudan is currently involved in the enslavement of the Christian populations of southern Sudan. Today in Sudan, a human being can be bought for as little as fifteen dollars. It has been estimated that in the last six years, more than 30,000 children have been taken from their homes, forcibly interned in "cultural cleansing camps," forced to accept Islam and then moved to the front lines of Sudan's civil war;

(3) in China, there are reports of the imprisonment and detention of many Chinese Christians under a 1994 law which restricts religious freedom. It has been reported that in 1992, Protestant leader Zheng Yunsu was arrested and sentenced to twelve years in jail simply for practicing his religion. Additionally, between October 1994 and June 1995, more than 200 Christians were apparently detained in the Henan province. One of those arrested, Ren Ping, was sentenced, without trial, to three years of reeducation through labor. According to Amnesty International, more than thirty Chinese Catholics in Jiangzi province were arrested and severely beaten while celebrating Easter Mass earlier this year;

(4) in the Muslim-controlled Oromo region of Ethiopia, reports indicate that in 1994, officials raided the area's largest Christian Church and arrested most of its congregants. Many of those arrested died while in prison. The leader of the congregation was tortured and his eyes were plucked out;

(5) in several Islamic countries conversion to Christianity from Islam is a crime punishable by death;

(6) it has been reported that Christians have been effectively excluded from the political process in many countries. In Pakistan, for example, Christian can vote only for token representatives to the National Assembly;

(7) there is no Senior Advisor on religious persecution in the White House to ensure that anti-Christian persecution overseas is given top priority by White House and to coordinate efforts to combat such persecution; and

(8) the President had committed, in January 1996, to appoint a White House Senior Advisor on religious persecution, but has yet to do so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should proceed forward as expeditiously as possible by appointing a White House Senior Advisor on religious persecution.

Mr. SPECTER. Mr. President, on behalf of Senators HELMS, BENNETT, and FAIRCLOTH, I am submitting a sense-of-the-Senate resolution to highlight the top priority that must be given to combating religious persecution in foreign countries. This resolution calls on President Clinton to live up to his commitment, made in January 1996, to appoint a White House senior advisor on religious persecution.

The persecution of Christians and other religious minorities is a growing problem. In countries such as Saudi Arabia, Sudan, China, and Ethiopia, among other countries, Christians are systematically denied their religious liberties. Christians have been the victims of rape, torture, enslavement, imprisonment, killings, mutilations, and discrimination simply because of their religious beliefs. The governments of these countries all too often tacitly, or even openly, endorse this sectarian violence.

According to human rights organizations, the Sudanese Government is essentially waging a war against its Christian population. The government's campaign against the Christian and non-Muslim populations of southern Sudan has resulted in more than 1.3 million deaths and the displacement of over 3 million people. Equally shocking are reports that the Sudanese Government is involved in the enslavement and forced internment and conversion of the Christian populations from the southern regions of Sudan. In the last 6 years more than 30,000 non-Muslim children have reportedly been abducted by agents of the Sudanese Government, taken from their homes and families, forcibly interned in high-security "cultural cleansing" camps, forced to convert to Islam and then sent to the front lines of Sudan's civil war.

Of course anti-Christian persecution and sectarian violence extends far beyond Sudan. In the Muslim-controlled Oromo region of Ethiopia, reports indicate that government officials raided the area's largest Christian church and arrested most of its congregants. Many of those arrested in this 1994 raid died while in prison. The leader of the congregation was tortured and his eyes were torn from their sockets.

In Egypt, a country generally noted for its religious tolerance, Christians are increasingly the targets of militant Islamist terrorist attacks on the streets as well as more subtle persecution in the courts and businesses. Christians are also often denied participation in the Egyptian political process.

Persecution of Christians is by no means limited to the Islamic world. It is reported that the Chinese Government has harassed and imprisoned many Chinese Christians simply for practicing their religion. In 1992, Protestant leader Zheng Yunsu was arrested and sentenced to 12 years in prison because of his faith. Other reports indicate that between October 1994 and June 1995, more than 200 Christians were detained in the Hunan Province in a crackdown on unregistered Protestant house churches. One of those arrested, Ren Ping, was sentenced, without trial, to 3 years of "reeducation" through labor. According to Amnesty International, more than 30 Chinese Catholics were arrested and severely beaten by the police while celebrating Easter Mass earlier this year.

Examples of such religious persecution abound. The time has come for the United States to stand up for the right of all people to enjoy the fundamental freedom of religious faith. Without further delay, the White House should fulfill its commitment to appoint a senior advisor to the President dedicated to combating religious persecution overseas.

SENATE RESOLUTION 284—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas, the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union (HEREIU) has requested that the Permanent Subcommittee on Investigations provide him with copies of subcommittee records relevant to the monitor's oversight of a consent decree enjoining members of the HEREIU from violating the Racketeer Influenced and Corrupt Organizations Act (RICO) or knowingly associating with organized crime figures;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the court-appointed monitor of HEREIU copies of memoranda and transcripts of interviews conducted by Subcommittee staff that the monitor has requested for use in connection with the monitor's oversight of the consent decree.

AMENDMENTS SUBMITTED

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

COATS (AND OTHERS) AMENDMENT NO. 5092

Mr. COATS (for himself, Mr. LEVIN, Mr. SPECTER, Mr. BAUCUS, Mr. MCCONNELL, and Mr. ROBB) proposed an

amendment to the bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

(a) INTERSTATE WASTE.—

(1) INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

(A) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

"(a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

"(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(C) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

"(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

"(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

"(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

"(iii) In calendar year 2003, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

"(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

"(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste more than the following amounts of municipal solid waste:

"(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

"(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

"(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

"(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

"(V) In calendar year 2000, 1,000,000 tons.

"(VI) In calendar year 2001, 750,000 tons.

"(VII) In calendar year 2002 or any calendar year thereafter, 550,000 tons.

"(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

"(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State's intention to impose the requirements of this section;

"(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

"(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities and the Governor of the importing State may only apply subparagraph (A) or (B) but not both.

"(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(C).

"(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

"(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

"(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall be applied to all States in violation of paragraph (3).

"(6) ANNUAL STATE REPORT.—

"(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-State municipal solid waste. Within 120 days after enactment of this section and on May 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

"(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste. States making submissions referred to in this section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.

"(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste. The list for any calendar year shall be published by June 1 of the following calendar year.

For purposes of developing the list required in this section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this section, nor to verify data provided by the States pursuant to this section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this section shall be final and not subject to judicial review.

"(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

"(7) Any affected local government that intends to submit a request under paragraph (1) or take formal action to enter into a host community agreement after the date of enactment of this subsection shall, prior to taking such action—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

"(C) provide an opportunity for public comment; and

"(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

"(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

"(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

"(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

"(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

"(D) A description of environmental controls to be utilized at the facility.

"(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

"(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) The authority to prohibit the disposal of out-of-State municipal solid waste provided under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

"(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

"(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

"(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

"(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) at facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

"(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

"(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

"(A) that is permitted under Federal or State law;

"(B) that is identified under the State plan; and

"(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

"(d) COST RECOVERY SURCHARGE.—

"(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

"(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

"(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

"(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1.00 per ton of waste.

"(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

"(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

"(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

"(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

"(iii) the surcharge is compensatory and is not discriminatory.

"(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or its political subdivision or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

"(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

"(7) DEFINITIONS.—As used in this subsection:

"(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs associated with technical assistance, data management, and collection of fees.

"(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

"(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

"(1) to have any effect on State law relating to contracts; or

"(2) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators within the jurisdiction of a State may accept during a prescribed period: *Provided* That such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

"(f) DEFINITIONS.—As used in this section:

"(1)(A) The term 'affected local government', used with respect to a landfill or incinerator, means—

"(i) the public body created by State law with responsibility to plan for municipal solid waste management, a majority of the members of which are elected officials, for the area in which the facility is located or proposed to be located; or

"(ii) the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located.

"(B)(i) Within 90 days after the date of enactment of this section, a Governor may designate and publish notice of which entity listed in clause (i) or (ii) of subparagraph (A) shall serve as the affected local government for actions taken under this section and after publication of such notice.

"(ii) If a Governor fails to make and publish notice of such a designation, the affected local government shall be the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

"(C) For purposes of host community agreements entered into before the date of publication of the notice, the term means either a public body described in subparagraph (A)(i) or the elected officials of any of the public bodies described in subparagraph (A)(ii).

"(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out of State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State waste is also included.

"(3) The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

"(4) The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

"(A) any solid waste identified or listed as a hazardous waste under section 3001;

"(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

"(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

"(D) any solid waste that is—

"(i) generated by an industrial facility; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company in which the generator of the waste has an ownership interest;

"(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

"(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

"(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

"(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

"(6) The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to any place of origin, reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources outside the State.

"(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.".

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

(2) NEEDS DETERMINATION.—The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

(A) it is done in a manner that is not inconsistent with the provisions of this section;

(B) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the State for the facility; and

(C) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility.

(b) FLOW CONTROL.—

(1) STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.), as amended by subsection (a)(1)(A), is amended by adding after section 4011 the following new section:

"SEC. 4012. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

"(a) DEFINITIONS.—In this section:

"(1) DESIGNATE; DESIGNATION.—The terms 'designate' and 'designation' refer to an authorization by a State, political subdivision, or public service authority, and the act of a State, political subdivision, or public service authority in requiring or contractually committing, that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

"(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct such solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

"(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

"(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

"(B) does not include—

"(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

"(iii) medical waste listed in section 11002;

"(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

"(v) recyclable material; or

"(vi) sludge.

"(4) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—

"(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;

"(B) other body created pursuant to State law; or

"(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.

"(5) PUT OR PAY AGREEMENT.—(A) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

"(i) deliver a minimum quantity of municipal solid waste to a waste management facility; and

"(ii) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

"(B) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

"(C) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

"(6) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).

"(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.

"(b) AUTHORITY.—

"(1) IN GENERAL.—Each State, political subdivision of a State, and public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or facility for recyclable material, if such flow control authority—

"(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

"(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action;

"(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste

or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994.

"(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a movement to a waste management facility was actually applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority prior to May 15, 1994, had committed to the designation of a waste management facility).

"(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.

"(4) DURATION OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective until the later of—

"(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);

"(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994); or

"(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—

"(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or

"(iii) expansion of the facility on land that is—

"(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and

"(II) covered by the permit for the facility (as in effect May 15, 1994).

"(5) ADDITIONAL AUTHORITY.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

"(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

"(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

"(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

"(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

"(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

"(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

"(c) COMMITMENT TO CONSTRUCTION.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1) (A) and (B), any political subdivision of a State may exercise flow control authority under subsection (b), if—

"(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

"(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.

"(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.

"(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:

"(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained prior to May 15, 1994.

"(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect prior to May 15, 1994.

"(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility.

"(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

"(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1) (A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

"(1) the facility was fully licensed and in operation prior to May 15, 1994;

"(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

"(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

"(4) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

"(e) CONSTRUCTED AND OPERATED.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

"(1) prior to May 15, 1994, the political subdivision—

"(A) contracted with a public service authority or with its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, in order to support revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

"(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued in the name of public service authorities for waste management facilities; and

"(2) prior to May 15, 1994, the public service authority—

"(A) issued the revenue bonds or had issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

"(B) commenced operation of the facilities. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

"(f) STATE-MANDATED DISPOSAL SERVICES.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

"(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the county;

"(2) is required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

"(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law, ordinance, regulation, contract, or other legally binding provision;

"(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid

waste management facilities to which the political subdivision's waste is to be delivered; and

"(5) the authority under this subsection shall be exercised in accordance with section 4012(b)(4).

"(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

"(1) the solid waste district, political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

"(2) prior to May 15, 1994, the solid waste district, political subdivision or municipality within said district—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

"(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

"(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

"(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

"(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

"(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

"(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

"(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

"(i) RETAINED AUTHORITY.—

"(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of such waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of such waste.

"(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

"(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of that authority will be used for solid waste management services or related landfill reclamation.

"(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act of a State or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

"(l) EFFECT ON EXISTING LAWS AND CONTRACTS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to have any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

"(2) STATE LAW.—Nothing in this section shall be construed to authorize a political subdivision of a State to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

"(A) authorizes a State or political subdivision of a State to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

"(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

"(m) REPEAL.—(1) Notwithstanding any provision of this title, authority to flow control by directing municipal solid waste or recyclable materials to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

"(2) This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

"(n) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

"(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

"(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901), as amended by subsection (a)(1)(B), is amended by adding after the item relating to section 4011 the following new item:

"Sec. 4012. State and local government control of movement of municipal solid waste and recyclable material.".

(c) GROUND WATER MONITORING.—

(1) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended—

(A) by striking "CRITERIA.—Not later" and inserting the following: "CRITERIA.—

"(1) IN GENERAL.—Not later"; and

(B) by adding at the end the following new paragraph:

"(2) ADDITIONAL REVISIONS.—Subject to paragraph (2), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

"(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

"(B) the municipal solid waste landfill unit or expansion serves—

"(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevents access to a regional waste management facility; or

"(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

"(3) PROTECTION OF GROUND WATER RESOURCES.—

"(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

"(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill

unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

"(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

"(4) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements of the criteria described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This subsection shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(5) NO-MIGRATION EXEMPTION.—

"(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

"(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

"(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

"(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow States to promulgate alternate design, operating, landfill gas monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average: *Provided* That such alternate requirements are sufficient to protect human health and the environment.".

(2) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by paragraph (1), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

(d) STATE OR REGIONAL SOLID WASTE PLANS.—

(1) FINDING.—Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(A) by striking the period at the end of paragraph (4) and inserting "; and"; and

(B) by adding at the end the following:

"(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.".

(2) OBJECTIVE OF SOLID WASTE DISPOSAL ACT.—Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(A) by striking "and" at the end of paragraph (10);

(B) by striking the period at the end of paragraph (11) and inserting "; and"; and

(C) by adding at the end the following:

"(12) promoting local and regional planning for—

"(A) effective solid waste collection and disposal; and

"(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.".

(3) NATIONAL POLICY.—Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting "solid waste and" after "generation of".

(4) OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.—Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting "promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and" after "objectives of this subtitle are to".

(5) DISCRETIONARY STATE PLAN PROVISIONS.—Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

"(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

"(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

"(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.".

(6) PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.—Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting "and discretionary plan provisions" after "minimum requirements".

(e) GENERAL PROVISIONS.—

(1) BORDER STUDIES.—

(A) DEFINITIONS.—In this paragraph:

(i) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(ii) MAQUILADORA.—The term "maquiladora" means an industry located in Mexico along the border between the United States and Mexico.

(iii) SOLID WASTE.—The term "solid waste" has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(B) IN GENERAL.—

(i) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(ii) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(C) CONTENTS OF STUDY.—A study conducted under this paragraph shall provide for the following:

(i) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(ii) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(iii) In the case of the study described in subparagraph (B)(i), research concerning methods of tracking of the transportation of—

(I) materials from the United States to maquiladoras; and

(II) waste from maquiladoras to a final destination.

(iv) In the case of the study described in subparagraph (B)(i), a determination of the need for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for 1992–1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(v) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(vi) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(D) SOURCES OF INFORMATION.—In conducting a study under this paragraph, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(i) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subparagraph (B)(i), census data prepared by the Government of Mexico.

(ii) In the case of the study described in subparagraph (B)(i), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(iii) In the case of the study described in subparagraph (B)(i), information concerning the type and volume of materials used in maquiladoras.

(iv)(I) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(II) In the case of the study described in subparagraph (B)(i), immigration data prepared by the Government of Mexico.

(v) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(vi) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(vii) In the case of the study described in subparagraph (B)(i), a profile of the industries in the region of the border between the United States and Mexico.

(E) CONSULTATION AND COOPERATION.—In carrying out this paragraph, the Administrator shall consult with the following entities in reviewing study activities:

(i) With respect to reviewing the study described in subparagraph (B)(i), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(ii) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subparagraph (B)(i), equivalent officials of the Government of Mexico.

(F) REPORTS TO CONGRESS.—On completion of the studies under this paragraph, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(G) BORDER STUDY DELAY.—The conduct of the study described in subparagraph (B)(ii) shall not delay or otherwise affect completion of the study described in subparagraph (B)(i).

(H) FUNDING.—If any funding needed to conduct the studies required by this paragraph is not otherwise available, the president may transfer to the administrator, for use in conducting the studies, any funds that have been appropriated to the president under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.".

(2) STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.—

(A) DEFINITION OF HAZARDOUS WASTE.—In this paragraph, the term "hazardous waste" has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(B) STUDY.—not later than 3 years after the date of enactment of this act, the administrator of the environmental protection agency shall conduct a study, and report to congress on the results of the study, to determine—

(i) the quantity of hazardous waste that is being transported across state lines; and

(ii) the ultimate disposition of the transported waste.

(3) STUDY OF INTERSTATE SLUDGE TRANSPORT.—

(A) DEFINITIONS.—In this paragraph:

(i) SEWAGE SLUDGE.—The term "sewage sludge"—

(I) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(II) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this clause); but

(III) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this clause) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(ii) SLUDGE.—The term "sludge" has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(B) STUDY.—Not later than 3 years after the date of enactment of this act, the administrator of the environmental protection agency shall conduct a study, and report to congress on the results of the study, to determine—

(i) the quantity of sludge (including sewage sludge) that is being transported across state lines; and

(ii) the ultimate disposition of the transported sludge.

GORTON AMENDMENT NO. 5093

Mr. GORTON proposed an amendment to the bill, S. 1959, supra; as follows:

On page 36, line 4, strike all of section 504, and insert the following:

SEC. 504. Following section 4(g)(3) of the Northwest Power Planning and Conservation Act, insert the following new section:

(4)(g)(4) INDEPENDENT SCIENTIFIC REVIEW PANEL.—(i) The Northwest Power Planning Council (Council) shall appoint an Independent Scientific Review Panel (Panel), which shall be comprised of eleven members, to review projects proposed to be funded through that portion of the Bonneville Power Administration's (BPA) annual fish and wildlife budget that implements the Council's annual fish and wildlife program. Members shall be appointed from a list submitted by the National Academy of Sciences, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Panel.

(ii) SCIENTIFIC PEER REVIEW GROUPS.—The Council shall establish Scientific Peer Review Groups (Peer Review Groups), which shall be comprised of the appropriate number of scientists, from a list submitted by the National Academy of Sciences to assist the Panel in making its recommendations to the Council for projects to be funded through BPA's annual fish and wildlife budget, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Peer Review Groups.

(iii) CONFLICT OF INTEREST AND COMPENSATION.—Panel and Peer Review Group members may be compensated and shall be considered as special government employees subject to 45 CFR 684.10 through 684.22.

(iv) PROJECT CRITERIA AND REVIEW.—The Peer Review Groups, in conjunction with the Panel, shall review projects proposed to be funded through BPA's annual fish and wildlife budget and make recommendations on matters related to such projects to the Council. Project recommendations shall be based on a determination that projects: are based on sound science principles; benefit fish and wildlife; and have a clearly defined objective and outcome with provisions for monitoring and evaluation of results. The Panel, with assistance from the Peer Review Groups, shall review, on an annual basis, the results of prior year expenditures based upon these criteria and submit its findings to the Council for its review.

(v) PUBLIC REVIEW.—Upon completion of the review of projects to be funded through BPA's annual fish and wildlife budget, the Peer Review Groups shall submit their findings to the Panel. The Panel shall analyze the information submitted by the Peer Review Groups and submit recommendations on project priorities to the Council. The Council shall make the Panel's findings available to the public and subject to public comment.

(vi) RESPONSIBILITIES OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making final recommendations of projects to be funded through BPA's annual fish and wildlife budget, and if the Council does not incorporate a recommendation of the Panel, the Council shall explain in writing its reasons for not accepting Panel recommendations. In making its recommendations to BPA, the Council shall: consider the impact of ocean conditions on fish and wildlife populations; and shall determine whether the projects employ cost effective measures to achieve project objectives. The Council, after consideration of the recommendations of the Panel and other appropriate entities shall be responsible for making the final recommendations of projects to be funded through BPA's annual fish and wildlife budget.

(vii) COST LIMITATION.—The cost of this provision shall not exceed $2 million in 1997 dollars.

(viii) EXPIRATION.—This paragraph shall expire on September 30, 2000.

McCAIN AMENDMENT NO. 5094

Mr. MCCAIN proposed an amendment to the bill, S. 1959, supra; as follows:

On page 36, line 1, strike all after the word "this" through line 3 and insert in lieu thereof the following: "Act."

McCAIN (AND OTHERS) AMENDMENT NO. 5095

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. GREGG, Mr. KERRY, and Mr. BUMPERS) proposed an amendment to the bill, S. 1959, supra; as follows:

At the end of the bill, add the following:

SEC. . ADVANCED LIGHT WATER REACTOR PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out the advanced light water reactor program established under subtitle C of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13491 et seq.) or to pay any costs incurred in terminating the program.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 1678, the Department of Energy Abolishment Act, has been rescheduled. The hearing will take place on Wednesday, September 4, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 26, 1996, to conduct an oversight hearing to review the General Accounting Office [GAO] report on the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CELEBRATION OF MIAMI'S 100TH BIRTHDAY

• Mr. GRAHAM, Mr. President, it is a very special pleasure for me to join with my Senate colleagues and the State of Florida in wishing the city of Miami a very happy birthday. On Sunday, July 28, 1996, Miami will turn 100 years old.

I am often staggered when I ponder how much the Greater Miami area has changed in the last century.

One hundred years ago, when Julia Tuttle, the mother of Miami, was badgering Henry Flagler to extend his railroad line south of Palm Beach, Miami had one city street, several uncompleted stores, a hotel under construction, and approximately 300 residents.

Flagler was unconvinced. But after scores of Mrs. Tuttle's letters, an offering of half of her land, and a cold snap that brought freezing temperatures to Florida but left Dade County untouched, he was persuaded to extend his railroad, construct the Royal Palm Hotel, lay out the city streets, and build Miami's water, power, and medical facilities.

In many ways, Miami today barely resembles the community that it was in 1896. A tiny city has been replaced by an exploding metropolis. 300 residents have become over 2 million.

A place that almost didn't receive the private investment needed to build a railroad or town stores, is now one of the nation's most important transportation and commercial centers.

Each year, over 13 million visitors come to the Greater Miami area to visit South Beach, Coconut Grove, Key Biscayne, Joe Robbie Stadium, Gulfstream Park, and the many other attractions that give Miami its youthful vibrance.

But in some fundamental ways, Miami has not changed. Its pioneering spirit has thrived for the last 100 years.

Just as Miami was a pioneer in diversity a century ago, when its founder was a woman and one-third of the citizens who met to incorporate the city were African-American, today it stands poised to lead a multicultural America into the next century.

And as the Gateway to Latin America and an important center of trade, Miami will help the United States play an increasingly vital role in the new global economy. Miamians will lead us as we move to extend ties of trade, culture, and friendship around the world.

Miami is a community that has profoundly shaped my life. I was born here almost 60 years ago, attended Hialeah Elementary and Junior High, and graduated from Miami Senior High School. This will always be my home.

Again, I am delighted to be part of the centennial celebration for my hometown. I join my Senate colleagues and all Floridians in wishing Miami a very happy 100th birthday.•

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. today in order that Senators may introduce bills, submit statements and committees to file reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 435, Senate Resolution 226.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 226) to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution (S. Res. 226) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 226

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civil groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognized that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democracy society";

Whereas the core ethical values identified by the Aspen Declaration constitute the six core elements of character;

Whereas the six core elements of character are trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue, and citizenship;

Whereas the six core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to reach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the six core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the six core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate proclaims the week of October 13 through October 19, 1996, as National Character Counts Week, and requests the President to issue a proclamation calling upon the people of the United States and interested groups to embrace the six core elements of character and to observe

the week with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 560, 682, 683, 684, 685, and all nominations on the Secretary's desk in the Foreign Service.

Mr. President, might I inquire, are any of those numbered nominations the OMB Director?

I have just found out who they are. The OMB Director is not here.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Robert E. Morin, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, vice Curtis E. von Kann, retired.

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Alan Philip Larson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Jeffrey Davidow, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Paul P. Blackburn, and ending Veda B. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1996.

Mr. MOYNIHAN. Mr. President, today the Senate will confirm the nomination of our dear colleague, CLAIBORNE PELL, as the U.S. representative to the 51st session of the U.N. General Assembly. Senator PELL's career and accomplishments were what the Framers of the Constitution probably had in mind when they created the position of U.S. Senator.

For 36 years CLAIBORNE PELL has graced the United States Senate, providing thoughtful leadership on an exceptional range of issues.

Millions of Americans have been able to attend college because of his historic role in creating the program which the Congress, in an unprecedented honor for a sitting Senator, named Pell grants in 1980.

Thousands of American communities have been immeasurably enriched by the National Endowment for the Arts and the National Endowment for the Humanities, which he helped create in 1965.

Champion of international environmental concerns and nuclear disarmament treaties, crusader for human rights, primary sponsor of legislation to assist the handicapped, originator of the High-Speed Ground Transportation Act; his vision has helped transform this country he loves in so many tangible ways. But in light of his pending nomination, it is appropriate to speak of CLAIBORNE PELL's first real job.

In the spring and summer of 1945, millions of us left military service. Most of us went back, as I did, to the schooling or jobs we had left to fight for our country. CLAIBORNE PELL did something a little different. He helped change the world.

In June 1945, he went to San Francisco as a member of the International Secretariat of the U.N. Conference on International Organization, the conference that drafted the U.N. Charter.

In all, 282 delegates representing 50 countries took part in drafting the U.N. Charter, though the bulk of the work was accomplished by the 1,058 persons working for the International Secretariat. He may be the only government official of those participating in the organizational conference who is still in public office anywhere on this planet—young CLAIBORNE PELL on assignment from his beloved Coast Guard.

As Assistant Secretary of Conference III, the Enforcement Arrangements Committee, he helped draft articles 43, 44, and 45 of the United Nations Charter that gave the Security Council the right to take military action to prevent aggression.

He collected the ballots at the vote to confirm the Charter. And to this day he is never caught without a copy of the Charter in his pocket. We in the Senate are honored to have the beloved former chairman of the Senate Foreign Relations Committee, CLAIBORNE PELL, counted among those who were present at the creation of the Charter.

He has lived the promise of the United Nations Charter for 51 years—on State Department assignment in Eastern Europe during the harshest early days of the cold war; and as a private citizen organizing the rescue of over 100,000 Hungarian refugees after the betrayal of the 1956 revolution against Soviet rule. In his efforts to enhance environmental protection, he is one of the few persons—the only United States Senator—who attended both the 1992 United Nations Conference on Environment and Development [UNCED] in Rio, and its predecessor, the 1972 Conference on the Human Environment in Stockholm.

He has championed the adoption of an international legal regime for the peaceful use of the seas. As such he has participated in the creation of the Law of the Sea Convention. Beginning on September 29, 1967 he introduced three Senate resolutions urging the President to negotiate such a measure. Those resolutions and a draft treaty that Senator PELL proposed in 1969 led first to the Seabed Arms Control Treaty, prohibiting nuclear weapons and other weapons of mass destruction from the ocean floor, ratified by the Senate in 1972.

The Law of the Sea Convention would not be opened for signatures for 10 more years until 1982. Senator PELL's long efforts in this regard are reflected in the achievements contained in the Convention which codifies, among other things, freedom of navigation rights, and the exclusive use of marine resources by countries within 200 miles of their shores.

CLAIBORNE PELL is a Senator for the ages. We in the Senate shall miss him. He will no doubt serve with distinction as the United States Representative to the 51st session of the United Nations General Assembly. I congratulate Senator PELL for his numerous achievements and wish him well in his future endeavors.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORIZING PRODUCTION OF RECORDS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) to authorize the production of records by the Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations has received a request from the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union [HEREIU] for copies of subcommittee records relevant to the monitor's oversight of a consent decree between the union and the U.S. Government. The consent decree enjoins members of the HEREIU from

violating the Racketeer Influenced and Corrupt Organizations Act [RICO] or associating with organized crime figures.

Mr. President, the chairman and vice chairman of the Permanent Subcommittee on Investigations believe that granting the monitor's request would serve the ends of justice. This resolution would authorize them, acting jointly, to provide subcommittee records in response to this request.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution (S. Res. 284) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 284

Whereas, the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union (HEREIU) has requested that the Permanent Subcommittee on Investigations provide him with copies of subcommittee records relevant to the monitor's oversight of a consent decree enjoining members of the HEREIU for violating the Racketeer Influenced and Corrupt Organizations Act (RICO) or knowingly associating with organized crime figures;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the court-appointed monitor of HEREIU copies of memoranda and transcripts of interviews conducted by Subcommittee staff that the monitor has requested for use in connection with the monitor's oversight of the consent decree.

ORDERS FOR MONDAY, JULY 29, 1996

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Monday, July 29; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the energy and water appropriations bill under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I will comment here for those Senators who want to offer amendments that are contained on the list heretofore agreed to, we will start that process at 9:30 in the morning. As I understand, we will proceed with that process until 12 o'clock. From 12 to 2, there will be other business before the Senate. At 2 o'clock, we will return to the matter of the energy and water appropriations bill and remain on it for amendments until the hour of 5 o'clock.

Mr. President, I further ask unanimous consent that at the hour of 12 noon on Monday, the Senate conduct a period for morning business, with the time between 12 noon and 1 p.m. under the control of the Democratic leader; from 1 p.m. to 2 p.m. under the control of Senator COVERDELL from the State of Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, for the information of all Senators, on Monday at 9:30, the Senate will resume the energy and water appropriations bill. An agreement was reached limiting the first-degree amendments in order and provides all first-degree amendments must be offered during the session of the Senate on Monday.

At 12 noon, the Senate will conduct 2 hours of morning business, and at the hour of 2 p.m. will resume the energy and water appropriations bill. At approximately 5 p.m., the Senate will return to the consideration of the legislative branch appropriations bill under a similar consent, in that all first-degree amendments would have to be offered during the session of the Senate on Monday.

Any votes ordered with respect to the two appropriations bills will be stacked to begin at 10 a.m. on Tuesday on a case-by-case basis. Therefore, votes will not occur during Monday's session of the Senate, and the next votes will begin at 10 a.m. on Tuesday. The Senate can be expected to be in session late into the evening each day next week in order to consider available appropriations bills and conference reports as they become available.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank my friend from New Mexico. I appreciate his kindness and courtesy and wish him a good weekend.

WAR CRIMES IN THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Mr. President, I rise as in morning business, and thank the Chair very much, to say just a few words about an amendment to the foreign operations appropriations bill that was adopted earlier today, an amendment which I was privileged to offer with a distinguished list of colleagues. It was accepted by agreement last night without debate, although I did put a statement in the RECORD at that time. It is, I think, an important amendment and statement, a sense-of-the-Senate resolution, because it deals with the necessity to bring to justice those who have been indicted by the International Criminal Tribunal from the former Yugoslavia, which is meeting now in The Hague, to bring them to justice because they, as the tribunal has said, are perpetrators of gross violations of international law.

Mr. President, I was stimulated in my desire to say just a few words to my colleagues here before we leave for the weekend about this by an interview that was in the New York Times this morning with Antonio Cassese, an Italian law professor who is the president of the International Criminal Tribunal.

The article begins:

The Italian law professor who is president of the War Crimes Tribunal here is known for his cheerful nature, his expertise in international law and his even temper. So his public outburst in a quiet hall here the other day was all the more shocking.

"Go ahead! Kill, torture, maim! Commit acts of genocide!" said Antonio Cassese, president of the tribunal, his voice rising, "You may enjoy impunity!"

This, he said, was the message that would go "to military leaders and all dictators" if the Bosnian Serb leaders indicted for atrocities in the Bosnian war were not brought before the tribunal.

Mr. President, thanks to my colleagues, the Senate has now spoken clearly on this issue. I was honored to be joined by Senators LUGAR, BIDEN, SPECTER, FEINSTEIN, MOYNIHAN, HATCH, LEVIN, and D'AMATO, a wonderfully bipartisan group, as cosponsors of this amendment.

The point is this, as we state in the findings of this resolution: The United Nations did create this International Tribunal. A Security Council resolution was adopted on May 25, 1993, early in this horrific episode, which requires states to cooperate fully with the tribunal. The signatories to the Dayton peace accord, signed December 14, 1995, have accepted, in article IX of that accord, the obligation "to cooperate in the investigation and prosecution of war crimes and other violations of internationally humanitarian law." This means all the signatories of the

accord, including Serbia, Bosnia, Croatia, and the Republika Srpska.

In fact, the Constitution of Bosnia and Herzegovina, which was accepted as annex 4 to the Dayton peace accord, provides in article IX that—

No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the tribunal and who has failed to comply with an order to appear before the tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina.

The tribunal has now issued 57 indictments against individuals. It continues to investigate gross violations of international laws. Specifically, on July 25, 1995, almost 1 year ago to the day, the tribunal issued an indictment of Radovan Karadzic, President of the Bosnian Serb administration of Pale and Ratko Mladic, commander of the Bosnian Serb administration, and charged them with genocide, with crimes against humanity.

This was no opposition politician standing up and making a charge. This was an international tribunal which, having heard evidence, charged them with genocide, crimes against humanity, violations of the law or customs of war and grave breaches of the Geneva Conventions. All of these charges arise from atrocities perpetrated, not against soldiers, but against the civilian population throughout Bosnia and Herzegovina, as we remember from those painful, frustrating and infuriating pictures, and including the taking of U.N. peacekeepers as hostages for their use as human shields.

On November 16, 1995, Karadzic and Mladic were indicted a second time by the International Tribunal, this time charged with genocide for the killing of up to 6,000 Moslems in Srebrenica, Bosnia, in July 1995.

The U.N. Security Council, in adopting its own resolution 1022 in November of last year, decided that economic sanctions on Yugoslavia and Srpska would be reimposed if at any time the High Representative, Carl Bildt, or the IFOR commander, soon to be, perhaps already, Admiral Lopez, informs the Security Council that either of these two Governments, Serbia or the Bosnian Serb Republika Srpska, have failed to meet their obligations under the peace agreement.

The fact is that these two entities have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic. We know where they are, particularly Karadzic. A while ago one of these two went to Belgrade for a funeral. Authorities in Serbia knew that he was there. Nothing was done to apprehend this indicted war criminal.

Last week, again, in an extraordinary act of public service and diplomatic skill, Ambassador Richard Holbrooke convinced Slobodan Milosevic, the President of Serbia—for fear of having the reimposition of economic sanctions against his country—to use his power to take Karadzic out of power, to take him out of the leadership of the Serbian Democratic Party, and to remove any chance that he would be a candidate for office in the elections.

It is startling, when you think about it. It is as if at the end of the Second World War some leaders of the countries that we fought in the Second World War remained in their countries and ran in the first postwar elections. It would have so infuriated the public here, understandably, that we probably would have done what we are asking here, which is to arrest them and bring them to justice.

But Ambassador Holbrooke did take a step forward. Unfortunately, though, these two war criminals remain at large. Just a few weeks ago, on July 11, 1996, the International Criminal Tribunal actually issued international arrest warrants for Karadzic and Mladic.

The fact is—and we have heard this from all parties there in Bosnia; and it is just common sense as we move forward to the elections there on September 14 of this year, which we hope will be the next step in rebuilding this country in going back to some form of cooperation among the various peoples there—these elections could not go on with any credibility were these war criminals at large and, in Karadzic's case, actually running a political party, perhaps even at one point thinking about running for office himself.

So now, thanks to Ambassador Holbrooke, we have Karadzic out of political office and out of political leadership. But the truth is, he should be out of that country. He should be taken to The Hague for trial, to be brought to justice.

That is exactly the intention of the resolution that the Senate has now adopted, accepting the principle that the human, but also the practical, principle of the apprehension and prosecution of indicted war criminals—these two and all others—is essential for peace and reconciliation to be achieved and for democracy to be established throughout Bosnia and Herzegovina.

Mr. President, we have sent 20,000 American soldiers to be part of the implementation force, the IFOR, that has performed magnificently in separating the warring parties and creating a sense of stability. We have spent a lot of money in doing that and put some of our finest men and women in uniform on the line as part of that process.

But unless we remove these indicted war criminals, the prospects of redeeming the investment of courage and bounty that we have made in avoiding broader conflict and ethnic partition in Bosnia will be for naught, because the end result, when our troops pull out, will be that we will have divided camps again, with no trust, not even the minimal elements of trust. So long as these indicted criminals are walking around flaunting their freedom, that trust will not be possible, that trust that is necessary to rebuild a civil society within Bosnia.

So this resolution said very clearly, and I am very grateful to my colleagues for supporting it, that it is the sense of the Senate that the International Criminal Tribunal merits the continued and increased U.S. support for its efforts to investigate and bring to justice the perpetrators of these gross violations of international law.

Second, it is the sense of the Senate that the signatories of the peace agreement and those nations and organizations participating in the Dayton peace agreement and the relevant mandates of the United Nations and Security Council must continue to make it an urgent priority to bring to justice persons indicted by the International Criminal Tribunal.

Third, it is the sense of the Senate that the President of the United States should support the request of the President of the International Criminal Tribunal for the former Yugoslavia to reimpose full economic sanctions on Serbia and Montenegro and the Republika Srpska in accordance with the relevant U.N. Security Council resolution, if Serbia and Montenegro and the Bosnian Serb authorities have not complied with their obligations under the relevant agreements and resolutions to cooperate fully with the International Criminal Tribunal.

Finally, it is the sense of the Senate that all the States in the former Yugoslavia should not be admitted to international organizations until and unless they have complied with their obligations under the Dayton peace agreement and the relevant U.N. Security Council resolutions.

The Senate has said clearly in this resolution now adopted as part of the foreign operations appropriations bill that while we take some comfort and we have some appreciation for Ambassador Holbrooke for the statement that Karadzic has made that he is removing himself from politics, this is a small step toward what should be done. We are not leaving the field here. We have stated here quite clearly that we will not redeem our investment in the end of this war and the reconstruction of Bosnia until we settle the moral accounts here, and bring those who have been indicted by this very legitimate International Criminal Tribunal to justice. Until that happens, we cannot rest. Until that happens, there will not be a genuine hope of reconnecting and rebuilding this war-torn country.

Mr. GORTON. Will the Senator yield?

Mr. LIEBERMAN. I am happy to yield to the Senator.

Mr. GORTON. Mr. President, I had the privilege of listening to most of the

remarks of the Senator from Connecticut, and I simply wanted to express my agreement with his views and say on this occasion how much I admire his dedication to the administration of justice, both here at home but, particularly in this connection.

I can remember even in previous Congresses his frustration, our frustration, over the way in which we conducted our relationships with Bosnia and the tragedy that has continued there for so many years. His position on this resolution, coming through this morning's foreign operations appropriations bill I think greatly strengthens it and I believe the other Members of the Senate and the people of the country owe him a debt of thanks for his dedication to this cause.

Mr. LIEBERMAN. Mr. President, I thank my friend from Washington very much for the very gracious words that mean all the more to me because they come from him who I first met in our shared service as attorneys general of our respective States.

The rule of law is the rule of law. It is what separates civilized from uncivilized people. It is true not just here for us but in countries around the world, and insofar as we fail to bring to justice indicted criminals in an international situation like this, it is no better than if we failed to bring to justice murderers and rapists here in our own communities in the United States. But I mostly just thank my friend from Washington for his kind words and also for his consistent and very important support of this effort to make sure that there is both peace and justice in Bosnia, since without justice there will ultimately never be peace.

I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. MONDAY, JULY 29, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 9:30 Monday morning.

Thereupon, the Senate, at 2:04 p.m., adjourned until Monday, July 29, 1996, at 9:30 a.m.

CONFIRMATION

Executive Nominations Confirmed by the Senate July 26, 1996:

THE JUDICIARY

ROBERT E. MORIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

DEPARTMENT OF STATE

ROD GRAMS, OF MINNESOTA TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ALAN PHILIP LARSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING PAUL P. BLACKBURN, AND ENDING VEDA B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 1996.

EXTENSIONS OF REMARKS

AMERICAN INTERESTS, USE OF FORCE IN THE POST-COLD WAR WORLD

HON. TILLIE K. FOWLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mrs. FOWLER. Mr. Speaker, in the post-cold war world, one of the most pressing issues that faces this Nation is determining where our Nation's true security interests lie. There has been a dearth of real debate on this topic, and U.S. defense policy and foreign policy sometimes seem to be on auto-pilot, in spite of the fact that the current administration is deploying our defense forces around the globe with some regularity to address various concerns.

I strongly believe that we can no longer afford this kind of a policy vacuum, and that we must undertake a comprehensive review of our national security status in order to fill it. I recently read an article by my National Security Committee chairman, Mr. SPENSE, in the Brown Journal of World Affairs, which echoed my concerns and contained some excellent commonsense suggestions. I would like to ask for unanimous consent to include it in the RECORD following my remarks.

WHAT TO FIGHT FOR? AMERICAN INTERESTS AND THE USE OF FORCE IN THE POST-COLD WAR WORLD

(By Floyd D. Spence)

Last fall, the House National Security Committee held a series of hearings exploring the issue of American troops being deployed to Bosnia. Yet, even while the committee immersed itself in the particulars of the Balkan crisis, there was a more profound, overarching issue that remained unaddressed: in the post-Cold War World, what U.S. interests justify the use of American military force?

In this context, the debate over Bosnia was joined too late and ended too quickly. Indeed, Americans have studiously avoided confronting the issue of the relationship between national interests and the use of military force, and for good reason. It is a complex and difficult issue, and one that five decades of Cold War containment policy obscured. This nation simply has not comprehensively addressed the most basic question about what interests are worth fighting and dying for since the early 1950s.

Much of this inertia is a natural result of almost fifty years of preoccupation with the Cold War. The timing of the Soviet empire's collapse was so sudden that is has left American policymakers somewhat stunned. While we were successfully waging the Cold War, policymakers never planned for victory, especially one so complete.

Still, it has been more than six years since the Berlin Wall came down. One has only to reflect on the number and variety of major operations conducted by the U.S. military since 1989—Panama, the Gulf War, Somalia, Haiti, the enforcement of the no-fly zones over northern and southern Iraq and Bosnia, and now the commitment of 25,000 U.S. ground troops to Bosnia—to recognize that more serious thinking about our security interests is overdue.

In and of itself, the dramatic reduction that the U.S. military has undergone in the last decade ought to be sufficient reason to compel us to do a better job of establishing priorities. "Doing more with less" is an accurate description of the U.S. military over the past several years, but it is a slogan, not a plan, and a recipe for eventual failure. One certain constant of a post-Cold War world is that American might and global presence will remain central to the promotion and protection of our interests and will, similarly, play an instrumental role in shaping and sustaining an international order that is consistent with these interests.

In the immediate chaotic aftermath of the Cold War's end, the implosion of the Soviet empire, the reunification of Germany, and the conduct of the Gulf War were the central security preoccupations of the Bush administration. While the Bush administration's "New World Order" represented a rhetorical embrace of the impending international uncertainty, in practice, the administration's employment of American military power nonetheless reflected a cautious, measured approach toward the use of force.

"Cautious" and "measured" do not characterize the Clinton administration's evolving approach to the use of American military force. The current national security strategy of engagement and enlargement seems more a prescription for solving the world's problems, without discriminating between those problems that affect the United States and those that do not. President Clinton sees virtually limitless opportunities to use the smaller U.S. military in an untraditional and quixotic manner "to construct global institutions." Where previous administrations have used force to advance American national security interests, the current administration seeks to secure "the ideals and habits of democracy" with little regard for where, how, or at what cost. The deployment of more than 23,000 soldiers and Marines to Haiti, costing more than $1 billion in unbudgeted funds, is a perfect example.

The result, as Michael Mandelbaum concluded in a recent article in Foreign Affairs, has been "foreign policy as social work." Mandelbaum, who served as one of President Clinton's early policy advisors, observed that where previous administrations had been concerned with the "the powerful and potentially dangerous members of the international community, which constitute its core," the Clinton administration has paid more attention to "the international periphery."

In fact, by repeatedly deploying U.S. armed forces to "the international periphery," the Clinton administration has strayed further even than Madelbaum suggests. It is one thing to divert national attention to matters of peripheral strategic importance; it is quite another to employ American military might repeatedly and put national prestige at risk where true security interests are not involved. In a world where the United States remains the only superpower, conducting national security policy as social work is a grave mistake. Security policy must always remain focused on the powerful "core" of the international community.

The administration's national security policy seems premised upon the idea that the end of the Cold War has "radically transformed the security environment." While it is true that Red Army divisions no longer face NATO across a West German border that no longer exists, what is perhaps most noteworthy about the post-Cold War world is the remarkable continuity of American security interests.

Treating the Cold War conflict as a radical aberration in the history of international politics quickly leads to dangerous assumptions about the desired ends and means of U.S. national security policy in the post-Cold War world. Why did we consider the Soviet Union a threat? For three fundamental reasons: their massive nuclear arsenal could destroy the American homeland in a matter of minutes; their large conventional forces endangered the broader balances of power in Europe, East Asia, and the energy-producing regions of the Middle East; and their sponsorship of destabilizing political movements in the Third World threatened to undermine the foundations of the international state system.

Today, American security interests and strategic objections have changed very little, except that rather than facing the same adversary in every theater, we now confront multiple antagonists driven less often by ideology than by deeply felt national, ethnic, and religious hatreds. And our tasks remain constant. As essayist Charles Krauthammer recently testified to the National Security Committee, "The role of the United States is to be the ultimate balancer of power in the world, and to intervene when a regional balance has been catastrophically overthrown and global stability threatened."

Protection and promotion of U.S. security interests in the post-Cold War world will require as much effort, and arguably more, as before the Berlin Wall crumbled. There is no single, overwhelming threat, as was the case with the former Soviet Union, that will serve as the central planning factor in addressing questions of national interest, the use of force, and the linkage between the two. But even if the monolithic global threat of Soviet military aggression and communist ideology has dissipated, global questions endure. If American policymakers hope to find answers relevant to today's environment, they need to begin by taking at least three steps.

First, policymakers must realize that the United States cannot afford to take its strategic alliances for granted. Indeed, the lack of a clear and present Soviet threat has already revealed the fragility of the alliances that this nation relies upon, in large part to protect its regional interests and promote regional stability. One of the more serious lessons of the Bosnia conflict is that NATO will not go where America does not lead it, and that an alliance constructed to contain the Soviet Union cannot be reworked overnight to do things it was never designed to

do. But alliance leadership, while necessary, is not sufficient; wise leadership is essential. In Bosnia, the Clinton administration is leading NATO in pursuit of what a majority of Americans see as a peripheral national interest.

Second, we must be measured in the application of military force. This does not mean employing the minimal force necessary to accomplish a mission. Such false economies lose wars and kill soldiers. Rather, it means maintaining a parsimonious attitude—grounded in a realist's appreciation of national interests—about how and where the U.S. military should be employed. America's shrinking armed forces must remain the preeminent tool of U.S. international diplomacy in times of peace and the ultimate arbiter in times of war. Thus, their capabilities and resources should not be expended on the international periphery.

And finally, here at home, we must preserve properly sized and shaped military forces in anticipation of continued challenges to our security interests. A shrinking military establishment, devoted to a growing number of peacekeeping and humanitarian operations, will not be able to respond to more ominous challenges to U.S. interests or threats to regional and international stability. If history is any guide, it is only a matter of time before such broad challenges emerge. As Donald Kagan concludes in his epic survey, On the Origins of War and the Preservation of Peace, "The current condition of the world * * * where war among the major powers is hard to conceive because one of them has overwhelming military superiority and no wish to expand, will not last." We stand a far better chance of helping to stabilize the post-Cold War world if we prove ourselves wise stewards of our superpowers status, continue to devote the resources necessary to prepare our soldiers, sailors, airmen, and Marines who preserve it, and judiciously employ armed force where the strategic stakes justify the risks.

The optimistic supposition of Western democracies that peace is the normal human condition is prevalent in the Clinton administration's approach to national security issues. But change (often accompanied by turmoil and conflict), not peace, is the natural human condition. The United States must preserve and reserve its military to deter and, if necessary, to resist those violent changes that threaten the peace or our global security. Conversely, we must be willing to accept change, even violent change, that we do not like but that occurs at the international periphery. Thus, while the nation recoiled in horror from the brutalities of ethnic cleansing in Bosnia, fundamental questions of national security interest were not adequately confronted and certainly never answered prior to the commitment of a large force of American ground troops.

One of the notions now in fashion among defense intellectuals is the idea of "strategic uncertainty." In sum, it reflects the belief that because the United States does not know who will challenge its vital interest or exactly where or when such challenges will occur, we are unable to adequately size or shape our military forces. However, if we approach the coming century by focusing on our consistent and central security interests—defense of the homeland; preventing a hegemonic power from dominating Europe, East Asia, and the world's energy supplies; and preserving a degree of international stability—the heralded uncertainty of the post-Cold War era will prove less perplexing. Defining what interests should be protected, while still challenging, will be a more straightforward exercise. and as a nation we will be in a far stronger position to know when we should ask our sons and daughters to fight, shed blood, and sacrifice their lives.

HONORING TINA HANONU

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. EHLERS. Mr. Speaker, I rise today to recognize and honor Tina Hanonu, a 12-year employee of the U.S. House of Representatives, who recently served as a staffer with Representative SHERWOOD BOEHLERT of the 23d District of New York and as the volunteer president of the House System Administrators Association.

Tina began her career on the Hill in 1984. She served as an advisor and consultant to Representative CONNIE MORELLA and went on to become a senior systems administrator for Representative BOEHLERT. She recently advanced her career in the House of Representatives, from that of a systems administrator, to become a senior technical representative for House Information Resources.

Tina has a real knack for organizing and problem solving. She has always taken the lead in mobilizing systems administrators and other computer user groups on the Hill. She has worked tirelessly to help solve problems and find solutions for others in performing their daily jobs. With her busy schedule she also found time to be a cofounder of the House Systems Administrators Association in 1990. She served as president of the group from 1993 until leaving to work with House Information Resources.

Under her leadership the House System Administrators Association has become a key organization in the House's efforts to use technology to better serve the country. Tina has been a great help not only to her employing office, but to the entire House of Representatives.

Over the years Tina has worked to forge better relationships between Member offices and House resource organizations. She can be credited with aiding in the growth and development of her peers and colleagues throughout her career in the House of Representatives.

As chairman of the Computer and Information Resources Working Group of the House Oversight Committee, I am determined to have our new computer system as user-oriented as possible. Individuals like Tina are invaluable in helping us develop such a system.

I, as well as the entire U.S. House of Representatives, recognize and congratulate Tina Hanonu for all of her hard work and dedication to this institution.

FATHER ROBERT CRONIN HONORED

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Ms. DELAURO. Mr. Speaker, Father Robert W. Cronin's service in the priesthood has spanned 44 years, and during this time he has faithfully served people throughout the State of Connecticut. On July 28, 1996 Father Cronin will retire from active parish ministry and his post at the Roman Catholic Parish of St. Coleman in Middlefield, where he has served since 1991. I would like to join his parishioners in congratulating this extraordinary priest on his retirement.

Father Cronin was ordained into the priesthood on May 22, 1952, at St. Thomas Seminary in Bloomfield, CT by the Most Reverend Henry J. O'Brien, who was then the bishop of Hartford. Following his ordination, Father Cronin served as assistant pastor at three churches in the New London area, a time he recalls as being marked by personal growth. While living in New London, he directed the Office of Catholic Charities, which provides social work services as parishes in Connecticut and Rhode Island. Father Cronin played a significant role in building a strong advisory board at the Catholic charities.

Father Cronin's first pastorate was St. Maurice Church in Bolton, where he began serving in 1965. After the Second Vatican Council he was called upon to implement the liturgical changes in this parish. Father Cronin recalls that it was "wonderful to inaugurate those changes." He was particularly excited about the opportunity to get the members of the congregation more involved in the mass. Before moving to St. Agnes Church in Niantic in 1980, Father Cronin presided over the construction of Bolton's parish center. He has said that these parishes shared a great spirit and sense of community and liturgy.

He was appointed to his current post at St. Coleman Church in Middlefield in 1991. Father Cronin's time at St. Coleman Church has been marked by his tremendous involvement in the lives of his parishioners. Parishioners have noted Father Cronin's generosity, kindness, and genuine interest in people. In particular, he has always enjoyed working with the parish's children. He oversaw the religious education program and is known for frequently stopping by classes to talk with the children.

Father Cronin has a unique talent for drawing a congregation together. During his tenure in Middlefield, the members of St. Coleman worked together to build a storage barn on the church property. Father Cronin has said of his years of work in the priesthood, "It was wonderful to be able to be of help to people, to make a difference positively in people's lives. Every parish has good people, and they are one's blessings."

I am delighted to join Father Cronin's parish in congratulating him on his retirement. I know your retirement will be a productive time and will give you the chance to pursue your interests with renewed energy and enthusiasm. I commend you for a lifetime of service to both

the Catholic Church and the many parishioners whose lives you have touched in very special ways.

TRIBUTE TO BROOKE BENNETT

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. CANADY of Florida. Mr. Speaker, I rise today to congratulate Brooke Bennett of Plant City, FL. As America watched, this 16-year-old swam her way to Olympic gold in the 800-meter freestyle competition last night. Brooke took the lead early and never looked back, and in just under 8½ minutes, she claimed victory for the United States.

The Olympic spirit has warmed the hearts of Americans everywhere, as we have cheered for Brooke and her fellow athletes in the centennial games. We are so proud of each of them—as they have demonstrated strength, commitment, and determination in their events. They have represented our country in stellar fashion, unifying us as a nation and inspiring each one of us to go for the gold every day.

As we look ahead, we look forward to watching Brooke Bennett continue to develop her swimming talent and expect to see many more shining medals in her bright future. Congratulations, Brooke. We're very proud of you.

A TRIBUTE TO PROFESSOR STEPHEN SMALE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Mr. Stephen Smale, a constituent and professor emeritus of mathematics at the University of California at Berkeley, who received the National Medal of Science today from President Clinton and Vice President GORE.

Proof is abundant that Professor Smale is one of the great minds in mathematics of that last few decades: The Veblen Prize for geometry in 1965, the Chauvenet Prize in 1988 by the Mathematical Association of America, the von Neumann Award in 1989 by the Society for Industrial and Applied Mathematics, the Alfred Sloan Research Fellowship from 1960 to 1962, and the Fields Medal, considered the Nobel Prize of mathematics.

Professor Smale's accomplishments span a broad range of topics. He has made major discoveries in the fields of topology, mathematical economics, and the mathematics of computer computation. He also has made significant contributions in the fields of dynamical systems, geometry, and operations research.

Mr. Speaker, I ask that my colleagues join me in congratulating Professor Stephen Smale on his receiving the National Medal of Science and on his lifetime of achievements.

SNOW BASIN LAND EXCHANGE

HON. WILLIAM J. MARTINI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. MARTINI. Mr. Speaker, I am pleased today to introduce, along with my colleague, Resources Subcommittee on Parks, Forests and Lands Chairman JAMES HANSEN, legislation to authorize both the acquisition of Sterling Forest and the Snow Basin land exchange.

The dense woodlands, undisturbed meadows, majestic ridgetops, and clear water of Sterling Forest comprise a resource area of incomparable value to the public. Located just 35 miles from New York City and within 1 hour's drive for 1 in 10 Americans, these lands host a broad array of unusual biological communities and are home to scores of sensitive wildlife species including the American bald eagle. Sterling Forest also contains a major portion of the Appalachian Trail, which traverses the property's northern reaches offering remarkable scenic vistas and recreation opportunities.

Most importantly, this undisturbed, undeveloped acreage is a major portion of the watershed for the reservoirs that provide the household water to 25 percent of all residents in my State. To maintain the high quality of these waters and to safeguard this diversity of resources, public acquisition of Sterling Forest has been a widely recognized priority for many years; and, in fact, some portions of the property have already been acquired.

My interest in protecting the forest goes back to my days as a Passaic County Freeholder, where in 1993 I supported the Passaic County acquisition of 2,076 acres of Sterling Forest in West Milford and Ringwood, NJ. The purchase followed a 5-year condemnation battle for the property.

The owners of the remainder of Sterling Forest recently agreed to sell to the public the vast majority of the property—including all of the most critical watershed, natural, and recreation lands. This agreement truly presents a once-in-a-lifetime opportunity, but this opportunity will not last. Unless the more than 15,000 acres being offered can be purchased within 2 years, the owners will proceed with plans to build many thousands of homes and millions of square feet of office and commercial space on Sterling Forest, forever impairing Sterling Forest's natural resources and character, and putting at risk the quality of water consumed by millions of New Jersey residents. And the price tag for the purchase—$55 million—is formidable.

Fortunately, an innovative partnership strategy has been developed to bring preservation of Sterling Forest within reach. The States of New Jersey and New York each have set aside $10 million as their contributions toward the purchase. Private philanthropy has provided another $7.5 million, and efforts are underway to attract significantly more charitable support for the acquisition. The linchpin in this funding partnership, though, is the proposed $17.5 million Federal share. Without this help from the Federal Government, the acquisition of Sterling Forest will not be possible.

The House Appropriations Committee has recently responded to this need by affirming the high national priority of Sterling Forest protection, and by recommending first-year funding in the amount of $9 million, or roughly half of the total Federal contribution to this 2-year project. it is important to note that Federal funds will be matched more than 2 to 1 by State and private dollars to complete the purchase. There will be no long-term Federal expense once the purchase is completed, since all management burdens will be assumed by the Palisades Interstate Park Commission, a State agency.

Furthermore, this legislation offers a unique approach to the land protection opportunity for Sterling Forest. In addition to the direct authorization of $17.5 million for the most environmentally sensitive portion of the forest—approximately 90 percent of the tract—the bill also includes a land swap option for the purchase of the remaining 10 percent of the property. I proposed such a land swap concept last Fall in my attempt to break the logjam that surrounded Sterling Forest legislation for several years. The new bill would direct the Secretary of the Interior top designate excess Federal lands to be sold in order to raise money beyond the $17.5 million to fund the purchase of the additional 10 percent of the land, if that purchase were to be undertaken.

I want to emphasize that we only have a limited time to accomplish the task of protecting this critical and environmentally sensitive watershed. We are at a crucial juncture in our efforts on behalf of the millions of people who depend on Sterling Forest for clean and safe drinking water and for the solitude that it provides to one of this Nation's most densely populated areas.

Let us also not forget that the efforts to preserve Sterling Forest have been going on for several years to no avail. Even when Washington had a Democratic Congress, as well as a Democrat in the White House, the goal of acquiring Sterling Forest was never achieved. We now have a wonderful opportunity to meet this goal and I invite and encourage each and every Member of Congress to join us in this cause.

Sterling Forest is clearly an invaluable property, that will provide far-reaching public benefits that greatly exceed its costs. I ask my colleagues to join me, other members of the New Jersey and New York delegations, the Speaker, and the administration in supporting this effort.

THE CAMPAIGN FINANCE DEFORM ACT OF 1996

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. LEVIN. Mr. Speaker, one of the glaring shortcomings of this Congress is the utter lack of serious interest from the majority leadership in reforming the broken campaign finance system.

Unfortunately, from the very beginning, the authors of this bill have clung to a series of concepts denounced by Common Cause as

"phony," by Public Citizen as "fundamentally wrong," by business as "pandering," by labor as "a sellout" and which are, by any sensible standard, perversely bizarre.

The bill before us today is campaign finance deformed, not reformed.

It offers reelection protection to those with the richest friends.

It expands the ability of political elites to dominate elections with soft money.

And it drives a stake into the heart of grassroots activism by turning elections over to those who would, under this bill, control assets far beyond what they currently do.

That's what we're doing here today—voting on a bill carefully and skillfully constructed by those whose guiding principle is a desire to pump more money in politics.

We should instead be imposing a tough new cap on contributions from political action committees and wealthy contributors.

We should instead be eliminating the soft money loopholes and making it less costly for the airwaves to be used for political discourse.

We should instead be promoting greater balance among candidates through a spending limit, especially in the absence of other methods.

Should, and could—but we aren't.

Instead, we're engaged in a determined exercise to block legitimate campaign finance reform. If you believe it's time to control spending, to reform soft money, and to reduce the influence special interests exert over elections, the best steps today along that path are to support the Farr substitute, and to defeat the campaign finance deformed bill offered by the majority leadership.

TRIBUTE TO THE KANSAS CITY METROPOLITAN LUTHERAN MINISTRY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Ms. McCARTHY. Mr. Speaker, I rise today to salute Kansas City Metropolitan Lutheran Ministry [MLM] as it celebrates its 25th anniversary aiding the low-income and disadvantaged citizens of Greater Kansas City.

Metropolitan Lutheran Ministry plays a critical role in Greater Kansas City. MLM annually serves over 50,000 people in need, including 10,000 homeless people. These services instill dignity and self-respect in individuals. MLM brings strength to the community, helping citizens find jobs, transportation, and places for them to live. These selfless acts serve as a beacon of compassion and a glimmer of hope not only to those who benefit directly from them, but to all who live and work in the metropolitan area.

Annually the volunteers and staff bring holiday cheer to over 1,400 destitute families by providing them with gifts and the food for a holiday meal. In all, MLM will provide nearly 42,000 hours of volunteer service to those in difficult circumstances in the coming year. The Metropolitan Lutheran Ministry provides all of these services with a dedicated staff of 31 highly trained individuals and over 1,500 volunteers from the Greater Kansas City area.

MLM has set the standard for social service in Kansas City. Metropolitan Lutheran Ministry has helped to implement programs such as Harvesters Food Bank, the Community Gardens project, Project Warmth, as well as low to moderate-income housing programs such as Parvin Estates and Sheffield Place, which provides housing to homeless women with small children. These initiatives are at the core of the social service backbone of Kansas City.

MLM continues to produce new and important endeavors for the community. Most recently, they embarked on a child abuse prevention program to train and educate teachers, counselors, and the clergy about how to recognize abuse, how to intervene, and where to go for help. Last year this program reached out to 7,400 people and trained 500 people in 33 workshops.

Mr. Speaker, I congratulate the Metropolitan Lutheran Ministry on this, their 25th anniversary and for their valiant efforts in the war on poverty.

NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. COYNE. Mr. Speaker, I rise today to remember the 43d anniversary of the end of the Korean war.

This war, often referred to as the forgotten war, played an important role in modern world history. Its impact on the course of the cold war cannot be understated. The United States response to the North Korean invasion of South Korea demonstrated that the United States would not idly stand by and allow Communist countries to invade their neighbors. Our response indicated that even after the carnage of World War II, Americans were still willing to make heavy sacrifices to defend freedom and fight Communist dictatorships around the globe.

Following its liberation from the Japanese in 1945 at the end of World War II, Korea was divided into two temporary zones of occupation, controlled by the United States and the Soviet Union, pending the establishment of a legitimate Korean national government. Subsequently, the Soviets refused to relinquish political control over North Korea. U.N.-sanctioned elections were held in the south on May 10, 1948, but the Soviet Union established a puppet regime in the north which boycotted the elections. The following year, the United States forces completed their withdrawal from South Korea. The United Nations attempted to mediate the disagreement between the North Korean regime—the People's Democratic Republic of Korea—and the Republic of Korea [ROK] in the south, but tensions remained high as both governments insisted on reunification under their exclusive control.

On June 25, 1950, North Korean forces equipped with Soviet-made weapons invaded South Korea with the intent of reunifying the country by force. The United States and the free world responded to this aggression rapidly. On June 27, the U.N. Security Council passed a resolution calling upon its member states to help the Republic of Korea repel the North Korean invasion. The same day, President Truman ordered U.S. forces into action on the side of the South Koreans.

The North Korean Army met with initial success. They shattered the South Korean Army, captured the South Korean capital, Seoul, and swept south to occupy almost the entire Korean peninsula. The first United States ground troops to go into combat were badly outnumbered and inadequately supported—and they suffered heavy losses—but the United States and ROK forces eventually established a stable perimeter around the South Korean port of Pusan.

The U.N. counterattack led by the United States in September 1950 rolled back the North Korean invaders, forcing the North Korean Army up the Korean peninsula nearly to the Chinese border. The amphibious landing at Inchon was a brilliant strategic move that in one bold stroke transformed defeat into victory and destroyed the bulk of the North Korean Army. The Chinese entrance on the side of the North Koreans changed the nature and the dynamic of the war. For the next 6 months, the battle lines surged back and forth along the Korean peninsula as U.N. and Communist offensives met with varying degrees of success before the front stabilized just north of the 38th parallel. For the next 2 years, a bitter but more limited war was fought as truce negotiations dragged on. Chinese tactics often neutralized the U.N. forces' superior firepower, and the war became a brutal battle of attrition. An armistice agreement was signed in Panmunjom on July 26, 1953, and hostilities finally came to an end.

The valor of U.S. troops in Korea is legendary. The U.S. forces that served in Korea conducted themselves bravely in difficult circumstances, fighting at times against overwhelming odds and often in brutal, life-threatening weather. Names like Task Force Smith, Dean's delay, the Pusan perimeter, Inchon, Chosan, the Iron Triangle, and the Punch Bowl all call to mind the heroism, sacrifice, and resilience that American troops displayed in the course of this war.

One and a half million Americans served in the Korean Theater during this conflict. 5.7 million Americans served in the military during the conflict. 54,246 Americans died in Korea—2,300 of them from Pennsylvania. 8,000 Americans remain missing in action.

Last year the Congress passed and the President signed legislation designating July 27 of each year through the year 2003 as National Korean War Veterans Armistice Day. Under this law the President is directed to call upon the American people to observe the day with the appropriation ceremonies and activities in honor of the Americans who died as a result of their service in Korea.

It is only appropriate that we take such actions to remember these heroes of America's forgotten war, and to honor the supreme sacrifice that they made. We must also use this occasion to remember, praise, and thank the veterans of the Korean war who put themselves in harm's way but survived that terrible conflict. These men and women served their country faithfully and well in a distant and often inhospitable part of the world.

Several years ago a group of concerned citizens in western Pennsylvania decided to build a memorial in Pittsburgh to honor the men and women who served our country in the Korean war. The Korean War Veterans Association of Western Pennsylvania Memorial Fund, Inc., was established in 1993 to design and build this memorial. The city of Pittsburgh donated a site for the memorial in 1994. A national design competition was held in the spring of 1995 and a winner was selected. An armistice day memorial ceremony will be held this weekend on July 27 at the future site of the memorial to remember and honor all of the brave Americans who served in the Korean war. I am proud to note that I have been asked to participate in this important ceremony.

I urge my colleagues and my fellow Americans, each in their own fashion, to honor the veterans of the Korean war on this anniversary of the armistice.

A TRIBUTE TO COACH PAT HEAD SUMMITT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. DUNCAN. Mr. Speaker, I recently had the privilege of hosting a luncheon in honor of the Tennessee Lady Vols basketball team, the 1996 national champions. The team was later honored along with the Kentucky men's team in a special ceremony and reception at the White House.

Coach Pat Head Summitt, who has coached the Lady Vols for more than 20 years now, is unquestionably one of the finest coaches in this Nation. She has achieved her great success through much hard work, determination, and perseverance.

The Knoxville News Sentinel recently ran a very fine article about Coach Summitt which I would like to call to the attention of my colleagues and other readers of the RECORD. I was particularly impressed by the great influence that this article shows that Coach Summitt's family had in helping her become the great leader she has become.

TENNESSEE'S PAT SUMMITT CREDITS FAMILY FOR HER ZEAL FOR HARD WORK

(By Amy McRary)

Minutes after winning her fourth national basketball crown, Tennessee Lady Vols Coach Pat Summitt went looking for the people who taught her about the game.

Tennessee had just trounced Georgia 83–65 in the March 31 NCAA finals at the Charlotte Coliseum in North Carolina. When Summitt got to the seats where her parents, Richard and Hazel Head, sat, the 43-year-old coach got a reward she'd waited for all her life. Tall, stern Richard Head wrapped his daughter in a bear hug and gave her a kiss.

"I'm glad you finally got to see one," Summitt said to the quiet Middle Tennessee farmer with a gruff voice and sometimes gruffer manner.

It was only the second hug and first kiss the 73-year-old Head had ever given this child he raised as a hardworking fourth son, the young woman he cheered for to play harder, the demanding coach he'd once worried would be fired.

Patricia Sue "Trish" Head's first basketball court was one end of a 100-foot hayloft. Her daddy hung a goal at one end and strung some lights. Her first teammate was her oldest brother, Tommy, seven years older than his little sister and now a state legislator. Her first opponents were older brothers Kenneth and Charles.

Trish gave as good as she got when they played two-on-two after raking hay, milking cows, working tobacco. Summitt praises her parents, saying they protected her from her brothers. Her only sister, Linda, is six years younger than Summitt.

To hear the family tell it, Trish didn't need any protecting.

"I reckon she was just one of the boys," says Charles Head, a farmer and greenhouse operator. "In that hayloft, she was right in the middle of us. That's what made her tough."

As tough and as good as she was, she had no team to play for in 1966. The high school in Clarksville didn't have a girls' team.

So Richard Head moved his family of seven some six miles down the road, to tiny unincorporated Henrietta in neighboring Cheatham County. Then, Trish could play ball over at Cheatham County High School in Ashland City. Her first year, she caught a Trailways bus home every day.

"Everybody thought I had lost my mind," Hazel Head says. The family moved from a new home to an old, drafty house near their community grocery. "That old house was cold as kraut."

Richard Head says simply: "I just knew she wanted to play ball."

Pat Summitt coaches basketball the way she played basketball—intensely.

"The amount of work it takes to be successful does not detour Pat," says former UCLA coach Billie Moore, who coached Summitt on the 1976 silver medal U.S. Olympic team. "In the coaching game, she is not going to leave anything for granted. She was that way when I first met her."

Growing up on the family's Middle Tennessee dairy farm meant working—and working hard. "Daddy said he wanted Mama to have a girl, but he treated me like one of the guys," Summitt says.

Summitt wasn't any older than 10 or 11 when she was driving a tractor. She set and harvested tobacco, raked and baled hay, plowed fields and raised 4-H calves.

When the doors were open at Mount Carmel United Methodist Church near Ashland City, the Heads were there. Summitt couldn't date until she was 16. Living 15 miles from town, she didn't go out for pizza until her senior year in high school. "We worked, and we played basketball in the hayloft," she says.

Richard Head ran the farm and the store, built houses, served as water commissioner and on the county court. "Miss Hazel" worked as hard as her husband, mowing the yard and cooking huge, country meals. The first to bring food to families after the death of a loved one, Hazel Head is "the hardest working person I know," Summitt says.

"I've often said I wish I had more of my mom in me. I think I learned a lot from my mom about being a good mother. You can always count on Miss Hazel."

Today, the Heads are likely the hardest-working retired people in Tennessee. Richard Head still works the family farmlands and does some work in Springfield, over at the tobacco warehouse. Hazel Head helps over at the family laundry in Ashland City almost every afternoon. The friendly and down-to-earth 70-year-old still fills three freezers of her own and keeps friends and family supplied with vegetables from the Heads' 10-acre garden. They still live in Henrietta, but in a newer and warmer house Richard Head built. Except for Summitt, all their now-grown and married children live within a five-mile radius.

In the Head family, good work was expected and didn't need praising. Excuses weren't accepted; laziness wasn't tolerated. Not that the Head kids questioned.

"Rebel? Are you kidding?" laughs Summitt. "A lot of discipline came as a result of fear. We had to get our own switch out of the yard. And if you got a little one, Mama would get her own. I hated that."

Trish's 16th birthday was spent on a tractor. Friends were feting her and a friend at a country club. But rain was coming and bales of hay were still in the field. Richard Head refused to let his daughter leave. She had work to finish.

"I think I wound up getting in trouble with my dad that day," Summitt remembers. "I was so mad I wasn't paying attention (to her work). I think I got a switch that day and it wasn't birthday licks."

"Richard was far more the patriarch than Hazel was the matriarch," says R.B. Summitt, Summitt's husband of nearly 16 years. "Pat didn't hear anything if things were OK. If something went wrong, boom. Pat responds to that. Most women, I think, do not."

Affectionate expressions simply weren't Richard Head's way. "I never did like that stuff," Head says matter-of-factly.

"Some families hug and kiss all the time, but we just never really did," defends Hazel Head. "It's just the difference in people. But that didn't mean you didn't love them. He'd work his toenails off for either of our five kids."

Attempting to win her father's approval helped drive Summitt early in her career as she took a program only slightly above intramurals and made it the best in women's basketball. Her teams have won four championships in 13 trips to the Final Four. For 20 consecutive years, the Lady vols have won at least 20 games. For eight seasons, including the last three, Summitt's teams have won 30 or more games. Summitt played on the 1976 Olympic team and coached the 1984 women's team to a gold medal. She has repeatedly been named Coach of the Year by athletic organizations.

"It was obvious when he (Head) was in the stands, Pat played at a different level," Billie Moore says. "I like to kid him and say it's all a front, that he's really a softie on the inside. They are a very close, supportive family and having that is part of (having) your confidence."

The Heads and Moore tell of Richard Head yelling "Trish, Trish" at his player-daughter through one pre-Olympic game. Teammate Trish Roberts thought that man in the stands was yelling at her. Summitt knew exactly who her daddy was hollering at. "The coach said afterward she'd never seen two girls play so hard," Richard Head says.

You'd likely zip right through Henrietta up Highway 12 from Ashland City to Clarksville except for that big green-and-white highway sign proclaiming. "Home of Pat Head Summitt."

Under the green sign is a smaller, handmade one shaped something like the state of Tennessee. Fashioned and fastened by the Heads' mail carrier, that sign reads "Lady Vols #1 and Always #1 Here" in bright orange letters.

Two satellite dishes stand in the Heads' back yard, gifts from Summitt so her parents won't miss a game. She phones after contests.

"If they lose, she doesn't call right straight; she's too down," Hazel Head says. "But she likes to know what we think."

Today, her assistant coaches and husband insist Summit is self-motivated. "I think she is pretty well content with her folks, her family, her career, her life. I think it took a while," says R.B. Summitt, who's executive vice president of Sevier County Bank. "I think she always worried what her dad would say or think."

The first hug Summitt got from her daddy was last year, a conciliatory hug after a bitter loss to Connecticut in the NCAA championship game. The second came with a kiss after this year's championship.

"To hug me and give me a big old kiss, that was a first," Summitt says. And she says, her father has now told her he is proud—in his own matter-of-fact, understated manner.

The Heads spent a day at the Summitts' Blount County home after this year's NCAA tournament. As Richard Head was leaving, he told his daughter: 'Now I don't want to hear any more about how I've never hugged you or kissed you or told you I was proud of you."

"That was Daddy's way of telling me he was proud," Summitt grins.

Consider how far she has come. Pat Head began coaching the year Title IX, which required equal athletic opportunities for women, became law.

She was a 22-year-old graduate assistant who also taught four courses. Four of her players were 21; 50 people came to see them lose their first game by one point to Mercer University. Between coaching, Summitt worked on her master's in physical education and rehabilitated an injured knee so she could try out for the '76 Olympics.

She was her own assistant, own trainer and sometimes team driver. R.B. Summitt remembers hauling team equipment to games in his Ford van after he met his future wife in 1977.

Twenty years later, it's still a family event, but the coach doesn't drive the team bus and her husband doesn't have to load equipment. Richard and Hazel Head drive 3½ hours to some contests. R.B. Summitt has seats near the court where he can yell—loudly—at officials and opposing coaches.

The Summitts' only son, 5-year-old Tyler, has been Summit's traveling companion since he was just months old. This spring, he stood on a ladder to help his mother cut the nets in Charlotte.

During this season's 18-point thrashing by Stanford, Summitt walked to the end of the bench near her son. "Mama," he said solemnly, "I'm doing all I can."

"Son, she replied, "I don't think that will be enough."

Today, Pat Summitt has coached half her life, compiling a 22-season record of 596–133. some 8,000 fans regularly cheer the Lady Vols during home games. After working 20 years without a contract, Summitt now earns an annual $135,000. That's the highest base pay of any UT coach, male or female.

But for those first couple of years, the Lady Vols won only 16 games a season. The third season, they hit 28 wins and never looked back.

And over in Henrietta, Richard Head was trying to get his daughter to quit the coaching game.

"I felt like she might have a bad season, and they'd get rid of her. They won't now for awhile, but at one time I figured they might."

A sometimes blind, always demanding passion drives the woman who is arguably the best coach in women's basketball.

"I've always said, 'Teams may beat us, but they better not outwork us. Coaches may beat me, but they better not outwork me,'" Summitt says. "I guess you have to be a little crazy to be this driven, but I enjoy working."

Says Mickie DeMoss, Summitt's assistant coach for 11 years: "She coaches with a lot of passion; she does everything with a lot of passion.

"If she owned Weigel's up the road, it'd be the best Weigel's in the city of Knoxville. Because she'd work from sun-up to sundown.

"Holly (Warwick, also an assistant coach for 11 years) and I often say we do things the hard way around here," DeMoss laughs. "If the competition is doing it one way, we're going to find a way to do it a little better."

Says Shelley Sexton, point guard on Summitt's first 1987 championship team and now women's basketball coach at Karns High School, "Nobody questions themselves harder, nobody puts themselves through more, than Pat Head Summitt. She is a perfectionist."

The slender 5-foot, 11-inch Summitt walks faster, drives much, much faster. "If Pat's not driving, putting on her makeup and talking all at the same time, she's wasting her time," DeMoss says. Warwick and DeMoss half-joke Summitt only slows down when Tyler is riding.

When she jogs, Summitt has to run two steps ahead of everyone else and has to finish at least a step ahead. "And the whole time she's running—she's talking basketball," says Warwick, a three-time All-American when she played for Summitt from 1976 to 1980.

Summitt readily admits she's not the world's most observant woman. Her narrow focus tapers to tunnel vision during basketball season. Her assistants swear Summitt comes to work not knowing if she's walked in through rain or 20-degree cold. Last spring, she jogged the same route for three weeks before realizing a building she passed daily had burned.

Current events don't get any more attention. Summitt was once to go to Las Vegas to pick up an award. "Today" show host Bryant Gumbel and Dallas Cowboys running back Emmitt Smith were to attend. Summitt didn't want to go—she didn't recall who those other people were.

"I have asked her before, if she will just read one story on the front page of the paper before turning to the sports section," DeMoss says. "And it's not necessarily sports—it's basketball. It's women's basketball. It's Lady Vols basketball."

One of the best stories about Summitt's single-minded determination can be told in a true story that sounds more like a tale.

Consider the birth of sandy-haired, blue-eyed Ross Tyler Summitt.

Tyler, who can't talk defense and rebounding with the best of them, was nearly born while his mother was recruiting UT point guard Michelle Marciniak.

The story goes like this:

Summitt was about two weeks away from her due date when she and DeMoss flew to Pennsylvania in September 1990 to recruit Maricinak. While there, Summitt went into labor.

But she wasn't going to have her son anywhere but in Knoxville. And it didn't matter she was states away. 'You know, Pat can be pretty stubborn," DeMoss says.

DeMoss raced her boss to the UT plane. On the way, Summitt's pains increased. The pilot offered to land in Virginia.

That sounded like a great idea to DeMoss. Forget that archrival Virginia had defeated Tennessee in overtime in the NCAA East Regional that March.

"Pat told me, 'Mickie, you let them land in Virginia, you're going to have a mad woman on your hands.' That was all I needed to know," DeMoss recalls.

The plane landed at McGhee Tyson Airport in a fast two hours, black exhaust fumes streaking its sides. Tyler was born a few hours later at St. Mary's Medical Center. The doctors said if the baby's head had been turned differently, DeMoss would have had an assist in his birth. "It was the longest two hours of my life," DeMoss says.

Down the sidelines she strides, pointing, yelling, snarling. Her blue eyes glare "the look" that makes an All-American cower.

In the comfort of your den, in the safety of your Thompson-Boling seat, you're very, very glad you're not wearing Tennessee orange. Even Richard Head thinks Trish is sometimes too hard on those girls.

"I think Daddy's gotten more relaxed since his children have married . . . since he's got nine grandkids and two great-grandkids," Summitt says.

Watching Summitt, it's hard to imagine this woman was once so reserved she dreaded taking college speech classes. The nickname "Pat" stuck when she was too shy to tell college classmates everybody called her "Trish."

Gracious one-on-one, Summitt keeps in touch with and often advises former players. Involved in community causes, she's chairing the 1996 local United Way campaign with men's basketball coach Kevin O'Neill.

So maybe, just maybe, those flashes of sideline temper aren't as bad as they seem. Or maybe the end justifies the means. Summitt makes no excuses.

"I'm not really concerned about what people say about the way I coach or my style," Summitt says. "Because unless you are really on the inside, I don't think you can totally understand and appreciate communication.

"My volume can be on 10, but my message can be very positive. My volume may be a two and it can be one of constructive criticism. I can't spend my career trying to please everybody. When I concern myself with people, it's the people right here."

Through the years, 13 players have transferred out. "I'm sure my personality, my expectations for us, had something to do with it," she says.

Those around her say Summitt today yells more selectively, having adapted to changes in players and differences in teams' chemistries. She's still tough.

"Now she still gets in their faces and she expects a lot out of them, but I think she has really made an effort to compliment them when they do well, tell them how proud she is of them," DeMoss says. "There's never been a question that she cares about her players."

Says former Lady Vol center and current University of Richmond assistant coach Sheila Frost: "Pat will drive you to the brink, but she won't break you. I was just a little farm girl when I got to Tennessee. She took me under her wing and she kicked me in the rear too."

The idea of playing for a demanding basketball icon with a temper can be intimidating not just to 18-year-olds. DeMoss works to "humanize" Summitt to recruits and parents. "I tell them up front, 'Yes, she's tough, she's demanding. . . . She expects nothing but your best. And if you come here, basketball needs to be important to you because it's very important to Pat.'"

Call it maturity. Call it security. Don't call it mellow.

"Pat hates it when people use that word," DeMoss says.

Summitt agrees she's more apt to ask for input from DeMoss, Warwick and assistant Al Brown and from her players. "I'm more flexible today than I was at 27, more tolerant. Starting out I guess I was kind of a dictator type. I thought I had all the answers."

There's no question who's in charge, but Summitt is more comfortable letting players make some decisions. "I've heard her ask the players during a time-out, 'You want to play zone or man-to-man?'" DeMoss says. "I think she knows now you can laugh and have fund and still win. Used to, she didn't think the two ever could go together."

She gets help laughing from practical jokers DeMoss and Warwick. Once, Summitt was ragging the players about her playing days. The coach swore she always rebounded and never tossed fancy passes. DeMoss and Warwick showed the team a grainy, black-and-white video of Summitt's playing days.

"She threw hook passes; she didn't rebound. The whole team had to wait for her to get down the court," Warwick laughs. "But she took it very well."

Summitt can slip in a joke herself. Tennessee was to play Louisiana Tech in April in the 1988 Final Four semifinal. Summitt called Warwick and DeMoss with the worst of news—UT star Bridgette Gordon had severe food poisoning.

"She really had us going. And then she said, 'April Fool.' Ninety percent of the time she is so serious, she can really get you," DeMoss says.

Mellow or mature, Summitt remains one very poor loser.

"She's more like her daddy. I want them to win, but he really is disappointed if they don't," Hazel Head says. "I try to tell her, 'When you go out there, you know one's going to lose, and one can't do it all. You can't always be on top.'"

Says R.B. Summitt, "If we should have lost, Pat's not a good loser and it's not any fun. But if we should not have lost, if the team didn't give effort, if we sort of gave the game away with mistakes, then it's worse."

"I get really sick inside," Summitt says, putting one hand to her chest. "I just have a terrible feeling. I cannot get it off my mind. I replay every play. I always feel there's something I could have said or done to make the difference."

She is hard on herself and on her players. Game mistakes are replayed in hard practices. "I'm sure the players get sick of hearing it. But that's OK. Then they'll remember how they felt when they lost," she says.

If you really want to feel the Summitt wrath, be lazy or dishonest.

Team policy is sacred. Going to class and being on time are not mere suggestions. You don't go to class, you don't step on the court. All players who remained at Tennessee four years have graduated, a fact that coaches are as proud of as those national championships.

Players who break team rules get suspended. Most recently, Lady Vols center Tiffani Johnson was not allowed to make last Monday's team trip to the White House because of an undisclosed rules violation.

Word is that Summitt knows everything. "She just looks at you and says, 'I know what you've been doing and you just confess," Warwick says.

Summitt suspended point guard Tiffany Woosley for three games her senior year after Woosley made comments reportedly criticizing some teammates. "It doesn't matter who you are, if you do one thing wrong, you get punished. It's Pat's way or no way," says Woosley, now coach at Fayetteville's Lincoln County High School. "That's the way it should be. She's tough. But I learned from it, the good and the bad."

Says Sexton: "There's a price to be paid to be a part of that program. You have got to be above reproach. It's a responsibility, a commitment on and off the floor.

Recruits ask DeMoss "Can I play for Pat? Can I handle Pat?" I tell them, "Two things will keep you out of the doghouse. Work hard and be honest," DeMoss says.

Says Summitt, "I think I have very little patience with people that are not motivated to work hard. It's hard for me to understand."

THE DEATH OF DR. HECTOR GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to advise my colleagues of the passing of Dr. Hector Garcia of Corpus Christi, who was my personal hero and one of the most important Americans of our time.

Dr. Garcia was a different breed of patriot and citizen. Long before the issue of civil rights was on anyone else's agenda, Dr. Hector Garcia recognized the need for equal rights for the citizens of the United States, particularly in our little corner of the world in south Texas. Rather than make the larger elements of society uncomfortable with a direct public assault on the status quo, Dr. Garcia began making quiet inroads into the system.

Dr. Garcia encouraged all of us to become involved. He articulated clearly, then, why it was necessary for Hispanics to show an interest in the workings of our city, our community, and our country. He underscored the basic workings of democracy, preaching his message about the strength of numbers, the necessity of registering to vote, and the power of voting.

Today, Dr. Garcia's message is the political gospel to which we all adhere. While others fought the system, often unsuccessfully, Dr. Garcia worked within the system to open it up for everyone to participate. He amazed us all with his wisdom, foresight, and longevity.

Dr. Garcia began fighting for the cause of civil rights in 1948—long before others joined that cause. He fought for basic, fundamental civil, human, and individual rights. The seeds he planted all those years ago have grown into ideas whose roots are firmly planted in south Texas. Those seeds have produced today's leaders, and laid the foundation for tomorrow's leaders.

As a veteran, I am particularly grateful to Dr. Garcia for his very special service—both during conflict with the enemy, and within the bureaucracy. The American GI forum, which he founded, was originally intended to guide WWI and WWII veterans through the maze of bureaucracy to obtain their educational and medical benefits, and it grew into the highly acclaimed Hispanic civil rights organization.

The seeds of Dr. Garcia's inspiration and leadership have sprouted, and they will continue to grow and succeed—just as he planned. Dr. Garcia was a tremendously decent man, and his legacy to us is to treat each other decently as human beings. He embodied the Golden Rule—"Do unto others as you would have them do unto you." There are a host of people in south Texas who received free medical care from him because they simply couldn't afford to pay him.

I will miss him, and I will miss his decency—I believe all Americans will. I believe the best way for us to remember him is to follow his example.