

and improve the FAA and its activities. In fact, Senator McCain worked nonstop to try to bring a bill for the Committee's consideration during our mark up session of today, August 10. Unfortunately, negotiations with the Administration and the FAA to develop bipartisan legislation which the Administration could endorse was not achievable prior to today's session. However, our Committee continues to work diligently with Administration officials to craft this legislation.

Therefore, I am pleased the managers of the bill agreed to postpone the effective date on the FAA procurement and personnel reforms included in the bill until April 1, 1996. This will give the Senate necessary time to achieve a consensus on how best to proceed in this most important area.

Mr. President, I would also like to clarify for the record another matter regarding action by the Commerce Committee that was brought up during the Senate's consideration on this bill.

During the short debate earlier today regarding my amendment to fund the Local Rail Freight Assistance (LRFA) program and the Section 511 loan guarantee program, the Chairman of the Appropriations Committee argued against my amendment, opposing it because the Commerce Committee has not reported a bill to the Senate to authorize funding for LRFA. I want to explain to my colleagues why this bill, which we approved on July 20th, has not been filed since. I did not have an opportunity to rebut the opposition prior to the vote.

On July 20th, the Commerce Committee approved a measure to reauthorize Amtrak and to permanently authorize LRFA. This approved bill has been available to the public since the Committee's approval. The Committee's authorization levels for Amtrak and LRFA have been readily available. To date, the Congressional Budget Office (CBO) has not provided a budget estimate to our Committee which must be included in the report. It is my understanding CBO has been inundated with scoring requests because of the on-going work on the appropriations bills.

Again, the Committee approved the measure three weeks ago today. The report is ready to go as soon as we receive this information from CBO.

I should reiterate that the LRFA reauthorization included in a bill that also reauthorizes Amtrak. A great deal of funding was provided for Amtrak in this appropriations bill, even though the bill has not been reported. Further, the 511 program is permanently authorized, but no funding was allocated.

AMENDMENT NO. 2390

Mr. LAUTENBERG. Mr. President, I am pleased to join with the Senator from New Mexico in offering this amendment. The amendment itself is simple: it would appropriate the funds that the Pentagon will need to cover

the costs of ongoing operations in Iraq, Bosnia, and Guantanamo for fiscal year 1996.

This amendment is offered to deal fiscally responsibly with existing commitments and to address a vital readiness issue.

Now some may be surprised by the omission of such an appropriation in this bill. It is, after all, a bill to appropriate funds for fiscal year 1996 for military activities of the Department of Defense.

The operations in Iraq, Bosnia, and Guantanamo are certainly "military activities." They are activities which we know will be conducted in fiscal year 1996. Yet the bill before us does not provide funding for those operations.

There is, unfortunately, a precedent for such omissions. For several years, the Congress and Presidents from both parties have gotten into the habit of paying for these continuing military operations by going outside the regular budget process. Although the Department of Defense knew that it would have to pay the bills for these existing operations, it did not budget for them as I believe it should. Consequently, the Congress did not step up to the problem either. We did not include funding for them in our authorization and appropriations bills. Instead, typically, a few months after the fiscal year began, administrations would come to Congress and ask for supplemental funding for the operations. And Congress would provide the funds.

In the past, that was an easier decision to make. Supplemental spending was often added to the deficit. But the rules have changed, Mr. President. Supplemental requests, we have decided, ought not just be added to the tab. They have to be offset by reductions elsewhere. Simply put, they have to be paid for.

So, within the context of the Budget Resolution and the 602(b) allocations which flow from it, the Pentagon must pay for these ongoing operations in Iraq, Bosnia, and Guantanamo. They can plan to pay for it now, in an orderly fashion in this bill. Or it will be paid for later, by reprogramming or rescinding DOD funds.

Senator BINGAMAN and I are proposing that it makes better fiscal and military sense to plan to pay for it now.

Delaying a decision will be, as it has been in the past, confusing, painful and costly.

Identifying lower priority programs to eliminate in the middle of the year as an alternative to deficit spending has been contentious, time consuming, and problematic.

The result is that the Congress and the administration have wrung their hands and quibbled over which "low priority" programs can be sacrificed at that time to pay these bills. The Department of Defense has been forced, at times, to dip into precious readiness accounts. As a result, the readiness of our troops has been compromised.

We can and should do better.

This year, the Defense Department is asking the Congress to do better. It is asking us to provide funding to cover the costs of these ongoing operations as part of the fiscal year 1996 Department of Defense Authorization bill and the fiscal year 1996 DOD Appropriations bill.

Rather than deferring a decision about how to pay bills we already know will come due later in the year, the Pentagon is asking us to be fiscally responsible and include them in the fiscal year 1996 budget now. We should do that. And this amendment will do it.

It is true, Mr. President, that the Administration did not request this funding in its official budget request for fiscal year 1996. However, before the Senate Armed Services Committee considered the Authorization bill for fiscal year 1996 and before the Senate Appropriations Subcommittee acted, Secretary Perry wrote a letter to the Chairman asking the Committee to provide funding for these operations if the defense budget was increased above the President's request.

Secretary Perry's letter is clear. Regarding ongoing operations in Bosnia, Iraq, and on Guantanamo, it says "I suggest that you fund these contingencies first if you decide to increase the DOD budget this year."

In a subsequent letter, Secretary Perry said "the importance of avoiding any negative effect on readiness of U.S. forces argues for funding them earlier than can be accomplished if we wait for supplemental funding next year." I ask unanimous consent that copies of Secretary Perry's letters be included in the RECORD.

To its credit, Mr. President, the Senate Armed Services Committee did authorize \$125 million for these ongoing operations as part of the \$7 billion it added to the President's budget for defense. But that won't do the trick. The Pentagon estimates that it will need \$1.2 billion to cover the cost of ongoing operations in fiscal year 1996. The appropriations bill provides nothing for the ongoing operations, although it increases defense spending by \$6.4 billion above the President's budget request.

We will still have more than a billion dollars worth of bills to pay later—bills which will need to be paid then, as we suggest they should be paid now, by finding other defense offsets.

Mr. President, I urge my colleagues to support this amendment in the name of fiscal responsibility. We know now that we have more than a billion dollars worth of bills to pay this year for ongoing operations and we should include those funds in the fiscal year 1996 budget.

In addition to being fiscally irresponsible, deferring a decision about how to pay these bills until later in the year runs the risk of putting the readiness of our troops in danger. Our service men and women, as well as the American people, expect and deserve better.

For their sake, we should fix our priorities now—as this amendment attempts to do—and include funding for contingency operations in the fiscal year 1996 budget now.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1147. An original bill to extend and reauthorize the Defense Production Act of 1950, and for other purposes (Rept. No. 104-134).

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

H.R. 2108. A bill to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Beth Susan Slavet, of Massachusetts, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2002.

William H. LeBlanc III, of Louisiana, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2000.

Jerome A. Stricker, of Kentucky, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 1998.

Jacob Joseph Lew, of New York, to be Deputy Director of the Office of Management and Budget.

Sheryl R. Marshall, of Massachusetts, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 1998.

Stephen D. Potts, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. HELMS, from the Committee on Foreign Relations:

Bette Bao Lord, of New York, to be a Member of the Broadcasting Board of Governors for a term of two years.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term of two years.

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term of three years.

Joseph A. Presel, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term of one year.

Mark D. Gearan, of Massachusetts, to be Director of the Peace Corps.

David W. Burke, of New York, to be a Member of the Broadcasting Board of Governors for a term of three years.

Tom C. Korologos, of Virginia, to be a Member of the Broadcasting Board of Governors for a term of three years.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term of two years.

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term of one year.

Lee F. Jackson, of Massachusetts, to be United States Director of the European Bank of Reconstruction and Development.

Stanley Tuemler Escudero, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Stanley T. Escudero.

Post: Uzbekistan.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, S. Alexander C. Escudero (unmarried), none; W. Benjamin P. Escudero (unmarried), none.
4. Parents names, Estelle T. Damgaard, none; Stanley D. Escudero (father, deceased).
5. Grandparents names, William Tuemler, deceased; Mary Tuemler, deceased; Manuel Escudero, deceased; Mabel Escudero, deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

William Harrison Courtney, of West Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Georgia.

Nominee: William H. Courtney.

Post: Ambassador to Georgia.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1998.

Robert Talcott Francis, II, of Massachusetts, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1999, vice John K. Lauber, term expired, to which position he was appointed during the last recess of the Senate.

Jay C. Ehle, of Ohio, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF A COMMITTEE

The following executive reports of a committee were reported on August 10, 1995:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103-29 Treaty Convention on Income Tax with Sweden (Exec. Rept. 104-4).

TEXT OF THE COMMITTEE-RECOMMENDED

RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Stockholm on September 1, 1994, together with a related exchange of notes (Treaty Doc. 103-29).

Treaty Doc. 103-30, Treaty Doc. 104-11, Treaty Convention on Income Tax with Ukraine (Exec. Rept. 104-5).

TEXT OF THE COMMITTEE-RECOMMENDED

RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, with Protocol, signed at Washington on March 4, 1994 (Treaty Doc. 103-30); and the Exchange of Notes Dated at Washington May 26 and June 6, 1995, Relating to the Convention Between the Government of the United States of America and the Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together With a Related Protocol, signed at Washington on March 4, 1994, (Treaty Doc. 104-11).

Treaty Doc. 103-31, Treaty Convention on Income Tax with Mexico (Additional Protocol Modifying) (Exec. Rept. 104-6).

TEXT OF THE COMMITTEE-RECOMMENDED

RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Additional Protocol that Modifies the Convention between the Government of the United States of America and the Government of the United Mexican States for the Avoidance