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## Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Gracious Father of all the families of the Earth, this Sunday we institute Parent's Day. We pray that this special day, established by Congress and signed into law by the President, will be a day to recall America to a new commitment to the family.

We ask You to bless parents as they live out the high calling of being parents. Help them to learn from the way You parent all of us as Your children. You have shown us Your faithfulness, righteousness, and truthfulness. You never leave or forsake us; You respond to our wants with what is ultimately best for our real needs. You love us so much that You press us to become all that You intended.

As parents, we commit ourselves to moral purity, absolute honesty, and consistent integrity. Help us to be dependable people in whom our children experience tough love and tender acceptance along with a bracing challenge to excellence and responsibility. May our example of patriotism raise up a new generation of Americans who love You and their country.

Be with parents when they grow weary, become discouraged, or feel that they have failed. Be their comfort and courage. Remind them they are partners with You in launching children into the adventure of living for Your glory and by Your grace. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader.

### SCHEDULE

Mr. BURNS. Mr. President, I wish to mention that this morning the leaders' time has been reserved and the Senate will begin consideration of H.R. 1817, the Milcon appropriations bill. Under the consent agreement entered into last night, at 10:20 this morning the Senate will resume consideration of the rescissions bill. At that time, there will be 40 minutes of debate remaining and as many as three stacked rollcall votes to occur following the debate at approximately 11 a.m. Senators should therefore expect votes throughout today's session of the Senate.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I could have unanimous consent for about a minute as in morning business to introduce a bill.

The PRESIDING OFFICER (Mr. SANTORUM). Is there objection to the request of the Senator from Alaska? Without objection, it is so ordered.

Mr. MURKOWSKI. Good morning, Mr. President. I thank my colleagues, the Senator from Montana and the Senator from California, who have been so gracious to extend me a minute this morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1054 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

### MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 1817, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

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

### H.R. 1817

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

### MILITARY CONSTRUCTION, ARMY

#### (INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[\$611,608,000]** *\$496,664,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[\$50,778,000]** *\$44,034,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, *That of the funds appropriated for "Military Construction, Army" under Public Law 102-143, \$6,245,000 is hereby rescinded.*

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



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## MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[\$588,243,000] \$542,186,000**, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[\$66,184,000] \$49,477,000** shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE  
(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[\$578,841,000] \$532,616,000**, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[\$49,021,000] \$23,894,000** shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-136, \$2,765,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-368, \$13,240,000 is hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[\$728,332,000] \$818,078,000**, to remain available until September 30, 2000: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[\$68,837,000] \$83,992,000** shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 101-519, \$3,234,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 102-136, \$6,800,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 102-380, \$8,590,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 103-110, \$8,131,000 is hereby rescinded.

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

## (INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$72,537,000] \$93,121,000**, to remain available until September 30, 2000.

## MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$118,267,000] \$134,422,000**, to remain available until September 30, 2000: *Provided*, That of the funds appropriated for "Military Construction, Air National Guard" under Public Law 103-110, \$6,700,000 is hereby rescinded.

## MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$42,963,000] \$48,141,000**, to remain available until September 30, 2000.

## MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$19,655,000] \$7,920,000**, to remain available until September 30, 2000.

## MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$31,502,000] \$32,297,000**, to remain available until September 30, 2000.

NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, **\$161,000,000**, to remain available until expended.

## FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$126,400,000] \$71,752,000**, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, **[\$1,337,596,000] \$1,339,196,000**; in all **[\$1,463,996,000] \$1,410,948,000**.

## FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, in-

cluding acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$531,289,000] \$504,467,000**, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, **[\$1,048,329,000] \$1,051,929,000**; in all **[\$1,579,618,000] \$1,556,396,000**.

## FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$294,503,000] \$261,137,000**, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, **[\$863,213,000] \$850,059,000**; in all **[\$1,150,730,000] \$1,111,196,000**.

## FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, **\$3,772,000**, to remain available for obligation until September 30, 2000; for Operation and maintenance, **[\$30,467,000] \$42,367,000**; in all **[\$34,239,000] \$46,139,000**.

DEPARTMENT OF DEFENSE FAMILY HOUSING  
IMPROVEMENT FUND

## (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, **\$22,000,000**, to remain available until **[expended] September 30, 2000**: *Provided*, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to this Fund from amounts appropriated in this Act for Construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to that Fund: *Provided further*, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of, and amendments made by, the National Defense Authorization Act for fiscal year 1996 pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

## HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), **\$75,586,000**, to remain available until expended.

## BASE REALIGNMENT AND CLOSURE ACCOUNT,

## PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), **\$964,843,000**, to remain available until expended: *Provided*, That not more than **[\$224,800,000] \$325,800,000** of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT,  
PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$2,148,480,000, to remain available until expended: *Provided*, That not more than \$232,300,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT,  
PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$784,569,000, to remain available until expended: *Provided*, That such funds will be available for construction only to the extent detailed budget justification is transmitted to the Committees on Appropriations: *Provided further*, That such funds are available solely for the approved 1995 base realignments and closures.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a termination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations

Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or [in] countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies [in] bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred among the Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374); the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991; and appropriations available to the Department of Defense for the Homeowners Assistance Program of the Department of Defense. Any amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the fund, account, or appropriation to which transferred.

SEC. 124. The Army shall use George Air Force Base as the interim airhead for the

National Training Center at Fort Irwin until Barstow-Daggett reaches Initial Operational Capability as the permanent airhead.

[SEC. 125. (a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

[(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

[(c) The Secretary of the Army is also authorized to convey the remaining surplus property at former Fort Sheridan to the Fort Sheridan Joint Planning Committee, or its successor, for an amount no less than the fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

[(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

[(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.]

SEC. 125. *None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Facility Renovation (Phase I), unless the Secretary of Defense certifies that the total cost for the planning design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,218,000,000.*

SEC. 126. *In addition to amounts appropriated elsewhere in this Act, \$228,098,000 is hereby appropriated, to remain available until September 30, 2000, to the following accounts in the amounts specified:*

*Military Construction, Army, 1996/2000, \$20,000,000;*

*Military Construction, Navy, 1996/2000, \$10,400,000;*

*Military Construction, Air Force, 1996/2000, \$37,000,000;*

*Military Construction, Defense-Wide, 1996/2000, \$10,000,000;*

*Military Construction, Army National Guard, 1996/2000, \$63,236,000;*

*Military Construction, Army Reserve, 1996/2000, \$35,282,000;*

*Military Construction, Air National Guard, 1996/2000, \$34,550,000;*

*Military Construction, Air Force Reserve, 1996/2000, \$3,150,000;*

*Family Housing, Navy and Marine Corps, 1996/2000, \$8,480,000; and*

*Family Housing, Air Force, 1996/2000, \$6,000,000.*

This Act may be cited as the "Military Construction Appropriations Act, 1996".

#### PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that Warren Johnson be given floor privileges during consideration of this legislation.

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

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow in my office, be extended floor privileges during the pendency of this action.

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

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 1996.

Mr. President, this bill was reported out of the full Appropriations Committee on Wednesday. The bill recommended by the full Committee on Appropriations is for \$11.159 billion. This is \$461 million over the budget request, \$18 million under the House bill, and \$2.424 billion over the level enacted last year. Compared to last year's enacted level, the budget proposed a \$2 billion increase in the regular military construction program.

Also, I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays.

Mr. President, it has not been easy putting this bill together. Earlier this year, the subcommittee received an allocation that provided for a \$461 million increase to the budget request. However, \$161 million of this amount provides for a transfer from the Defense appropriation to the military construction appropriation for the Pentagon renovation.

This account was put into the Defense bill in 1993 in the form of a revolving fund. By putting it back into the military construction appropriation we will bring more visibility to the program. This transfer means our allocation is really \$180 million under the House.

The Committee on Appropriations in the House approved an appropriations bill that was \$500 million over the budget request.

Mr. President, this bill has some points I want to mention. The bill fully funds the base closure and realignment accounts. This include \$784 million for this year's round of base closures. This has been an extremely difficult year for many States with regard to the brac process. We made sure that there would be no impediments to moving forward with the decisions that the President has approved. Mr. President, this account makes up 35 percent of our appropriation.

However, I am extremely concerned with the growth of this program. The base closure program cannot replace a regular military construction program. Our military bases that will remain open will have investment requirements which must be met. But as the base closure program grows, it will continue to crowd out the regular military construction program.

In addition, the subcommittee is asking the General Accounting Office to help us evaluate the future requests for the base closure accounts. If the Department is unable to get the cost of base closures under control, it has a re-

sponsibility to reorient other priorities in the Defense budget so adequate funding is available to pay for the routine military construction requirements of the active services and the Guard and Reserve.

We supported the Secretary's initiative to provide more housing to our military members. This is part of the \$4.2 billion included in this bill for family housing.

We did not, however, support the Air Force's request to build new senior and general officer quarters. We will not support building new homes for generals when there are families of enlisted people on waiting lists for homes.

We also addressed the shortfalls that continue to plague our Reserve component; \$263 million was added for the Reserve component. In each case these funds are for quality of life or readiness.

Mr. President, the administration has available to it the same information the subcommittee has. The administration knows that the construction backlog of the Army Guard, the Air Guard, the Army Reserve, the Navy Reserve, and the Air Force Reserve is billions of dollars and that backlog is growing, even as the force levels are being reduced.

So against this construction requirement, the administration budgeted only \$182 million for the entire Guard and Reserve component of the Department of Defense. We could not allow this to happen.

We have only reduced the administration request of \$179 million for the NATO Security Investment Program by 10 percent. We believe this is a responsible reduction considering the requirements that may be put upon NATO in the near future.

Mr. President, before I close I want to thank the ranking minority member for his participation and his contributions to the subcommittee this year. I also want to thank Dick D'Amato of his staff as well and Warren Johnson and Jim Morhard on my staff. We would not have gotten here without their tireless work.

Mr. President, at this time, I yield the floor to my friend from Nevada, the distinguished minority member.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I fully support the recommendations in this bill that is now before the Senate. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

As the chairman mentioned, this bill emphasizes quality of life, particularly in family housing in barracks for single

soldiers. It funds the Secretary of Defense's initiative to get the private sector into the military housing market and help relieve some of the tremendous backlog of needs for both new and renovated housing, which averages over 30 years of age throughout the services. We have homes that people are living in that are over 50 years old in many installations throughout the United States.

My colleagues might wonder why this bill is the only subcommittee mark above the level of a fiscal year 1995 freeze. The reason is that the very large amount was needed to fund the base closure and realignment accounts, as the chairman has already indicated, almost \$4 billion, or more than a third of the entire amount recommended in the bill. In spite of this, we met our 602(b) allocation.

Without the need to fund the downsizing of the military through the BRAC process, the bill would be almost \$2 billion below the freeze level. Otherwise, Mr. President, the bill is extremely frugal. Overseas construction has been reduced somewhat, as has NATO funding, which this Member believes should be the beginning of a down path to have the European Community bear a more fair share of their burden in NATO.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard and Reserve, requiring the subcommittee to review many worthy projects suggested by Senators and the Guard and Reserves and to come up with a fair and equitable solution to the problem.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The administration requested only \$182 million for the Guard and Reserve, compared to \$574 million appropriated in fiscal year 1995. We are well below last year's level, recommending \$452 million, which is a 20-percent reduction. The subcommittee has used strict criteria for evaluating these projects suggested by Members, and a strong effort was made to take all Members' interest into consideration.

While no Senator that I am aware of has been fully satisfied, I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Mr. President, I believe that this is a good product, and I hope that the Senate will support it.

I thank at this time the staff director, Jim Morhard and his assistant,

Warren Johnson, for their work and cooperation with my staff, Dick D'Amato, a member of the Appropriations Committee assigned to me to work on this and other appropriations matters, and B.G. Wright also of the Appropriations Committee, Peter Arapis of my personal staff and a congressional fellow who has been working with me for the past 6 months, Debbie Allen.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 20 minutes.

Mr. REID. Mr. President, I am wondering if the Senator could end her remarks about 25 till, because we have a Senator offering an amendment and we have limited time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator is recognized until 9:35.

#### HEARINGS ON ALLEGATIONS OF MISCONDUCT

Mrs. BOXER. Mr. President, because the Senate polices itself, there has been much debate over the years about how the Senate should address allegations of misconduct. This debate has intensified in recent weeks because the Select Committee on Ethics has determined that allegations of wrongdoing made against a sitting Senator are supported by substantial, credible evidence.

With this determination, the case moved into a formal investigative phase. As of today, in what appears to be a break with well-established traditions, no public hearings into this case have been scheduled. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week, I would seek a vote on the matter by the full Senate. Mr. President, I have the legislation prepared and will seek to offer it next week. It is very straightforward and it will require that the pending case be treated in the same fashion as all other cases. I trust the Republican leadership will allow me a vote on my amendment in this very important matter, because the Senate's reputation is at stake.

I will take some time today to explain why I believe that the Ethics Committee should follow its longstanding practice and schedule public hearings in this case.

When an allegation of misconduct is received by the Select Committee on Ethics, it conducts a preliminary inquiry, the first stage of its procedures. If, at the conclusion of the preliminary inquiry, the committee determines that there is reason to believe improper conduct may have occurred, the committee may conduct a more exhaustive review called an initial review.

To proceed beyond an initial review into the investigative phase, a rigorous

test must be met. The committee must determine that there is "substantial credible evidence which provides substantial cause for the committee to conclude that a violation" within its jurisdiction has occurred. If the committee finds that substantial credible evidence of wrongdoing exists, the case now enters the investigative phase. So, Mr. President, there is a preliminary inquiry, there is the initial review, and then there is the investigative stage.

This three-tiered process for evaluating allegations of impropriety was established by this Senate in 1977. Since then, every case reaching the investigative phase has included public hearings. Let me repeat that, Mr. President. Since 1977, every single case reaching the investigative phase has included public hearings.

Mr. President, even before the formal procedures were established in 1977, when the Ethics Committee was created, the Senate followed the practice of holding public hearings in cases of alleged misconduct of its Members. For example, in 1954, extensive hearings were held by a special committee investigating misconduct by Joseph McCarthy. And as long as 65 years ago, in 1929, a special subcommittee of the Judiciary Committee held hearings to investigate alleged misconduct by Senator Hiram Bingham, and the committee made the complete records public.

In other words—and I think this is important for Senators to understand—even before the three-tiered procedure was established, investigations into alleged impropriety included extensive hearings and full public disclosure.

In 1978, shortly after the Ethics Committee was established, there was alleged financial misconduct by a Member of the Senate. After completing a preliminary inquiry, the committee voted to conduct an initial review, and then a full investigation. During that stage—the first in the history of the Senate—public hearings were held from April 30 to July 12.

Following these hearings, the committee recommended that the Senator be censured because his conduct tended to "bring the Senate into dishonor and disrepute." In one day of debate on October 11, 1979, the Senate accepted the committee's recommendation.

The following year, the committee faced its most serious allegation of misconduct. In 1980, a Senator was indicted on nine criminal charges ranging from bribery to fraud, stemming from the Abscam sting operation. The Ethics Committee deferred its investigation until the criminal case was concluded. After the Senator was convicted, the committee authorized a formal investigation.

As has been its practice, the committee held public hearings into the charges once it reached the investigative phase. The committee, then chaired by Senator Malcolm Wallop, found the Senator's conduct "ethically repugnant" and recommended that the