

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

UNANIMOUS-CONSENT
AGREEMENT—H.R. 889

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 889 and the remaining committee amendments to be agreed to en bloc be treated as original text for the purpose of further amendments; that the following amendments be the only remaining amendments in order in the first degree and they be subject to relevant second-degree amendments following a failed motion to table and limited to time agreements where appropriate, with the same time limit applying to any second-degree amendment and that no rule XVI point of order lie against Senator BUMPERS' NASA wind tunnel amendment. Mr. President, this includes the following amendments: The Hutchison endangered species amendment; the Brown Mexico amendment; the Coverdell Georgia flood amendment; Stevens manager's amendment; the Hatfield manager's amendment; the McConnell assistance to Jordan debt amendment; the Specter SOS Korean nuclear agreement amendment; the Roth-Glenn SOS nonproliferation amendment; and the McCain military construction amendment.

Mr. President, in addition, my understanding is the following Democratic amendments are included in this amendment: The Baucus amendment on South Korea trade; the Boxer amendment on military personnel; the Byrd amendment that may be relevant to the subject; a Daschle relevant amendment; a Feinstein environmental cleanup amendment; the Graham Cuba amendment; the Inouye manager's amendment; the Leahy Jones Act amendment; the Nunn amendment to relevant topics; the Wellstone amendment to relative topics; and also the Bumpers amendments in his own name, which we reserved a spot for covering Iran and NASA wind tunnels for his own name as well. That, obviously, is in addition to the one previously reserved, which is a joint Democratic-Republican amendment.

I further ask that following disposition of the above-listed amendments, the bill be advanced to third reading and final passage occur on H.R. 889, as amended, without intervening action or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. BROWN. Mr. President, I ask unanimous consent that when the Senator from Arkansas [Mr. BUMPERS] offers his amendment in reference to wind tunnels, that there be 45 minutes for debate prior to a motion to table, to be limited in the following fashion: 30 minutes under the control of Senator BUMPERS and 15 minutes under the control of Senator STEVENS.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL AP-
PROPRIATIONS AND RESCIS-
SIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR Program.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The pending amendment is amendment No. 330 offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to go forward with that amendment. We have worked out a second-degree amendment that was going to be offered either by the Senator from California [Mrs. FEINSTEIN] or the Senator from Missouri [Mr. BOND]. But neither of them is present right now, so I would like to just temporarily lay that amendment aside and, if there is something else we could get to, I would be willing to do it.

Let me ask unanimous consent that the amendment be temporarily laid aside and allow the floor managers to go forward with any other amendments that are pending. And in that request, Mr. President, I am going to state specifically that I am not necessarily asking that this be the pending business after the next amendment is adopted. I will be around here, and I will call the amendment up at some point.

Mr. BURNS. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BURNS. Mr. President, will the Senator from Arkansas want to go to his wind tunnel amendment at this time?

Mr. BUMPERS. Yes, I am prepared to do that.

Let me remind the Senator that Senator MIKULSKI obviously wants to be in the Chamber when that is debated, and I would suggest that we try to contact her to see if she is available. She may be attending a committee hearing or something else and cannot make it right now. But I am prepared to go forward with that amendment.

Mr. BURNS. I think the Senator makes a good point and maybe we should contact those Senators to get them involved. I think they want to be a part of this debate, and we would do that right away. And then maybe the Senator could offer his wind tunnel amendment.

Is there any other amendment that is pending?

Mr. BUMPERS. It is my understanding, Mr. President, that virtually all of these amendments except the wind tunnel amendment have been agreed to. Is that correct?

Mr. BURNS. That is the information I have.

The PRESIDING OFFICER. It is the Presiding Officer's understanding there are some that have not been agreed to.

Mr. BUMPERS. I am sorry, Mr. President; I did not understand the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that not all amendments have been agreed to.

There is pending the Senator's request to lay aside the current amendment. Does the Senator wish to pursue that?

Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, I ask unanimous consent that I may speak not to exceed 12 minutes as if in morning business.

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

(The remarks of Mr. PRYOR pertaining to the introduction of S. 573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL AP-
PROPRIATIONS AND RESCIS-
SIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is before the Senate. It is open for debate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 330

Mr. BUMPERS. Mr. President, I call up amendment No. 330 and ask for its immediate consideration.

Mr. President, I think a substitute amendment to my amendment has been agreed to by both sides.

Briefly, it says that a pending agreement between the United States and Russia that would allow Russia to buy American nuclear reactors and technology, known as a "Section 123 Agreement," be canceled unless the President certifies to Congress that the Russian nuclear agency will not sell nuclear reactors to Iran.

Mrs. FEINSTEIN. Mr. President, I rise today in strong opposition to the Bumpers amendment to rescind funding for the national wind tunnel complex [NWTC]. I believe this project to be a sound investment in the future of the competitiveness of the U.S. commercial aviation industry.

NASA is pursuing the development of two new wind tunnels as a part of the NWTC strategy to provide facilities for aircraft testing with technology not currently available in the United States. These facilities would allow the commercial aviation industry to continue to compete on an international level for the next generation of wide-body commercial transportation aircraft.

The United States has built only one major wind tunnel in the past 30 years and while the existing wind tunnels have been upgraded over the years, none has been able to keep pace with the state-of-the-art capability, productivity, and technology of new, modern—and largely foreign-owned—wind tunnels. The United States has recently seen its share of the international commercial transport aircraft market fall from 100 percent to an estimated 65 percent. While we still enjoy a commanding presence in this vital industry, we must now prepare ourselves to be competitive in the future.

Contrast our actions with those of our European competitors who have invested in six new Government-financed wind tunnels over the last 15 years. These investments pay dividends in the commercial aircraft market as can be witnessed by the increasing marketshare of European companies such as Airbus.

The fiscal year 1995 VA-HUD bill provided \$400 million as a down-payment to begin construction of these two facilities. This investment follows funding in fiscal year 1994 to study the feasibility of wind tunnels. NASA estimates the final cost of the wind tunnel complexes to be \$2.5 billion and has plans for the facilities to be up and running by 2002. I agree with those who are calling for the greater industry involvement in this project and look forward to working with my colleagues and industry officials to help make cost-sharing a reality. I have spoken personally with the CEO's of major commercial aviation manufacturers who all agree with NWTC is needed to

ensure their continued competitiveness. Now is not the time to waver in our support for the domestic aircraft industry.

In anticipation of the Administration's continued support of the National Wind Tunnel Complex Program, an industry teaming agreement was signed among Boeing, McDonnell Douglas, Lockheed, Northrup-Grumman, Pratt & Whitney, and General Electric to support the development of the facilities. NASA has been in the process of evaluating feasible sites, including the NASA Ames Research Center located in the San Francisco Bay area. The Ames Research Center, which is currently home to several operational wind tunnels, meets most of the technical criterion NASA is looking for and can be a model of government and private industry working together toward mutual interests.

While the Administration has not met the condition set forth in the fiscal year 1995 VA-HUD bill, they have, in fact, requested that the funds be carried over to allow for a more complete site selection process. I ask my colleagues to agree with the Senate Appropriations Committee's recommendation to grant the administration time to move ahead with this important investment in the future of domestic aviation technology. I oppose the Bumpers amendment to rescind funding for the national wind tunnel complex and urge my colleagues to do the same.

Mr. ROCKEFELLER. Mr. President, I rise to explain why I believe the Senate should reject the amendment offered by the distinguished Senator from Arkansas to cancel funding for wind tunnels.

Before getting into the arguments for proceeding with this program, I want to remind my colleagues of some essential facts about the bill before us. This bill, labeled the Defense supplemental and rescissions appropriations, will cut the Federal deficit.

Its first goal is to replenish critical parts of the Defense Department's budget, and it does that by transferring funds from other areas. That means we are not asking the American taxpayers to borrow.

And because this is an opportunity to shave the Federal budget, this bill also contains \$1.5 billion of cuts in Government spending for the sole purpose of reducing the deficit. Here is more proof that one does not need to amend the Constitution to shrink the deficit.

But the Federal budget is always an exercise in setting priorities. Certain needs, from the country's military security to our social fabric, have to guide how we make choices about Government spending. And I would argue that we need to keep planning for the future, especially to invest in opportunities to sustain the country's economic strength and jobs.

That is why I question and oppose the amendment by my friend from Arkansas. Yes, it is tempting to give up

on the effort involved in NASA's plan for exploring the potential for building wind tunnels in the United States. But it is the wrong thing to do at the wrong time. It would be a retreat from the future, and another blow to this country's ability to maintain a prosperous commercial aircraft industry.

Since 1915, the National Aeronautics and Space Administration [NASA] and its predecessor agency have worked closely with the country's aircraft industry, providing one another with technical support. And, in turn, that technical support and the entrepreneurship of our airplane manufacturers have made the aircraft industry one of America's great economic successes. America is the world's leader, and the industry generates not only billions of dollars in export sales but also supports tens of thousands of jobs across our country. NASA's aeronautics research program is a proven investment in jobs—good jobs for Americans. And it is particularly important at time when foreign competitors, particularly Airbus, receive major help from their governments.

The subject before us, wind tunnels, are a key part of the NASA Aeronautics Program, and may be a vital tool for keeping our aircraft industry the world's leader. These tunnels are the facilities in which companies test and refine their new designs. New designs can be largely analyzed through computer simulations but in the final analysis companies must test physical models in advanced wind tunnels.

Wind tunnels are also precisely the kind of investment in which a government role is both appropriate and necessary—valuable national facilities that help a range of companies but which are so expensive that no one company or even group of companies can readily fund by themselves.

I want to note that our Government has operated wind tunnels for decades, serving both commercial and defense needs. But there's a very big catch. The tunnels in the United States are mostly 40 years old. In stark contrast, Europe has wind tunnels that are much more modern. Our companies can test its designs on the other side of the ocean, in foreign countries therefore.

That leads to an extremely serious dilemma for American aircraft manufacturers—either test their new aircraft designs in less sophisticated facilities here in the United States, or test in Europe where data on the best new American designs would undoubtedly end up in the hands of foreign competitors.

I want to emphasize one important point here: NASA wind tunnels directly support a major U.S. industry—an industry which in turn generates sales, jobs, and I hasten to add, considerable tax revenue. And West Virginia is one of the States with the right conditions to build the wind tunnels. We have the most inexpensive and abundant supply of electricity in the Nation. And along

with our natural and other infrastructure resources, we are a state brimming with talented people ready to forge ahead building and operating this leading edge technology. Pulling the rug out from this initiative, aimed directly at improving this country's economic situation, seems reckless.

The amendment from the Senator of Arkansas would cancel a decision made by Congress last year to devote \$400 million to planning just how to overcome this serious gap between America's wind tunnels and those in foreign countries. Because of the high economic stakes involved for our Nation, Congress appropriated the money to begin developing a new pair of state-of-the-art American wind tunnels.

Congress also conditioned that funding on an expectation that the administration would lay out a clearer plan on how to proceed with this effort and how to obtain the necessary commitments from the private sector. NASA is now finishing its assessment of future wind tunnel needs and how much industry is willing to share the costs of new facilities. The administration is asking this body to preserve the money until that study is completed and a full assessment can be made. Again, in light of the stakes—involving jobs and the future of a critical industry—I really think it's more than reasonable to reserve these funds if we are fully convinced they'll be a worthwhile investment.

The Senate should await the results of that assessment before we take rash action today that would bring an end to this initiative and its potential for the country. We should wait for the full facts, and not take precipitous action that risks jeopardizing a vital export industry. For these reasons, I urge my colleagues to oppose this amendment.

Mr. HELMS. Mr. President, I strongly support Senator BUMPERS' amendment because it is reasonable to link further United States funding for technical cooperation with the Russians on the space station with Russia's arrogant sale of nuclear reactors to Iran.

The Bumpers amendment makes the choice for the Russian Government quite simple. On the one hand, the Russians can continue to develop economic relations with the United States and move onward into the 21st century on the cutting edge of space-based technology. Or the Russians can pursue a dangerous nuclear relationship with Iran one of the world's most reprehensible governments. But Russia cannot have it both ways.

The two greatest threats facing the security of the United States and its allies are Islamic fundamentalism and nuclear proliferation. The proposed Russian sale of nuclear reactors to Iran is an intersection of these threats. Even the Russians must realize the danger this poses to their own nation. I am truly surprised that no reasonable figure of authority in Russia is willing to confront that obvious reality. De-

spite all the rhetoric that one hears from Moscow about the threat of Islamic fundamentalism to the south of Russia, it appears that short-term profit is the most important interest for the Russian Government.

Recently the head of the Russian Ministry of Nuclear Power compared the profit he could turn from nuclear sales to Iran with the level of assistance that the United States gives to Russia. In essence he said that the funds the United States provides to Russia could easily be replaced by unrestricted worldwide sales of reactors and uranium. This reckless and insulting view of our Nation's efforts to develop a stronger relationship with Russia may have escaped comment by President Clinton, but it will not pass muster in the Senate.

The United States will not join in a bidding war with terrorist countries like Iran for the fickle friendship of the current Russian Government. Our appeal to Russia is broadly based upon reason and principle. While economic assistance has been a feature of the United States' effort to build closer ties with Russia, far exceeding any aid has been our willingness to build closer relations. We have extended an open hand in order to help Russia recover from the wounds of 70 years of totalitarian, Communist government. If bean counting bureaucrats in the Russian Nuclear Power Ministry see more profit by tying Russia's future to Iran—then let them have at it. But they can't—and won't—have it both ways.

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by my friend from Arkansas, Senator BUMPERS. While we share many similar interests and beliefs, it seems that we are usually on opposite sides of the issue when it comes to debating NASA and aerospace issues. In this case, I believe my friend's amendment is misguided and would bring a premature end to what promises to be valuable national facility.

I would also like to congratulate the chairman of the HUD/VA Appropriation Subcommittee, Senator BOND, as well as Senator MIKULSKI for laying out the very convincing arguments for proceeding with this program.

Mr. President, no one can doubt the vital role which wind tunnels play in the design of aircraft and engines. In fact in my earlier career, I had firsthand experience with what can be learned with these type of facilities. I would like to begin my remarks with a short description of how these facilities are actually used.

Wind tunnels are used in two major ways for airplane design. First, they are used to develop and confirm aerodynamically the geometric shape of the airplane and its wings. Improvements in airplane aerodynamics lead to reduced fuel consumption and improved economics. While computer testing, called computational fluid dynamics, is playing an increasingly important role in aircraft design, it has in

no way replaced wind tunnel development and testing.

The second major way wind tunnels are used in airplane design is to help predict handling qualities, controllability, aerodynamic loads, fuel consumption, inlet/nozzle/macelle and such important characteristics as takeoff and landing speeds. Wind tunnel testing provides the most accurate method for predicting crucial airplane characteristics. Wind tunnel test data are used in preflight prediction of drag, weight, and propulsive efficiency.

Mr. President, during the debate on wind tunnels we will hear mentioned two particular parameters used to describe the capability of wind tunnels. The first term is "Mach number" and the second is "Reynolds number." Mach number is the more familiar term and is defined as a ratio of vehicle speed to the speed of sound. Determination of Mach number is critical for high-speed flight.

The Reynolds number is defined as the ratio of the inertia forces to the viscous forces that a fluid exerts on a surface as it flows past. The Reynolds number is also related to Mach number.

The National Academy of Sciences has found that "high productivity, high Reynolds-number subsonic and transonic development wind tunnels * * * [will lead to improved aircraft] cruise and takeoff/landing performance by at least 10 percent each." Mr. President, a 10-percent improvement in airplane performance benefits our economy and our environment.

I ask unanimous consent to have printed in the RECORD the executive summary from the aforementioned National Academy study, Aeronautical Facilities: Assessing the National Plan for Aeronautical Ground Test Facilities.

The value of such scientific advances in helping to keep the American aircraft industry in the forefront of international sales is obvious. In fact, had it not been for the outstanding work done over many, many years by our aerodynamicists using the world's most advanced wind tunnels, our leadership in both military and commercial aircraft would never have taken place. Commercial sales of U.S. aircraft would not comprise our largest single factor in balance of payments outside of agriculture. Now we see foreign nations with more modern tunnels than we have, along with an expanding group of scientists and aerodynamicists. This does not bode well for America's future lead in designing and building the finest aircraft in the world. That is important for both our military and commercial aircraft.

Existing U.S. wind tunnels have served us well; and have helped make the U.S. aircraft industry the world leader. In fact much of what has been learned from wind tunnels has occurred in my home State of Ohio, at NASA's Lewis Research Center. Unfortunately the upgrades and improvements to the

existing inventory of wind tunnels have been already been made. Existing U.S. wind tunnels have the following problems: Inadequate capability in Reynolds number; low productivity, with emphasis on research; average of facilities is between 30-40 years, with the associated problems of old technology and high maintenance costs.

In fact, all but two of the U.S. wind tunnels have been operating for more than 30 years, and the two exceptions are low Reynolds number, special purpose facilities used only for light commercial and military airplane development.

Mr. President, most existing U.S. wind tunnels were funded by the Federal Government. And as my colleagues have discussed, the newer facilities in Europe have been built with substantial Government support. While I believe that Senator BUMPERS is correct in pointing out the apparent disparity in the industry's contribution to this facility, I would argue that a final deal has not yet been signed. I would encourage the administration to continue to pursue the best possible sharing of cost.

Mr. President, I will conclude by asking our colleagues to look to the future. In 10-20 years I hope that environmentally acceptable, supersonic commercial airliners and transports will be a practical, economic reality, and will be manufactured in the United States of America.

Mr. President, I encourage my colleagues to vote against the Bumpers amendment.

I ask unanimous consent that the aforementioned summary of the National Academy study be printed in the RECORD.

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

[From the National Academy Press, 1994]

ASSESSING THE NATIONAL PLAN FOR
AERONAUTICAL GROUND TEST FACILITIES
EXECUTIVE SUMMARY

At the request of the National Aeronautics and Space Administration and Department of Defense, the Aeronautics and Space Engineering Board (ASEB) of the National Research Council independently reviewed the findings of the interagency National Facilities Study (NFS). In order to make the ASEB report available shortly after the NFS report, the NFS Task Group on Aeronautical R&D Facilities briefed the ASEB periodically during its study. After release of the NFS report, the ASEB held a far-ranging workshop to critique the NFS results. The workshop involved 49 experts in aeronautical technology development; ground test facilities; and, especially, the use and operation of wind tunnels. The purpose of this report is to document and explain the ASEB's assessment of the NFS report, including recommendations for future action.

The conclusions and recommendations of the NFS seem to be supported by factual material wherever it was available, although in some cases they are based on the best judgment of the study participants. The following nine items summarize the ASEB's findings and recommendations. The first five items reinforce key thrusts of the National Facilities Study. The ASEB concurs with

each of these items. The last four are recommendations for additional action that go beyond the recommendations of the National Facilities Study.

Recommendations reinforcing the key thrusts of the national facilities study

1. The ASEB agrees with the NFS report that significant aerodynamic performance improvements are achievable, and the nation that excels in the development of these improvements has the opportunity to lead in the global market for commercial and military aircraft.¹ The highest priority facilities for achieving these performance improvements are new high-productivity, high-Reynolds-number subsonic and transonic development wind tunnels.² The NFS report estimates that cruise and takeoff/landing performance could be improved by at least 10 percent each. Performance improvements are essential for the U.S. aeronautics industry to maintain or increase market share. Based on the information available to it, the ASEB considers these projected increases in performance to be potentially attainable and believes that the proposed facilities could substantially facilitate such improvements.

These forecast advantages do not include the probable operating and development cost reductions that would accrue to future U.S. military aircraft programs. In addition to direct cost reductions, access to improved ground test facilities would make advanced military aircraft more competitive in the world market, thereby further reducing the defense burden carried by U.S. taxpayers. Foreign sales of U.S. military aircraft result in lower unit costs for U.S. government and foreign purchasers.

2. The ASEB agrees with the NFS report that new high Reynolds number ground test facilities are needed for development testing in both the low speed and transonic regimes to assure the competitiveness of future commercial and military aircraft produced in the United States. The NFS report documents that Reynolds and Mach number performance of the best subsonic and transonic development wind tunnels in the United States and Europe are close to parity.³ However, the average age of major U.S. tunnels is about 38 years, and many of the older U.S. wind tunnels are subject to costly maintenance and breakdown. Furthermore, there are no adequate domestic alternatives for many older U.S. facilities. For example, during the past several years U.S. manufacturers have conducted a large amount of their low speed testing in European facilities during refurbishment of the Ames Research Center 12-foot subsonic wind tunnel, which is 48 years old.

TABLE ES-1—PROPOSED CAPABILITIES OF NEW LOW SPEED AND TRANSONIC WIND TUNNELS

Tunnel parameter	Low speed tunnel	Transonic tunnel
Reynolds Number	20 million at Mach 0.3 (full span model) 35 million at Mach 0.3 (semi-span model).	28.2 million at Mach 1 (full span model).
Mach Number	0.05-0.6	0.05-1.5.
Productivity	5 polars per occupancy hour*.	8 polars per occupancy hour.
Operating cost	<\$1,000/polar	<\$2,000/polar.
Operating pressure	5 atmospheres	5 atmospheres.
Total temperature	110°F	110°F at Mach 1.
Maximum power	45 MW	300 MW.
Test Section Size	20 ft x 24 ft	11 ft x 15.5 ft.
Flow quality	Low turbulence	Low turbulence.
Acoustic test capability	Acoustic test chamber.	Not applicable.

* A polar is a single test run consisting of 25 data points (see Appendix

Source: NFS, 1994.

In contrast, European industry has a new government-funded transonic facility coming on-line during 1994 that is expected to sig-

¹Footnotes to appear at end of article.

nificantly outperform any transonic development facilities in the United States in terms of Reynolds number capability.⁴ The NFS report examines this situation in detail with regard to the development of new commercial air transports, which has very high flight Reynolds numbers.

More-capable wind tunnels will facilitate improvements in aircraft performance and producibility. However, as documented by the NFS, no wind tunnel in the world meets or can be affordably modified to meet the goals defined by the NFS for development of future transport and military aircraft (see Table ES-1).⁵

The ASEB agrees with the NFS that building the two tunnels as proposed is likely to enable subscale development testing for more than half of the new commercial transport aircraft projected for the next twenty years or so at flight Reynolds and Mach numbers. However, the flight Reynolds numbers of (1) very large commercial transports, (2) high speed civil transports, (3) high performance military aircraft, and (4) some revolutionary design concepts that might emerge in the future would exceed the capabilities of the proposed tunnels. Thus, the test results for these aircraft would have to be extrapolated to analyze their performance at flight Reynolds number. Nonetheless, this process would generally be more accurate than extrapolations based on data obtained from the less capable tunnels now available. In particular, the new wind tunnels would allow testing models of existing aircraft such as the B-737 and MD-90 at flight Reynolds number. Comparison of wind tunnel and flight data for these aircraft is likely to significantly improve the correlation of wind tunnel and flight data for future designs of conventional aircraft that have flight Reynolds numbers beyond the test limit of the proposed tunnels.

The NFS report recommends taking immediate action to reduce the projected cost (\$2.55 billion) and schedule (eight years) of acquiring the proposed low speed and transonic wind tunnels.⁶ The ASEB agrees that reducing cost and schedule is an important goal, but it cautions against using management-directed cost and schedule estimates to provide the illusion of achieving this goal.

3. Along with the procurement of new facilities, the ASEB agrees with the NFS that selected upgrades to existing facilities are also essential to adequately support future research and development programs. These upgraded facilities will be important during the interim before new tunnels are operational and, afterwards, to round out the United State's test capabilities matrix. However, facility upgrades cannot alone satisfy future ground test requirements.

In particular, the ASEB endorses the NFS's proposed upgrade to the common 16S/16T drive system at Arnold Engineering Development Center and urges further consideration of additional activities to improve the reliability of the drive-system motors and compressor. In case of failure, major motor repairs could take from four months (to rewind a motor stator) to over three years (for complete motor replacement). Although Arnold Engineering Development Center estimates that motor problems requiring complete replacement are very unlikely, credible accidents such as an electrical arc-over with severe internal motor damage could reduce the operational capability of 16S (and 16T) for up to a year.⁷ This would have a severe impact if it occurred at a critical point in an aircraft development program. Additional improvements to the drive system should be carefully considered to reduce the probability of such an occurrence.

4. The ASEB agrees with the NFS that the United States should acquire premier development wind tunnels rather than rely on continued use of European facilities. Over the past 25 years, as European aeronautics technology has risen to equal U.S. technology, the United States' market share in transport aircraft has declined 30 percent. Although market share is a function of many factors, if other nations achieve a higher level of aeronautical technology, erosion of the U.S. market share may accelerate, with accompanying reductions in balance of trade and jobs.⁸ Continued advances in aerodynamic technology are necessary to avoid this situation. The proposed facilities represent an investment that is only a small fraction of the potential future gain and will provide an opportunity to enhance U.S. technology development. Acquisition of advanced high-productivity wind tunnels in the United States—where U.S. designers can efficiently coordinate their wind tunnel testing, model building, and computational activities—will improve the effectiveness and efficiency of the aircraft design and development process.

When aircraft designers introduce a new product, they must determine how far to push available technology before selecting the final design. The nation with the most efficient design-test-redesign process can achieve either (1) a given level of performance sooner or (2) better performance within a given period of time. Inferior, inefficient design or test processes, on the other hand, allow the competition to produce an equal or better product sooner. Slow design and test methodologies also extend the period that manufacturers must fund product development, increasing the costs of bringing new products to market.

Although U.S. designers have access to European facilities, the ASEB believes that the scheduling constraints faced by U.S. users and the inefficiency of conducting transatlantic design and development efforts inevitably delay the introduction of new products. Conversely, European competitors have greater access to better test facilities and, potentially, to the data generated when U.S. aircraft manufacturers use their wind tunnels. In combination with other improvements that industry is making in its design and manufacturing process, the ASEB believes that the construction of advanced development wind tunnels will be an important contribution to the productivity of the U.S. aeronautics industry.

Because of national security concerns, foreign facilities are especially inappropriate for development of military aircraft. The U.S. defense industry is generally limited to U.S. facilities, even if more-capable facilities are available elsewhere.

The NFS report identifies three options for funding the construction of the proposed subsonic and transonic wind tunnels: industry only; a government/industry consortium; and government only. After assessing these options, the NFS "envisioned that the facilities will be constructed primarily with government funding," and it concluded that "funding by industry alone is not a viable source of capitalization." However, it also determined that the possibility of obtaining funding jointly from government and industry "could not be ruled out" and it recommended conducting "further studies to look at innovative funding approaches and government/industry consortia arrangements." The ASEB understands that these studies are underway.

5. The ASEB agrees with the NFS that additional action is necessary to address future requirements for supersonic, hypersonic, and aeropropulsion test facilities. It is not appropriate to immediately proceed with the construction of new supersonic, hypersonic, or

aeropropulsion development facilities. Each of these areas, however, will be important to the aeronautics industry of the future. Thus, appropriate action should be taken to ensure that required facilities will be available when necessary.

Supersonic Facilities. The Department of Defense will have continuing needs for supersonic ground testing of new upgraded military flight vehicles and systems, and NASA's High Speed Civil Transport Program will create additional demands for access to supersonic wind tunnels.

Incorporating supersonic laminar flow characteristics into military and commercial aircraft would significantly reduce drag and surface heating and increase fuel efficiency. However, designing a cost-effective supersonic laminar flow facility to conduct development testing is beyond the current state of the art. Solution of the complex problems involved will require a continued program of theoretical and experimental investigation.

In order to partially address shortfalls in U.S. supersonic facilities regarding productivity, reliability, maintainability, and laminar flow test capabilities, the 16S facility at Arnold Engineering Development Center, which would be used to support development of a first-generation high speed civil transport, should be upgraded. In addition, research should continue on supersonic laminar flow technology and facility concepts.

Hypersonic Facilities. More-capable hypersonic ground test facilities are needed to provide the option for future development of hypersonic vehicles. State-of-the-art technology, however, is not adequate to build major new hypersonic facilities that will have the needed capabilities in areas such as model size, run time, pressure, temperature, and velocity. Therefore, near-term efforts should focus on a program of research to select, develop, and demonstrate the most promising hypersonic test facility concepts. Long-term efforts to build hypersonic development facilities will be contingent upon successful completion of the near-term facility research effort and concurrent efforts to validate future requirements for hypersonic vehicles.

Aeropropulsion Facilities. Aeropropulsion test facilities within the United States have the capability to test current air breathing engines under the operating conditions experienced during takeoff, climb, cruise at flight speeds up to Mach 3.8, approach, and landing. Looking to the future over the next 10 to 30 years, air breathing engine test facility requirements will be determined by engine size, type, configuration, and air flow requirements.

The Aeropropulsion System Test Facility at Arnold Engineering Development Center, as currently configured, is adequate for altitude testing of the newest generation of high-bypass engines. However, a 40 percent increase in flow capacity might be required to handle the next generation of ultra-high-bypass, gear-driven propulsor engines such as the PW4000 Advanced Ducted Propulsor. These engines could be certified after the year 2000—if the aircraft manufacturers develop new, larger aircraft requiring such engines. Implementation of facility upgrades for these larger subsonic engines would take four to eight years, so there is time to "wait and see" before deciding how to proceed.

Recommendations going beyond those of the national facilities study

As previously indicated, the remaining four items go beyond the recommendations of the National Facilities Study report. These recommendations of the National Facilities Study report. These recommendations will (1) reduce risk associated with car-

rying out the actions recommended by the NFS and (2) facilitate long-term efforts to provide U.S. users with improved aeronautical ground test facilities.

6. The Wind Tunnel Program Office should conduct trade studies to evaluate design options associated with the proposed new low speed and transonic wind tunnels.⁹ Facility configuration trade-off studies conducted by the NFS on Reynolds number, productivity, and life cycle cost appear to be sound. However, additional configuration studies should be conducted during the design phase of the wind tunnel program. These assessments should take into account the differences in tunnel and model parameters between subsonic and transonic wind tunnel testing. They should evaluate the merits of the following design options:

a. Using a single tunnel to test both the low speed and transonic speed regimes. While a single tunnel would be unlikely to offer the same capabilities as two separate tunnels, the extent to which performance and operational costs would be compromised should be evaluated in terms of savings in acquisition costs. This assessment should verify the accuracy of projected utilization rates to determine if a single facility could meet the expected demand for test hours.

b. Making incremental changes to the tunnel operating pressures (e.g., from 5 to 5.5 atmospheres). Increasing wind tunnel operating pressure would allow facility size and cost reductions without sacrificing Reynolds number capability. The extent to which higher pressures could be used without unduly jeopardizing the cost, efficiency, and effectiveness of the overall ground test process is unclear, and the interaction between tunnel pressure and model design should be investigated further for both the transonic and subsonic tunnels. This investigation should take into account the considerable differences that exist between these two flight regimes. In particular, use of higher pressures is likely to be more feasible for subsonic wind tunnels than for transonic wind tunnels because of the differences in dynamic pressures.

c. Including within the baseline design the ability to provide future growth in Reynolds number capability through use of higher operating pressures (up to 8 atmospheres), reduced temperatures (down to about -20 °F), and/or a heavy test gas (such as SF₆). Incorporating these capabilities into the new facilities would add significant cost. There are also technical concerns regarding wind tunnel tests using high pressure or gases such as SF₆. However, it would add only a few percent to the cost of the new facilities to plan ahead for future upgrades that would use one of these capabilities. For example, initially designing the Low Speed Wind Tunnel pressure shell to withstand 8 atmospheres would facilitate subsequent facility upgrades to higher operating pressures. Experience with existing facilities shows that test requirements often evolve beyond the expectations of the original designers. Failure to initially build in growth capability would make future facility upgrades highly unlikely and limit the ability of future facility operators and users to enhance tunnel capabilities. (Appendix D provides more information on how pressure, temperature, and test gas impact wind tunnel performance capabilities.)

d. Improving the robustness of the tunnel designs. Designing selected subsystems and components of the new wind tunnels with margin for growth relative to pressure and operating power could improve system reliability, increase facility lifetime, and reduce the costs of future upgrades.

In addition, the Wind Tunnel Program Office should ensure that the new transonic

and low speed facilities will be able to adequately support development of supersonic aircraft. The importance of low speed and transonic wind tunnels extends beyond their application to subsonic and transonic aircraft. They will also be of special importance to supersonic aircraft such as high speed civil transports that must also operate in lower speed regimes during take-off, acceleration, transonic flight over land, and landing. The design of the proposed new wind tunnels should be compatible with the test requirements of higher speed aircraft to the extent that this additional capability is affordable and does not unacceptably degrade the tunnels' ability to execute the primary mission. The detailed design phase of the new wind tunnels should also ensure that features necessary to adequately accommodate development testing of military aircraft, including stores separation testing, are incorporated into the design of the new wind tunnels as appropriate. Ongoing efforts by the U.S. Air Force to more closely define military requirements for future development wind tunnels will assist in this effort.

7. NASA and the Department of Defense should continue support for facility research in the subsonic and transonic regimes. The highest priority need in the area of low speed and transonic facilities is for new development facilities. Related research, which includes both vehicle- and facility-oriented efforts, is also important to long-term competitiveness. For example, the ability to construct practical development test facilities that use heavy gas (such as SF₆) and/or very high operating pressures (15 atmospheres or more) would (1) greatly reduce facility size and cost and (2) increase Reynolds number test capability. Continued funding of appropriate research is an essential precursor to the development of future generations of ground test facilities and future upgrades of existing and planned facilities.

8. NASA and the Department of Defense should expand coordinated efforts that involve aerodynamic test facilities, computational methods, and flight test capabilities. Computational methods such as computational fluid dynamics are used during the aircraft design process to analyze and predict aerodynamic characteristics in all speed regimes. However, they must be validated by experimental ground and flight tests before they can be relied upon for design or evaluation in any phase of development. Improved aerodynamic wind tunnel testing will provide a better understanding of aircraft fluid dynamics, including Reynolds number and boundary layer effects. This understanding will permit more-accurate scaling of ground test data to in-flight performance. Nonetheless, for the foreseeable future, computational methods will not eliminate the need for highly capable wind tunnels to support development of advanced aircraft. Continued work to improve computational methods and continued flight exploration (e.g., X-planes) are required adjuncts to the acquisition of new and improved wind tunnels. Better scaling methodologies are needed as soon as possible. They will be useful during the interim before new tunnels are available, and, in the long run, they will extend the utility of new tunnels for the design of very large and usually configured future aircraft.

9. NASA and the Department of Defense should develop a continuing mechanism for long-term planning of aeronautical test and evaluation facilities. Assigning the responsibility to study future requirements and conduct long-range planning to a permanently established body would provide greater continuity than the current process of relying on intermittent, ad hoc committees. Experience with current facilities indicates that the service life of major new facilities

could easily extend to the middle of the next century. The long-term utility of major new facilities will be greatly enhanced if their designs are based on a broad view of future test requirements.

An overall assessment of Volume II of the NFS report and a complete list of the ASEP's findings and recommendations appear in Chapter 7.

FOOTNOTES

¹The National Research Council report "Aeronautical Technologies for the 21st Century" (NRC, 1992) documents historical trends and projects future gains in aircraft performance as a result of technological advances.

²Overall priorities are discussed in more detail in Chapter 6 starting on page 44.

³Mach and Reynolds numbers are defined in Appendix D.

⁴The U.S. National Transonic Facility has a Reynolds number capability of 119 million, but its productivity is an order of magnitude less than other large transonic facilities. Thus, even though it has a limited (design-verification) role to play in the development of new aircraft, it is not a "development" wind tunnel. Its primary role is as a research facility.

⁵The NFS initially established a Reynolds number test capability of approximately 30 million as a goal for both the low speed and transonic wind tunnels. After assessing the impact of performance goals on facility design and cost, the NFS recommended accomplishing this goal in the low speed regime using semi-span models. Semi-span models include only the left or right half of an airplane. This increases the Reynolds number capability of a given facility relative to tests using full-span models.

⁶The National Facilities Study included a very detailed costing effort, which is documented in Volume II-A of its final report.

⁷Laster, M.L. June 17, 1994. National Aeronautical Test Facilities Study Information Memorandum. Directorate for Plans and Requirements, Arnold Engineering Development Center. Arnold Air Force Base, Tennessee.

⁸For a more thorough discussion of the factors affecting the eroding U.S. position in aeronautics, the necessary but insufficient role that advances in technology play, and specific technology advances that are possible and desirable, see "Aeronautical Technologies for the Twenty-First Century" (NRC, 1992), pages 26-34 and the discussions of current industry status, market forecast, and barriers for each of the major speed regimes.

⁹NASA has established a Wind Tunnel Program Office at Lewis Research Center. This office, which reports to the NASA Administrator, is now working with industry to develop an acquisition strategy and conduct design trade studies for two new low speed and transonic wind tunnels, as recommended by the National Facilities Study. Participants in this effort include veteran wind tunnel designers, operators, and users from government and industry. If federal responsibility for development of these facilities is reassigned, then the designated successor should assume responsibility for actions assigned in this report to the Wind Tunnel Program Office.

Mr. BUMPERS. The Senator from Missouri, I think, now wants to offer his amendment, which I have agreed to, as a second-degree amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 332 TO AMENDMENT NO. 330

(Purpose: To provide a limitation on the use of funds for entry with Russia into an agreement on exchange of equipment, technology, and materials)

Mr. BOND. Mr. President, I send an amendment to the desk in the nature of a substitute on behalf of myself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, proposes an amendment numbered 332 to amendment No. 330.

Mr. BOND. 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:

In lieu of the matter proposed to be added, add the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

Mr. BOND. Mr. President, I thank my colleague from Arkansas for working out what would have been a very troubling first-degree amendment that would have held hostage a very important cooperative scientific and space technology venture to address a foreign policy issue which, though widely important, was unrelated to the space station.

The shuttle-MIR rendezvous program was a cooperative effort between NASA and Russia which has important benefits for both nations, and is being paid for by both nations. It is not a paid grant for assistance to Russia. The United States has contracted with the Russian Space Agency for a number of services and activities, excluding the launch and support of an American astronaut to their MIR space station.

As we heard on the news today, the American astronaut has in fact come aboard the Russian space station. Our astronaut will utilize this Russian facility to conduct scientific experiments and will return to Earth aboard the space shuttle when it docks with the MIR space station in June. This mission will provide important experience and understanding of such docking procedures which are critical to the deployment of the international space station.

In addition, the experiments conducted by the astronaut aboard the Russian MIR space station will provide the United States our first opportunity to obtain long-term microgravity scientific data.

The amendment, as originally proposed, therefore attempted to threaten the Russians by saying that unless you

do it as we say, we will shoot ourselves in the foot, which did not make a great deal of sense because we made the mistake when Russia invaded Afghanistan. We punished our own farmers by cutting off grain sales to the Soviet Union. In that case, Russia was free to purchase cheaper foreign grain on the foreign market. Only U.S. producers were hurt. This amendment avoids the temptation to shoot ourselves in the foot again by denying our scientists and engineers the opportunity to utilize the investment made by Russia in the MIR space station.

I am very pleased to say that with the efforts of Senator HUTCHISON, Senator MIKULSKI, and Senator FEINSTEIN, we have worked out a compromise with our colleague from Arkansas. We all share concerns over the potential sale by the Russians of nuclear reactors to Iran. We believe that adequate safeguards against the proliferation of nuclear technology must be secured. The revised amendment, however, targets the Russian Ministry of Atomic Energy for loss of United States assistance should any sale be carried out without adequate nonproliferation guarantees. This, in fact, targets our efforts on the agency which is causing us great concern.

With this modification, the amendment is strengthened, and focuses on the parties in Russia responsible for this sale of the reactor technology. I commend the Senator from Arkansas for calling our attention to this very troubling development.

But I believe the substitute amendment is a good amendment, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I do not want to delay this, because we have agreed to it. But I want to say this is not the sort of amendment that I would normally offer. I very much want the United States and Russia to develop a new cooperative attitude toward each other. I have voted for some funding for Russia, which is not very politically popular in this country. But I want Russian democracy to succeed. But I also want the Russians to show some appreciation for the assistance we have been giving them.

The cooperative space effort which was the subject of my original amendment. I remain very much opposed to it, and I will try to kill it later on this year. But I support giving Russia aid to build housing for their military so they can dismantle their military forces faster, and giving them money so they can dismantle their bombers, nuclear warheads, and launchers. That is all very much in our interest. It is not just to accommodate them; it is in our interest. But then there is this gigantic space cooperation program; which is a jobs program in America, but which does not do anything else for us.

But I want to say that when the Russians cavalierly say we are going to sell nuclear reactors to the biggest ren-

egade nation on this planet, namely, Iran, I belong to the "Wait-Just-a-Minute Club." There is not any question about the fact that more terrorism comes out of Iran than any other country on Earth. So I take very strong exception to the Russians irresponsibly cutting a deal to sell nuclear reactors to Iran, which has more oil than they could possibly put in all the generators they could build through the millennium. Iran can only want nuclear reactors for one thing. That is for a nuclear weapons program.

Mr. President, this amendment is not terribly tough. My first amendment said we will stop all space cooperation for the Russians until the President certifies that the Russians have assured him they will not sell these reactors to Iran. That caused about 10 heart attacks around here in people who are interested in the space station. And, quite frankly, I like to cooperate with the President, who is very much opposed to my amendment.

Finally, I yielded to this particular amendment, which is not totally toothless, because the Russians want our nuclear technology.

They want it very badly. And the head of MINATOM, I think, will get the message. Perhaps the Russians will finally call off this deal to sell reactors to Iran. So now we are saying in this amendment to the Russians and to the President: Mr. President, you need to put all the pressure you can on President Yeltsin and the MINATOM agency, which is very independent, and you need to get a commitment from them. If this is not strong enough medicine, I promise you stronger medicine will follow because here we are spending about \$1.5 billion a year trying to help the Russians. And that aid is not popular around this country.

I know what is popular in this country as well as anybody does. I am saying that if we do not get some results out of this amendment, stronger medicine will follow. There is only one thing more irresponsible than the Russians selling nuclear reactors to Iran, and that is for us to sit by and do nothing.

I thank Senators FEINSTEIN, BOND, MIKULSKI, HUTCHISON, and others who worked with me in crafting this amendment, which is quite different from the one I originally offered. I am prepared to now vote on the amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the substitute amendment being offered by the senior Senator from Missouri [Mr. BOND], to the Bumpers amendment. I was pleased to work with my colleagues and the administration in helping draft this important amendment.

I support Senator BUMPERS' efforts to block the export of Russian nuclear reactors to Iran. However, the amendment misses the target. It threatens to jeopardize a program of great importance to the United States and other Western countries—the international

space station—and it penalizes the Russian Space Agency as opposed to the bad actors in Russia: the Ministry of Atomic Energy, or MINATOM.

The Bumpers amendment would withhold funding for the first stage of the international space station program—the space shuttle-MIR cooperative effort—until the President certifies to Congress that Russia has agreed not to sell nuclear reactor components to Iran.

As many of my colleagues know, the space shuttle-MIR Cooperative effort is a prelude to implementation of the space station program. It consists of seven shuttle flights to the Russian MIR space station that will reduce technical and scientific risks to the assembly and operation of the international space station. In addition, it consists of U.S. participation in the MIR program. Earlier this month, United States astronaut Norm Thagard was launched on a Russian spacecraft to the MIR space station to perform science investigations. Thagard will be aboard MIR for more than 90 days.

The Bumpers amendment, if enacted into law, would put an end to the shuttle-MIR cooperative effort and essentially kill the international space station, a program that, according to NASA, is proceeding smoothly and meeting all cost, technical, and schedule milestones. This amendment would also impact our other international partners in the space station program—Europe, Japan, and Canada—who have already contributed over \$8.5 billion to the program.

While I cannot support Senator BUMPERS's amendment because of its impact on the space station program, I, too, am concerned about the Russian export of nuclear reactors to Iran. That is why I am supporting the substitute amendment being offered by Senator BOND, myself, and others. Instead of punishing the Russian Space Agency—who, by the way, has been cooperating with our efforts to halt the proliferation of missile technology around the world—the substitute amendment would target the bad actors in Russia, MINATOM, the organization that signed the nuclear deal and will actually export the reactors to Iran.

While protecting important programs that the United States has with MINATOM—such as the material protection control and counting program, as well as the high enriched uranium contract—the substitute amendment would block any agreement under section 123 of the Atomic Energy Act. A 123 agreement is of great interest to MINATOM because it would give Russia's atomic energy agency broad access to United States nuclear technology and equipment, such as reactors, nuclear fuel, and major components for reactors. A 123 agreement would permit MINATOM to modernize its nuclear reactor program, thus making it more competitive internationally.

This substitute amendment hits the Russian atomic energy agency where it hurts. MINATOM wants a 123 agreement. In fact, it recently submitted a detailed proposal for such an agreement to the U.S. Department of Energy, where it is currently pending.

I also believe that by targeting MINATOM instead of the Russian Space Agency, this substitute amendment will have greater influence over Russia's proposed sale of nuclear reactors to Iran. As the Congressional Research Service points out, MINATOM has a:

* * * tendency to pursue policies independent of President Yeltsin's stated positions. Many officials suspect that MINATOM is more concerned about making money than about controlling nuclear materials * * *. Many view MINATOM as a largely independent, self-interested bureaucracy.

By targeting MINATOM directly, the United States will have greater leverage in trying to block the Russian export. The lack of a 123 agreement could force MINATOM to reconsider the Iranian nuclear reactor deal.

Senator BUMPERS is right that we must do everything practical to stop Iran from becoming a nuclear-capable nation.

Iran is a supporter of state-sponsored terrorism and funnels money to Islamic fundamentalist terrorist groups such as Hezbollah;

Secretary of State Warren Christopher said that Iran is on a crash program to acquire nuclear weapons; and

Though the International Atomic Energy Agency [IAEA] has found no evidence of a nuclear weapons program in Iran, our intelligence agencies believe that Iran is actively pursuing such a program and, according to press reports, is 6 to 8 years away from having a bomb.

A nuclear-capable Iran is a very real threat to the United States and the entire world. Even though the proposed Russian export of nuclear reactors to Iran is allowed within the context of the Nuclear Non-Proliferation Treaty [NPT], and even though the reactors are light-water reactors, I believe that Iran is a reckless country that cannot be trusted with any type of nuclear technology.

The Bond-Feinstein substitute amendment targets the bad actors in Russia that are proceeding with the export of nuclear reactors to Iran. I believe that this amendment will have a much greater influence on the Russians and will do more to encourage MINATOM not to export the nuclear reactors to Iran. In addition, this substitute amendment will not jeopardize a program that is important to California and the entire Nation—the international space station.

I urge my colleagues to support the substitute amendment.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond-Hutchison-Fein-

stein-Mikulski substitute to the Bumpers amendment. I want to thank the Senator from Arkansas for his cooperation in resolving this issue. Know that I support the policy questions that his original amendment raised, and am appreciative of the fact that when resolving one policy issue related to possible nuclear proliferation, we were not creating damage and havoc in America's space program.

I urge the adoption of the substitute. I thank the Senator from Arkansas for his cooperation.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the substitute amendment of the Senator from Missouri.

The amendment (No. 332) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOND. Procedurally, Mr. President, do we need to adopt the underlying amendment to which the substitute has just been adopted?

The PRESIDING OFFICER. Yes, that is appropriate at some point. Is there further debate?

Mr. BOND. No.

The PRESIDING OFFICER. We will move to the adoption of the Bumpers amendment, as amended.

The question is on agreeing to the amendment.

The amendment (No. 330), as amended, was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

(Purpose: To rescind funds made available for the construction of wind tunnels)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 333.

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

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

The amendment is as follows:

At the appropriate place in CHAPTER VII of TITLE II of the bill add the following:

"INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, for construction of wind tunnels, \$400,000,000 are rescinded."

Mr. BUMPERS. Mr. President, today, the House of Representatives is voting

on a very important piece of legislation called rescissions. They are proposing to cut \$17 billion out of this year's budget. A good portion of that will be used to pay for California disaster aid. The net reductions in the House rescission is over \$11 billion.

As a Democrat, I want to say there are things in that rescission bill with which I disagree. But I applaud the people in the House who are indeed finding some spending cuts that we can make without discommoding this Nation and an awful lot of people. I might say, by way of digression, that I agree with 70 percent of the people in this country who say that every dime of that ought to go on deficit reduction, not for tax cuts.

Further digressing, I am not voting for any tax cuts. I am going to vote for everything that will reduce the deficit of this country and keep faith with the American people. You cannot do that by saying here is a new \$200 billion tax cut, and now we are going to start balancing the budget. Not only does that not make sense, it is not even popular. The poor person working on an assembly line will get enough to buy a 13-inch pizza each Friday night out of the tax cuts. Based on the inflation figures coming out, there is a chance he is going to pay more interest on his house and car and on everything he buys on time if we inflate this economy with \$200 billion in additional tax cuts.

What in the name of all that is good and holy are we talking about? Tax cuts to generate economic activity? The inflation rate is up this morning to a level that is alarming to everybody, and Alan Greenspan raised interest rates in the last 14 months seven times to dampen economic activity. You have Greenspan on the one hand saying, "I am raising interest rates to slow economic growth," and you have the Republicans in the House saying, "We are going to give all this tax money to you to stimulate economic growth." You cannot have it both ways. You should not. We ought to put this money where everybody in America wants it—on the deficit.

I am going to help the Republicans balance this budget by the year 2002, if they will let me.

That is why I am standing here today. Last year, Mr. President, with no authorization from anybody, the HUD-VA Appropriations Committees in the House and Senate went to conference, and approved \$400 million for wind tunnels that was included in the Senate bill. Mr. President, \$400 million ain't beanbags.

The Presiding Officer is smiling because he and I have gone after a lot of these boondoggles, from the super collider to the space station, and you name it. And the President, thank goodness, had the good sense to kill the advance neutron source. That is another \$3 billion we were getting ready to spend. And now we have wind tunnels.

That is not the best of it. Not only did we go to conference with the House, which had nothing in its budget for wind tunnels, and approve this \$400 million for wind tunnels to accommodate the aircraft industry even though it had not been authorized in either House, but here is what they said—and I want every one of my colleagues watching or listening to this in their offices and those on the floor, if they do not hear another word I say, I want them to hear this. Here is the text of the appropriations bill that came out of the conference committee:

For construction of new national wind tunnel facilities, including final design modification of existing facilities, et cetera, the National Aeronautics and Space Administration, \$400 million is to remain available to NASA until March 31, 1997, provided—

Listen to this proviso.

that the funds made available under this heading—

Namely this \$400 million.

shall be rescinded on July 15, 1995, unless the President, in his budget for 1996, requests the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

This is what the conference report came back with. This will be rescinded unless the President asks for the money.

Well, the President did not ask for the money in his fiscal year 1996 budget. Now what is the argument? "Did we ever fool you." Is that the argument? "Boy, did you bite into this one."

You will never find anything easier to cut than this \$400 million.

Let me say to my Republican brethren who want to privatize everything: How can you go around talking about privatizing everything and then say to the aircraft industry, already is getting \$60 million to study wind tunnels, how can you say to them, "We know you would like to have these wind tunnels and we know you don't want to spend your money to do it, so we will spend old Uncle Sucker's money to build these wind tunnels for you."

You will hear people talking about, "Oh, this deals with aircraft safety. This deals with aerodynamics. If we don't do it, the European Airbus consortium is going to eat our lunch."

That is kind of like the superconducting super collider. There is one in Geneva that was going to cost about \$1 billion or maybe \$2 billion, so we had to build one in Texas about five times as costly.

Somebody is building wind tunnels over there, so we are getting ready to embark, Mr. President, not on a \$400 million venture, but somewhere between \$2.5 and \$3.2 billion. And the project has not been authorized—\$3 billion; \$400 million of which the conference committee said will be rescinded unless the President asks for it. Now the President is not a piker about asking for money. He surely had some reason not to ask for it.

And so, here we are cutting food stamps, cutting aid to children and

homeless mothers—most of which is hardly applauded by the American people—cutting \$1.7 billion to give the poorest children a job during the summer months. That is a cut that says, "You kids hang around the pool hall this summer. We are cutting this program totally, because we have to start this wind tunnel."

I do not know, technically, how valid the arguments are about the need for these wind tunnels. All I know is we have a pretty healthy aircraft industry in this country and they ought to be doing it.

Do you want to privatize something? Privatize the wind tunnels. It is corporate welfare at its worst.

Mr. President, I do not think we have a time agreement on this.

Is there a time agreement, Mr. President?

The PRESIDING OFFICER. There is an agreement that limits time prior to a motion to table. Under that agreement, it is 45 minutes. The Chair believes that is divided, with 30 minutes reserved to the Senator from Arkansas.

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

The PRESIDING OFFICER. There are 20 minutes remaining to the Senator from Arkansas.

Mr. BUMBERS. Mr. President, to some of the people around here who profess to be deficit hawks, along with me, let me implore you: Do not vote for this because it is going to be built in somebody's State. Do not vote for it because you want to help the Boeing Corp.

One other point, Mr. President. The private sector is expected to put up 20 percent of the money. Think about this. Mr. President, here is the \$64 question. I will let you guess. How much do you think they have committed so far? Oh, I can tell by the look on your face you already know. Zip. Not one penny.

So I plead with my colleagues to be able to go home and say, yes, we took out \$400 million, headed for \$3 billion, because we believe in the private enterprise system in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator note the absence of a quorum?

Mr. BUMBERS. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMBERS. 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. BUMBERS. Mr. President, I will just make one quick point, a very important point that I overlooked. And that is this rescission is in the House version of the defense supplemental we

have before us today. So the House has already taken the \$400 million out. And in order to avoid any conflicts, any conflicts in the conference with the House we should do the same thing here.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself such time as I may need.

Mr. President, our committee has recommended substituting \$400 million in public housing new construction funds for rescission rather than the wind tunnel appropriation.

Very simply, this is an effort to get us back on track for transforming the out-of-control Housing and Urban Development policies. We need to stop spending in areas where we cannot spend money wisely, but we also need to save manufacturing jobs. New science and real manufacturing jobs are the things that depend upon this wind tunnel.

My colleague from Arkansas has said, "Well, we do not want to be in disagreement with the House." Mr. President, if we were not in disagreement with the House, life might be a lot simpler around here, but I do not think that we would be earning the trust that the citizens of our States have put in us, because I happen to think that the House, if, in fact, they have rescinded the wind tunnel authorization, has made a major mistake.

The commercial airplane market in the United States is a \$40-billion-a-year enterprise which the United States dominated until foreign competition, specifically Airbus, with strong governmental support, weighed in with aggressively priced technically advanced aircraft. Airbus has captured about 30 percent of the market and now increasing competition is expected from Russia, China, Japan, and others.

Critical to the continued U.S. competitive position in this growing market is the development of new technically advanced aircraft. Access to wind tunnels, such as the ones currently under study, are necessary for such development and such facilities do not currently exist in the United States.

Airbus, by contrast, has several facilities available to it in European countries, including a new transonic facility in Germany. The development of these wind tunnels will be a joint venture between the Government and industry, with significant industry financial contributions. NASA and industry participants have underway an extensive study of design configuration of this wind tunnel complex, along with an assessment of financial and legal arrangements for a Government-industry consortium to build and operate the national wind tunnel facility.

These studies began last year and will not be completed until fiscal year 1997. The appropriation of \$400 million for the wind tunnel facility was made

last year before the schedule of the ongoing study was determined. The contingency included for this appropriation—which call for further funding in fiscal year 1996—therefore, did not adequately reflect the time necessary to conduct the study.

Only after the analysis is completed will we be in a position to make recommendations on industry participation and further funding the complex. As I noted before, these decisions will be made in fiscal year 1997, and the administration has requested supplemental language to change the previously enacted limitation to extend availabilities of this funding to that fiscal year.

It is the committee's intention to recommend enactment of the administration's requested supplemental language. This item was not appropriate for inclusion in this defense supplemental and rescission bill. It will be considered in connection with the next supplemental appropriation bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Eleven and one-half minutes remain.

Mr. BOND. Mr. President, I would like to yield 5 minutes to my ranking member of the Appropriations Subcommittee, the Senator from Maryland, Senator MIKULSKI.

After that, I would like to give 2 minutes to the Senator from California [Mrs. BOXER].

Ms. MIKULSKI. Mr. President, I rise in opposition to the proposed amendment and in support of the Committee's recommendation regarding funding for the national wind tunnel complex.

The reason I oppose the amendment is that I believe that in our quest for quick fixes to help ease the budget deficit, that we do not make the kind of shortsighted cuts which will cost us jobs and productivity in the long run.

Wind tunnels are the 21st century test tubes for America's aeronautics industry. No industry defines our country's economy more than commercial aeronautics.

The European aeronautics consortium, Airbus, started just 25 years ago. But since that time, they've gained a 35-percent market share in commercial aviation. The European Airbus consortium now make and sell more commercial planes than McDonnell-Douglas, second only to Boeing. They are gaining ground on us, year by year, and threaten the long-term dominance of the United States in this centerpiece of our manufacturing base.

Mr. President, the commercial market for aircraft is forecast to be in excess of \$800 billion in the next 20 years of which almost two-thirds will be sales to foreign airlines. Russia, China, and Japan are weighing entry into this market.

A vital factor in obtaining market share in the next century will be the ability of the U.S. manufacturers to introduce new aircraft that are capable

of advanced performance through improved technologies.

The new low-speed transonic wind tunnels will enable U.S. manufacturers to more effectively simulate flight conditions and reduce cycle times in the development of new aircraft and derivatives.

It should come as no surprise that European governments have invested in six major wind tunnels in the last 15 years, which has provided Airbus with a distinct aerodynamic advantage.

Mr. President, U.S. aircraft testing facilities are so far behind the times that American airplane makers must go to Europe to do much of their testing and face the threat of having their most promising technology compromised in the backyard of their biggest competitor.

Commercial aviation is one of the few areas where U.S. preeminence in manufacturing now exists. We export far more than we import. This is one area of our manufacturing base where we still provide high-skilled, high-quality jobs for American workers.

But unless we act to make this industry fit for duty, we run the risk that U.S. commercial aviation may go the way of the VCR, the automobile, the textile industry, or the TV.

Mr. President, the \$400 million that was appropriated in the fiscal year 1995 VA-HUD bill was provided to allow the Federal Government to join with the private sector in a cost-shared accelerated effort to develop these wind tunnel facilities. This is a Federal investment in pre-competitive research and development. It is not our intention to have the Federal Government pick winners and losers. We don't subsidize the production of commercial products. With this investment, we are simply making sure that U.S. companies who are up against other countries in this field have the kind of test facilities they need to retain their edge.

Mr. President, if we are not willing to fight for aeronautics, what kind of manufacturing strategy do we have?

It was an attempt to answer that question that persuaded Senator BOND and me to make the recommendation that we did. Rather than sacrifice future productivity and jobs, we elected to reduce funding available for public housing and new construction at HUD. We decided to defer some new starts and, given the administration's proposal to reinvent HUD which the VA-HUD Subcommittee will be addressing in the fiscal year 1996 bill, it makes little sense to add to the existing public housing inventory.

Mr. President, we need this wind tunnel initiative to go forward now. As we noted in the statement of managers that accompanied the fiscal year 1995 VA-HUD appropriations bill, the \$400 million appropriated is needed to leverage reliable and resilient cost-sharing from the private sector and State and local governments that will bidding on potential sites for the wind tunnel complex.

The total cost of the national wind tunnel complex is estimated to be between \$1.8 and \$2.3 billion. This is more than either the Federal Government or private industry can fund alone. What is required is a partnership between the public and private sectors to share costs and technical know-how.

NASA has already established an industry team led by Boeing that includes McDonnell Douglas, Lockheed, Northrop Grumman, Pratt & Whitney, and General Electric. Working with NASA this industry team is developing engineering, performance, cost, financing and site evaluation options needed to lay the groundwork for a comprehensive plan and strategy for the development of the wind tunnels.

Although the administration has not requested additional funding for the national wind tunnel complex in its fiscal year 1996 budget request, the President is proposing that the \$400 million appropriated in fiscal year 1995 remain available until fiscal year 1997 to allow for the completion of the comprehensive study. Guided by this study, construction of the wind tunnels can begin in fiscal year 1996, provided that funding provided in fiscal year 1995 is available.

There might be those in America who say, why does the U.S. Senate want to advocate more wind tunnels? The whole Senate is a wind tunnel.

Well, Mr. President, I know how they feel. Very often more gets said than gets done. What we did when we advocated the building of a national wind tunnel complex—this is the new infrastructure that enables the United States of America to be competitive in terms of developing the new aviation technologies that we need to have in order to have the new aeronautics aviation designs for the new planes of the 21st century.

The reason I oppose this amendment is that I do not believe in our quest for quick fixes. Those kind of one-liners we can put out on talk radio or radio are so shortsighted that we think if we knock something out like this, we can grab onto how we cut out \$400 million and saved a little muffin at the school lunch program, then we have been doing something.

Mr. President, we need to have a future. We need to have jobs in manufacturing. The most important source of jobs in manufacturing right now are in our aviation industry, and yet we are being beaten to death in the new world market.

Our competitors abroad have government-financed wind tunnels that are helping them develop the new technologies of the 21st century. That is what these wind tunnels are. They are test tubes for America's aviation industry.

My colleague has spoken to the aeronautics consortium, Airbus, that started 25 years ago. With all the big bucks subsidies they get they have now gained a 35 percent market share in commercial aviation. The commercial

market for aircraft is forecast to be over \$800 billion in the next 20 years. Russia, China, and Japan are talking about getting into this market.

Mr. President, keep in mind that the European Airbus consortium began in 1972 and by 1980 had a 20-percent share of the commercial market. By 1990, Airbus controlled 30 percent market share by the year 2005.

So we will have competition from fortress Europe and we will have competition from the juggernauts on the Pacific rim. This is why we need to develop this technology, so that we can continue to make sure we are not on a glidepath and heading into a crash when it comes to our aviation industry.

This is a partnership with the private sector. We are not picking winners and losers. We are paying for the previous competitive infrastructure with cooperation from the private sector. The private sector will pay to use wind tunnels.

We cannot afford further delay. We cannot continue to allow U.S. market share in aviation to erode. Make no mistake. The issues here are jobs today and jobs tomorrow. Jobs in manufacturing that employ everyone from high-tech engineers to highly skilled people in manufacturing.

I believe the best social program is a job. I want America to continue to be ahead in aviation. This investment is what will help the United States be able to stay there and develop the products necessary. I urge my colleagues to vote to table the BUMPERS amendment and to support the committee recommendation.

The PRESIDING OFFICER. As of the previous request of the Senator from Missouri, the gentle Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President, for calling me a gentle Senator. I will, in fact, try to be one.

While I agree with my friend from Arkansas on so many things, I think that this amendment is shortsighted for the economic future of our Nation.

I think people listening to this debate would wonder, what is a wind tunnel, anyway? A wind tunnel is a place where we can test an aircraft, a new aircraft design, before it is fully built. We can simulate the impact of flying that newly designed aircraft. It is very important to the aerospace industry. We are talking here about civil aviation.

As a matter of fact, a prominent NASA official has said, "Wind tunnels and computers are the two most important tools in the research and development of new aircraft." Everyone would say immediately, of course, computers are critical. So are wind tunnels. I hope we will not lose that point.

The U.S. aircraft manufacturing industry is critical to our economy, as the Senator from Maryland has said, and to our balance of trade. I certainly know that, representing the great State of California. It is also important

to our country's technological leadership.

Now, it is true that the industry is facing many challenges, and I want to point out why I think this amendment is off the mark. When my friend from Arkansas says that the companies can do this on their own, I would point out that is not so. Currently, our competitors in Europe are getting enormous subsidies from their host countries. Already, because they are building more state-of-the-art wind tunnels, we are losing market share to them.

Mr. President, I do not think I need to go into too many details. The time is short. I ask unanimous consent that a letter that I wrote to Dan Goldin, the Administrator of NASA, back in September 1993, be printed in the RECORD at this time.

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

U.S. SENATE,

HART SENATE OFFICE BUILDING,

Washington, DC, September 29, 1993.

DANIEL S. GOLDIN,

Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR DAN: The purpose of this letter is to underscore yet again the importance of the NASA National Wind Tunnel Facility to the State of California. I understand that NASA is preparing its long-range budget request for submission on Friday to the Office of Management and Budget, and I urge you to include in that request funds for new wind tunnel construction.

It is no secret that California is experiencing economic hard times. Our aerospace industry, with its preeminent technological base, highly-skilled workforce, and historic ties to defense production, has been particularly hard hit, with 128,000 jobs lost in the last several years alone. The latest round of base closures portends even more job loss and hardship throughout the state of California.

The wind tunnel project is essential to continued U.S. leadership in aviation technology. As you know, the complexity of modern aircraft and the pressure of international competition have created a critical need for increased domestic productivity and improved simulation requirements—and no current wind tunnel satisfies these requirements. However, such improvements are possible through construction of the new NASA wind tunnels.

It is my understanding that the new wind tunnels would support primarily civilian/commercial aircraft research and development. I understand further that commercial aircraft manufacturers would pay NASA for use of the wind tunnels, offsetting over time some initial construction costs and ongoing operating expenses.

Sincerely,

BARBARA BOXER,

U.S. Senator.

Mrs. BOXER. Mr. President, I would say to my friend from Missouri, thank you for leading this debate. I think this would be very foolish in the long run. Yes, in the short run we could save some dollars, but in the long run if we fall behind here it means the loss of jobs. Our economy cannot afford that kind of hit. I yield the floor.

Mr. BUMPERS. Mr. President, I yield the Senator from Nebraska 5 minutes.

Mr. EXON. Mr. President, I thank my friend and colleague from Arkansas for yielding.

Mr. President, first, I am pleased to learn that even distantly we are reaching a point when we will move ahead and dispose of the remaining amendments and hopefully, pass the defense supplemental defense bill today.

It is critical that we get moving on this. I am glad to see that the Senate has finally arrived at the position where they recognize we have to move on this bill.

As I understand it, we will have a vote on this today. I have been listening with great interest, Mr. President, to the remarks of my two colleagues who have spoken before me. They made some very excellent points that I think the U.S. Senate should take a very close and very hard look at.

In another time, in another day, I would be persuaded by the arguments made by the Senator from Maryland and the Senator from California. But the facts of the matter are this is a new day, this is a different day.

We are going to be deluged, I say, Mr. President, all of us on all sides of various issues that are going to be upcoming with trying to do something about the United States of America continuing to spend more money than it takes in, however worthy.

I will simply say that regardless of the excellent points that have been made by the two previous speakers, I must support wholeheartedly the effort to reduce these types of expenditures regardless of how worthy, given the situation that confronts us today.

Mr. President, all of these things are good. The question is, can we afford them? If we are talking about programs like this, then that is just one more deep bite of the knife or the machete—call it what you will—into programs for the elderly, the poor, the School Lunch Program, Women, Infants and Children, and all of these other things that we think are tremendously important.

I simply say that if we cannot make savings in programs like this that have already been zeroed out by the House of Representatives, then I suspect that we are going to have even more and more difficulty than we thought we had with regard to doing something constructively and thoughtfully about the deficit of the United States of America and the ever-skyrocketing national debt that is eating our economy alive.

Therefore, I say notwithstanding the good, valuable, articulate, and well-thought out recommendations by those who are opposing the Bumpers amendment, I simply say that I must at this time not only vote for the Bumpers amendment, but I hope that the Senate on this occasion will rise to the occasion and do what I think we must under the circumstances that confront us, and that is to approve the Bumpers amendment.

I yield back the remainder of my time to my colleague from Arkansas, and I yield the floor.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER (Mr. DEWINE). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 13½ minutes. The Senator from Missouri has 2 minutes 41 seconds.

Mr. BOND. How much?

The PRESIDING OFFICER. Two minutes forty-one seconds.

Mr. BUMPERS. Mr. President, I want to reiterate that I voted for an appropriations bill last year that had language in it saying that this money was going to be rescinded, and the House kept their word and they rescinded it. We are reneging on something we voted to do last year.

I just, frankly, cringe when I see us putting \$400 million into a program like this. The Senator from Maryland a moment ago listed the people this is designed to help. Can you believe this? Listen: Lockheed, General Electric, Boeing, McDonnell Douglas, Martin Marietta, Northrup, and Pratt & Whitney.

The kids who hang around the pool hall this summer, because we killed summer jobs, can fend for themselves, but we have to put \$400 million in this year headed, listen to this, Mr. President, headed from somewhere between \$2.5 billion and \$3.2 billion for wind tunnels to assist seven of the biggest corporations in America.

You know, Bob Reich hit a tender spot with me when he started talking about corporate welfare. How in the name of all that is good and holy can the U.S. Senate even consider going down this path toward a \$3 billion expenditure because Airbus—because Airbus—is building a good airplane?

I heard the same arguments in the early seventies, in the late seventies that I just heard from my good friend and colleague from Maryland when the Japanese were eating the American automobile industry's lunch. The American automobile industry said, "Well, people are not going to like those little old minicars, they are going to quit buying them." They did not quit buying them, and shortly, the American automobile industry was on its haunches, losing money hand over fist. We did not give them \$3 billion, and they are at this moment the most viable industry in America because they sucked it up, pulled up their pants and did whatever they knew they had to do: Build a better automobile.

But now we are saying to these seven corporate giants who have at this moment not committed one penny—they say, "We'll put up 20 percent of the money." You have not heard anybody say they have done it or offered to do it.

So I am simply saying, you will never get a chance to save \$400 million easier, and if we are going to go through this

laborious process this year of cutting virtually everything in sight, for God's sake, let us cut this.

I yield the floor, Mr. President.

Ms. MIKULSKI. Will the Senator yield for just a question?

Mr. BUMPERS. Yes.

Ms. MIKULSKI. Is the Senator aware that the administration strongly supports the retention of the \$400 million request?

Mr. BUMPERS. Mr. President, I am not familiar with the fact they strongly support it, and I am familiar with the fact they have asked for the study to be completed before they ask for any more funds for this project. But they are not committed and they are not proposing to be committed until the present study is completed and you will have plenty of time after that to decide and the Senate will, too. But for the time being, I am saying we ought to torpedo this misguided appropriation.

Ms. MIKULSKI. I am surprised the way the Senator characterizes this.

Mr. BUMPERS. Well, I will change it in the RECORD.

Ms. MIKULSKI. I know they do it in the House all the time. I would hope we would not get into that in the Senate.

If you yield the floor then, I would just like to bring to the attention of the Senator from Missouri that the administration has submitted a letter in support of the wind tunnel. I ask unanimous consent that it be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, March 16, 1995.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: The Administration strongly supports the retention of the \$400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process.

NASA, its government partners, and an industry team need to continue to study and refine the wind tunnel concept and financing options to support a well-informed decision on proceeding with the project. At the completion of the current contract, preliminary design will be complete and government/industry shares of cost and risk will be negotiated. Until the study data can be carefully evaluated, it would be premature to either rescind or augment the current funding.

The Administration remains very concerned with the significant erosion of the United States' share of the global commercial aircraft market over the last 25 years. Several recent studies, including the NASA Federal Laboratory Review, have recommended construction of these highly productive and capable wind tunnels to maintain the world-class capability of the Nation's aeronautics industry. The Administration believes that the timing of this critical decision requires retention of the \$400 mil-

lion appropriation and we would appreciate your support in this matter.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for
Science and Technology.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Maryland. I was going to ask that this letter dated March 16 from the science adviser to the President, which says "The administration strongly supports the retention of the \$400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process," be printed in the RECORD. If this is the same letter dated March 16, if it is already printed, I will not need to ask for its printing.

Mr. President, might I ask the distinguished Senator from Arkansas if he would be so kind as to yield us 5 minutes of the time he has remaining. His wonderful oratory has brought forth far more speakers than we had envisioned. If the Senator could allocate us some of his time.

Mr. BUMPERS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 48 seconds.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to yield 4 minutes to the distinguished Senator from Missouri for such allocation as he chooses.

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

Mr. BOND. I thank the Senator. Let me first begin by allocating 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the amendment of the Senator from Arkansas which rescinds funds for the construction of new national wind tunnel facilities.

This next generation of research facilities is absolutely essential for the maintenance of the competitive advantage of the United States that it currently enjoys in the field of commercial aviation. This will be a national and an international resource. The development of these facilities is absolutely critical to maintaining this position.

I commend Senator BOND and Senator MIKULSKI for recognizing the importance of the U.S. aircraft manufacturing facility as spelled out in this wind tunnel and restoring these important funds.

I thank the Chair.

Mr. BOND. Mr. President, I allocate 1 minute of time to the Senator from Texas [Mrs. HUTCHISON].

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. Mr. President, I wish to add my remarks to those of the

Senator from Missouri and those of the Senator from Tennessee and the great Senator from the State of Maryland.

This is exactly what responsible budgeting is. We have made a decision in the committee that as a priority we should be looking at the science projects that are going to create the new technologies that keep the new jobs in America.

Mr. President, HUD is in a state of flux. We have been spending \$86,000 per housing unit to construct housing under HUD. Once constructed, it costs \$4,000 to \$5,000 per year to maintain. There are great questions if that is the best use of taxpayer dollars. I think it is most responsible to take money from housing construction when we think we are going to go into vouchers, which are going to work better, and we put that money into big science which creates jobs for the future.

Mr. President, that is what we are doing. We should table the Bumpers amendment and do what is responsible for the future of our country.

I thank the Chair.

Mr. BOND. Mr. President, I yield the time remaining with the exception of 30 seconds, which I reserve to offer a tabling motion, to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BURNS. Mr. President, I wish to first thank the ranking member and the manager of this bill for this time, and I especially wish to thank my friend from Arkansas for allowing me just a couple extra minutes. I appreciate that very much. He feels very strongly about this, as a lot of us on the other side of the issue feel very strongly about it. But one has to look at what it is all about, because in 1994 we appropriated \$74 million for this program, and then in 1995 we appropriated another \$400 million for the testing and related costs to move this program forward.

Now, that move forward had a certain number of conditions to it. Now, if those conditions are not met, then by July 1 this \$400 million will be automatically rescinded. That was the condition of the appropriation. But if they are met, then this money carries over into the 1996 appropriations and to further on develop the wind tunnels.

We have to remember that as far as industrial wind tunnels in this country, we are not in very good shape. And once we go into the supersonic aircraft—and that is going to be the next generation of commercial aircraft for civil aeronautics—we are going to need the facility. Right now, 25 percent of the cost of your airplanes in this country goes to Europe for the use of their wind tunnels.

I do not know how long it takes before we finally work out this whole problem, but basically let us be very up front about this because if the conditions are not met by July 1, this \$400 million is automatically rescinded.

There were conditions put on this appropriation. I am chairman of the authorizing committee.

So what we are doing, we are allowing the administration and NASA to work out the details of how much private money is going to go into this program. It is going to be a mix.

The PRESIDING OFFICER. The Chair would advise the Senator his time has expired.

Mr. BURNS. I appreciate that. I have nothing to submit for the RECORD, but I would say this is going to be a commingled fund. I appreciate the time.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to close the debate and get a vote on this amendment.

Let me reiterate that this is corporate welfare, pure and simple. You heard the list of seven of the biggest corporations in America. They said they would put up 20 percent of the money for this. They have not committed one nickel—not a dime. If we cannot cut this \$400 million, I shudder to think what is going to happen in this body the rest of this year.

The American people have a right to demand that those people who said, "I will be as careful with your money as I would if it were my own," will do just that. They have a legitimate nonnegotiable demand that you fulfill that promise. You cannot get it all out of welfare programs. You cannot get it out of food stamps. You can get some of it from those places. But now we are going to start on a \$3 billion program to accommodate GE and Lockheed and Boeing and McDonnell Douglas, Pratt & Whitney, and Northrop. We are starting down the road with a \$3 billion expenditure because they do not want to do it. The automobile industry did it. The aircraft industry could do it, too. If we start down that road of corporate welfare, I shudder to think where we are going to wind up with the deficit this year and next.

So I plead with my colleagues, keep your commitment. Vote to cut spending.

I yield the floor and yield back such time as I may have remaining.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleagues from Montana, from Texas, and from Tennessee for their very strong arguments in favor of the wind tunnel. It is extremely important for the commercial development of aeronautics. It is vitally important that we keep this technology and our developments on our shores. Because of the military applications, the distinguished ranking member and chairman of the subcommittee on defense also support the wind tunnels. Our future and our children's future in this area of science and technology depends on that.

I now move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, have the yeas and nays been ordered on the motion to table?

The PRESIDING OFFICER. That is correct.

PROGRAM

Mr. DOLE. Mr. President, I just wanted to announce before the vote started that at 12:30, we will be honored by the presence of King Hassan II of the Kingdom of Morocco. The King has been a loyal friend and ally of the United States, and I urge all of my colleagues to greet His Majesty and welcome him to the floor of the U.S. Senate.

At this very moment, he is in a meeting in S-207 which will conclude at about 12:30. So if you can stay for a few moments after voting, I know he will appreciate very much meeting you.

I thank the Chair.

VOTE ON MOTION TO TABLE AMENDMENT NO. 333

The PRESIDING OFFICER. The question occurs on the motion to table the amendment offered by the Senator from Arkansas, amendment No. 333.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—64

Abraham	Frist	Lieberman
Akaka	Glenn	Lott
Ashcroft	Gorton	Lugar
Bennett	Graham	Mack
Bingaman	Gramm	McConnell
Bond	Grams	Mikulski
Boxer	Grassley	Moynihan
Breaux	Gregg	Murkowski
Burns	Hatch	Murray
Campbell	Hatfield	Pressler
Chafee	Heflin	Rockefeller
Cochran	Helms	Santorum
Cohen	Hollings	Sarbanes
Coverdell	Hutchison	Shelby
Craig	Inhofe	Simpson
D'Amato	Inouye	Stevens
Daschle	Johnston	Thomas
DeWine	Kassebaum	Thompson
Dodd	Kempthorne	Thurmond
Dole	Kerrey	Warner
Faircloth	Kyl	
Feinstein	Leahy	

NAYS—35

Baucus	Ford	Packwood
Biden	Harkin	Pell
Brown	Jeffords	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerry	Robb
Byrd	Kohl	Roth
Coats	Lautenberg	Simon
Conrad	Levin	Smith
Domenici	McCain	Snowe
Dorgan	Moseley-Braun	Specter
Exon	Nickles	Wellstone
Feingold	Nunn	

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 333) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 334

(Purpose: To express the sense of the Senate that a member of the Armed Forces sentenced by a court-martial to confinement and a punitive discharge or dismissal should not receive pay and allowances)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 334.

Mrs. BOXER. 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:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

Mrs. BOXER. Mr. President, I have an amendment that we will take a very short time on. It has been agreed to on both sides. We are expressing the sense of the Senate that a member of the armed services sentenced by a court martial to confinement and a punitive discharge or dismissal should not receive full pay and allowances.

Mr. President, I will take but a moment to explain why this is such an important amendment and to express my gratitude to both sides of the aisle for agreeing to it.

We know that, in the month of June 1994 alone, the Department of Defense

spent more than \$1 billion on the salaries of 680 convicts. I want to point out that among those were 58 rapists, 164 child molesters, and 7 murderers, among others. I know that every single man and woman in this Chamber wants to put an end to that kind of a practice. I have legislation, and many Members on both sides of the aisle are cosponsors of that legislation that would put an end to paying these convicted felons with taxpayer dollars.

That statute that I have authored is being considered in the Armed Services Committee today. I am very hopeful that it will move forward and become law. In the meantime, I think it is important on this bill that the Senate go on record as saying we oppose the military giving full pay to these convicted felons.

In closing, I want to give you just one example. In California, a marine, a lance corporal, who beat his 13-month-old daughter to death almost 2 years ago still receives \$1,000 each month, or about \$20,000 since his conviction. He spends his days in the brig at Camp Pendleton and does not pay a dime of child support and has managed to pack away this \$25,000. I spoke with the murdered child's grandmother. She was totally shocked. She has not received a penny of support for the other living child that he still has. I know we all want to put an end to this.

At this point, I will yield the floor and thank my colleagues on both sides for including this sense of the Senate.

I ask unanimous consent that Senator BRADLEY be added as a cosponsor of this amendment.

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

MILITARY PAY FOR MILITARY PRISONERS
FACING PUNITIVE DISCHARGES

Mr. NUNN. Mr. President, I want to commend Senator BOXER for her sense-of-the-Senate amendment concerning the anomalous situation in which some military prisoners facing punitive discharges continue to receive substantial amounts of military pay while in confinement.

The amendment would express the sense of the Senate that:

First, Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced to a punitive discharge.

Second, that the legislation should provide for restoration of pay in the event that the punitive discharge is set aside.

Third, that the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces whose pay is terminated in such legislation.

Mr. President, I would briefly like to outline the background of this issue.

Under the Uniform Code of Military Justice, a court-martial has great discretion over the sentence. Depending on the maximum punishment author-

ized for an offense, a sentence can include a punitive discharge—bad-conduct of dishonorable—or dismissal of an officer, confinement, a reduction in rank, and forfeiture of pay. Although many individuals sentenced to a punitive discharge and confinement also are sentenced to total forfeiture of pay, there are exceptions.

Recent new stories have highlighted the fact that some persons with substantial confinement and punitive discharges continue to receive military pay. On January 11, Senator BOXER introduced S. 205 with the goal of ending pay for such individuals.

I support the purposes of the Boxer bill, and I congratulate her for initiating legislation to close this loophole. There are a number of technical questions which must be addressed by the Armed Services Committee with respect to the drafting of this legislation. These include:

First, should the restriction on pay also apply to prisoners sentenced to substantial periods of confinement even though the sentence does not include a punitive discharge?

Second, should the restriction apply at the time the sentence is announced by a military judge or at the time the sentence is approved by the commander who convened the court-martial?

Third, what should be the impact of a commander's decision to suspend the effect of a punitive discharge?

Fourth, how do we address the problem of prisoners who are currently receiving pay without violating the ex post facto clause of the Constitution (Art. I, sec. 9, cl. 3)?

Fifth, how do we address the transitional issues that face innocent spouses and children of such prisoners who are stationed overseas or far from their home of record without creating an expensive entitlement?

I have discussed these matters with Senator BOXER and have specifically addressed the questions to the Under Secretary of Defense for Personnel and Readiness, Edwin Dorn. Secretary Dorn has advised me that the Department of Defense is very close to completing a legislative proposal that would address my questions.

Mr. President, I am confident that we can close this loophole. I look forward to working with Senator BOXER, and with Senator COATS and Senator BYRD, the chairman and ranking member of the Subcommittee on Personnel of the Armed Services Committee, in addressing this issue.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from California has been cleared at our Appropriations Subcommittee on Defense and by the authorizers.

Mr. INOUE. Mr. President, I am pleased to advise the Senate that the Senate Armed Services Committee is in favor of this amendment, and there is no objection on our side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 334 offered by the Senator from California.

The amendment (No. 334) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. 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. 335

(Purpose: To rescind funds for military construction projects at installations recommended for closure or realignment by the Secretary of Defense in the 1995 round of the base closure process)

Mr. MCCAIN. Mr. President, I send an amendment 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 and Mr. BRADLEY, proposes an amendment numbered 335.

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:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) **CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.**—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103-307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, \$11,544,000.
Military Construction, Air Force, \$6,500,000.

Military Construction, Army National Guard, \$1,800,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) **ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.**—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) **DEFINITION.**—In the section, the term “base closure Act” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. HATFIELD. Will the Senator yield for a question?

Mr. MCCAIN. Yes.

Mr. HATFIELD. Can the Senator agree to a time?

Mr. MCCAIN. I will not take more than 10 minutes. I would be glad to have a 20- or 30-minute time agreement.

Mr. HATFIELD. I would like to propound that request.

Mr. MCCAIN. I yield to the Senator for that purpose.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time on the McCain amendment be limited to 30 minutes, to be equally divided in the usual form.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the purpose of this amendment is to rescind \$19.9 million of the fiscal year 1995 military construction funds for projects located on installations that have been recommended for closure by the Secretary of Defense. It provides for an automatic rescission of military construction funds for additional bases that would be recommended for closure or realigned by the BRAC commission. It also delays the effect of the rescissions until the President submits the final BRAC recommendations by July 15, 1995. And it would permit retention of these funds if the bases are removed from the list by the BRAC.

Mr. President, let me say at the outset that all I am seeking here is that we not spend military construction money on bases that are on the closure list. I am befuddled, frankly, why there would be some opposition to this. I am not saying that we should do what I recommended some time ago, and that is, to have rescinded \$6 billion worth of unneeded military spending. This is narrowly targeted to only those bases that are on the closure list.

The net effect of this amendment would be to save hundreds of millions of dollars by eliminating unnecessary constructions at military bases that are being closed, not those that are being opened. I want to restate that. This is nothing to do with bases that are not either scheduled to be closed or

will be scheduled to be closed as a result of the BRAC commission or the BRAC process.

Spending scarce defense dollars on a project that stands a strong chance of becoming unnecessary due to the BRAC's action, in my view, is a senseless waste of money.

Last December, I asked the President to defer spending on nearly \$8 billion in wasteful and unnecessary defense spending in the fiscal year 1995 appropriations bill until shortfalls and readiness and other high priority military requirements were reviewed and addressed. I included nearly \$1 billion that was in the military construction appropriations bill that were unrequested by the military and were on that list. Then, in January, I wrote to Secretary Perry asking that he defer obligation of funding for all military construction projects at least until the base closure recommendations were released on March 1. That letter was ignored.

On its own, the Navy recognized the illogic of staring construction at bases that might be closed, and voluntarily deferred obligating its military construction funds. To my knowledge, though, the other Services did not take similar action.

Finally, when the Secretary of Defense base closure list was released, I again wrote to him, suggesting that he defer spending on military construction projects slated to occur at closing bases or bases undergoing realignment. I listed about \$150 million in projects at the bases included on the Secretary's recommendations. Of these projects, over \$100 million was unrequested in the fiscal year 1995 budget.

And finally, I wrote to the chairman of the Appropriations Committee, asking that he include in this bill rescissions of congressional add-ons for military construction.

I also suggested that the committee rescind over \$6 billion in wasteful spending in the fiscal year 1995 defense budget, and reallocate the funds to higher priority defense needs.

Mr. President, I ask unanimous consent that the text of those letters that I mentioned be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, January 23, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: As you know, I wrote to President Clinton on December 5, 1994, asking that he defer obligation of nearly \$8 billion in defense spending for programs which contribute little, if anything, to national defense. While that request is still pending at the White House, I am writing to you today to ask your assistance in a related effort.

By March 1, you will release the final Department of Defense recommendation for base closures and realignments. In view of

the expected magnitude of the changes, it is inevitable that construction projects will be under way on at least some of the bases recommended for closure in this round. This is an egregious waste of millions, or even billions, of taxpayer dollars.

In my view, a fiscally responsible approach would be to defer the obligation of funding for all military construction projects approved for Fiscal Year 1995 until the results of the Commission's deliberations are known. I urge you to contact the President and request formal deferral of all military construction projects until July 1 of this year. In this way, we will avoid spending scarce defense dollars for unnecessary construction at closing military facilities.

I look forward to hearing from you at your earliest opportunity.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 28, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: With the release this morning of your recommendations for base closures and realignments, I believe it is imperative to act immediately to forestall the initiation of any military construction projects at bases slated for closure, as well as at facilities scheduled to be realigned to other locations.

As you may recall, I wrote to you on January 23, 1995, to ask that you seek deferral of all military construction projects until your base closure recommendations were publicly released. While I am not aware that you or the President formally undertook such action, I understand that the Navy may have voluntarily undertaken to defer obligation of military construction funds because of the uncertainty of the base closure process. I hope other Services recognized the fiscal responsibility of waiting to initiate construction projects until the base closure list was available.

For your information, I have included a listing of military construction projects, funded in the FY 1995 Military Construction Appropriations Act, at bases which are recommended for closure or realignment. This list totals \$150 million in FY 1995 appropriations. At a minimum, I urge you to ensure that none of the projects which would be affected by your base closure or realignment recommendations are undertaken until the BRAC Commission has completed its review and submitted a final list to the President.

As always, I appreciate your consideration of my views. I look forward to hearing from you.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

FISCAL YEAR 1995 MILITARY
CONSTRUCTION APPROPRIATIONS

[For projects at bases recommended for closure or realignment by the Secretary of Defense, March 1 1995]

MILCON projects at bases recommended for closure:

Texas: Brooks AFB, for directed energy facility	6,500,000
Pennsylvania: Fort Indiantown Gap:	
Replace underground storage tanks	1,800,000
Electrical targeting system upgrade	770,000

Flight simulator and aeromedical complex	4,584,000
Total MILCON at bases recommended for closure	13,654,000
MILCON projects at bases recommended for realignment:	
California: Defense contract management office west	5,100,000
Florida:	
Eglin AFB:	
Climatic test chamber	20,000,000
Aquatic training facility	2,900,000
HC-130 parking apron ..	7,500,000
MC-130 nose dock/AMU	5,000,000
Airman dining facility	2,650,000
Homestead AFB:	
Hydrant and hot pit refueling system	2,000,000
Mobility processing facility	1,150,000
Renovate barracks	2,550,000
Repair physical fitness center	1,400,000
Georgia: Warner-Robbins (realign):	
Weapon system support center	4,700,000
J-STARS add to integrated support facility	3,100,000
J-STARS dormitory	5,525,000
J-STARS expanded flight kitchen	1,850,000
J-STARS utilities/miscellaneous support	3,825,000
Upgrade drainage system	2,200,000
Montana: Malstrom AFB:	
Underground fuel storage tanks	1,500,000
Underground fuel storage tanks minuteman	4,000,000
FACS	4,000,000
New Mexico: Kirtland AFB:	
Underground fuel storage tanks	3,200,000
Child care center	3,500,000
Base support center	3,500,000
Repair water distribution center	8,800,000
Upgrade electrical distribution system	3,000,000
Replace underground fuel storage tanks	900,000
Oklahoma:	
Corrosion control facility [DBOF]	8,400,000
Extend and upgrade alternate runway	10,800,000
Storm drainage system ..	1,243,000
Virginia: Fort Lee:	
Repair electrical distribution	11,000,000
Soldiers "One Stop Center"	4,600,000
Total MILCON appropriated for realigned bases	135,893,000

U.S. SENATE,
Washington, DC, March 1, 1995.

Hon. MARK HATFIELD,
Senate Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Senate Appropriations Committee will soon consider legislation to provide supplemental appropriations for FY 1995 and to offset additional spending with certain rescissions.

I wanted to raise with you my concerns and suggestions regarding a dangerous shortfall in defense funding. As you know, the defense budget has been declining since 1985, with a cumulative real reduction of nearly 45 percent by 1995.

This severe reduction has made it imperative that we work together to ensure that

scarce defense dollars are spent only for the highest priority military requirements, namely, readiness, quality of life, and modernization. Therefore, I strongly believe that supplemental appropriations should be provided to restore the \$2.55 billion diverted to peacekeeping purposes as well as to redress, as best we can, shortfalls in the FY 1995 appropriated level for military readiness.

I also believe that we have a fiscal obligation to offset these supplemental appropriations with spending rescissions in order to avoid any increase in the deficit. To this end, as you review the FY 1995 supplemental appropriations and rescission legislation, I urge you to consider for rescission unobligated funds for programs included on the attached list (Tab A).

This list represents nearly \$6.3 billion in defense budget authority, and my rough estimate is that the outlay savings in FY 1995 achievable by rescinding these funds would be approximately \$2.5 billion.

The programs I have listed do not, in my view, contribute directly to the readiness and capability of our Armed Forces. They represent wasteful, earmarked, non-defense, or otherwise low-priority programs which should not be funded at the expense of readiness within the constraints of the declining defense budget.

I should note an important caveat to my rescission recommendations. The list in Tab A is comprised primarily of programs which were added by Congress in an attempt to circumvent the funding priorities and procedures established by the military Services. Some of these programs could possibly represent military requirements which were only identified by the Services after the Administration's budget request was submitted to Congress. Such items could still be funded in competition with other priorities within the Pentagon's existing budget, but should not remain as earmarked add-ons.

The rescission of low-priority funding I've recommended should be used to offset the Administration's request for supplemental appropriations. As I said, however, even if the cost of these unbudgeted operations is fully restored to the appropriate accounts, readiness would remain seriously underfunded in FY 1995. Therefore, I urge you to support efforts to increase the amount of supplemental appropriations made available to the Department of Defense to fully redress the deleterious impact of declining defense budgets on military readiness. Accordingly, programs not essential to defense should be further reviewed to determine whether additional rescissions could be made and the funds redirected for high-priority military requirements.

I submit that a number of the defense programs suggested for rescission, such as most of the medical and university research activities, more appropriately belong in domestic, not defense appropriations bills, and should compete for funding with those accounts. I have provided a list (Tab B) of FY 1995 appropriations in the non-defense bills which could be rescinded in order to make funding available for any high-priority activities which were mistakenly funded in the defense budget last year.

In addition, I wish to express my support for the President's \$2.4 billion in FY 1995 rescissions. I believe the Committee and the Senate should approve these rescissions, and that the monies should be dedicated to deficit reduction.

Of course, I know that the Committee may have its own rescissions in mind, and I understand that the House will soon pass a rescission bill offering additional opportunities which should be considered by the committee to fund readiness, higher spending priorities and deficit reduction.

I know you have a very difficult task and I appreciate your consideration of my views and request.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RE-SCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS

	Fiscal Year 1995	Amount
Major programs:		
B-2 bomber industrial base set-aside		\$125M
Industrial base set-asides, including \$35 million for tank engines and \$1 million for nuclear submarine main steam condensers		36M
Unrequested military construction Congressional add-ons		987M
Unrequested Congressional add-ons for excess Guard and Reserve equipment, including \$505 million for C-130 transport aircraft		800M
C-21/C-XX aircraft		11M
Terminate Technology Reinvestment Program		550M
Former Soviet Union threat reduction		80M
National security education trust fund		14M
DOD support for Olympics and other celebrations		15.4M
Dual-use and conversion programs, including manufacturing technology, advanced simulation, etc.		1.5B
Medical and university research		1.5B
Personnel:		
Homeporting of 2 LST ships at Pearl Harbor to transfer Navy reservists from Oahu to Hawaii		10.0M
Manning of additional C-130 units (see O&M)		3.6M
O&M:		
National Center for Toxicological Research in Jefferson, AR (bill)		5.8M
Schofield barracks, Hawaii easement (bill)		9.5
National Guard Outreach Program in Los Angeles school district (bill—changed in conference to eliminate authorization requirement)		10.0M
Additional C-130 operational support for units in California, Kentucky, West Virginia, Louisiana, Tennessee, South Carolina, and Ohio (bill and report)		31.6
For Pacific Missile Range Facility, Hawaii, from O&M funds (bill)		45.9
Directed allocation of child development funds to Pacific region		15.0
National Training Center, George AFB		2.0
Wild horse roundup, White Sands Missile Range, New Mexico		1.5
OSCAR project at Letterkenny Army depot		1.9
Presidio of San Francisco, CA, infrastructure improvements		10.0
New Orleans NAS RPM backlog		6.0
Charleston naval complex		6.0
Establish Chester W. Nimitz Center		3.0
Establish Joint Warfare Analysis Program at Naval Post Graduate School		1.5
Transport LCU ship to American Samoa		.85
MacDill AFB operations		5.5
Electrical service upgrades at McClellan AFB, CA		1.65
Modification of Air Force Plan No. 3, Tulsa, OK		10.0
Natural gas study and infrastructure planning		2.2
Anchorage, AK fuel center		.5
Establish land management training center		2.5
Washington Square, Philadelphia, PA renovation		2.6
Cannon AFB dormitory and runway repairs		2.2
Improvement of navigational charts for Lower Mississippi River		1.0
To return excess medical supplies and equipment from Europe to the U.S. for "use by Native Americans, local governments, and other deserving groups"		5.0
RPM for reserve centers in Cambria and Indiana Counties, PA		.3
Navy LST's in Pearl Harbor		7.0
C-130 operational support, Youngstown, OH		10.0
WC-130 weather reconnaissance activities		2.0
Los Angeles School District Youth Program		10.0
Calumet, MI, armory repairs		.12
Valparaiso, Gary, and Hammond, IN armory repairs		.4
California armory repairs		1.2
Distance learning regional training network in West Virginia, Pennsylvania, Virginia, Maryland, and District of Columbia		7.5
Establish continuity of operations center for Navy		13.0
New Orleans F. Edward Hebert complex		5.0
Procurement:		
Pacific Missile Range Facility, HI, from procurement funds (bill)		23.9
Natural gas utilization		2.5
Switch expansion at Schofield Barracks, HI		.5
Procurement of industrial process and information systems equipment for industrial operations facility at Tobyhanna Army Depot		12.0
Joint training analysis and simulation center		10.5
Laser articulating and robotic system, Philadelphia Naval Shipyard, PA		6.9
Natural gas vehicles		10.0
Electric vehicles		10.0
R&D:		
Research on ocean acoustics at National Center for Physical Acoustics, provided as a grant to the Mississippi Resource Development Corp. including \$250,000 for purchase of unspecified "special equipment as may be required for particular projects" (bill)		1.0M
For seismic research at Incorporated Research Institutions for Seismology (bill)		12.0
National Center for Manufacturing Sciences (bill)		20.0
Establish an image information processing center supporting the Air Force Maui space surveillance site (bill)		13.0

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RE-SCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS—Continued

	Fiscal Year 1995	Amount
Transfer to Department of Energy for "Center for Bioenvironmental Research" (bill)		15.0
Experimental Program to Stimulate Competitive Research (EPSCOR) (bill)		20.0
Los Alamos Meson facility		20.0
Naval Surface Warfare Center, Crane Division		.167
Jefferson Proving Ground, unexploded ordnance		5.0
Joint Agriculture/DOD project		4.5
Hawaii Small Business Development Center		5.4
Saltburg Remediation Technology		1.0
Longhorn Army ammunition plant, TX		8.0
For first phase of \$28.5 million project to establish shallow water range capability at Barking Sands, HI C-130J development		11.0
Maui supercomputer		5.0
Maritime Technology Office		13.0
Electric vehicles		12.0
Maui High Performance Computing Center		15.0
Institute for Advanced Flexible Manufacturing Systems		7.0
Kaui, HI test facility		4.0
Increase in defense research funds set aside for historically black colleges and minority institutions, including minority women's institutions specializing in science, math, and engineering, and tribal colleges		10.0
Prototype disaster preparedness center in Hawaii		5.0
Other DOD programs:		
For nursing research (bill)		5.0M
Requiring continued operation of Plattsburgh AFB hospital in New York (bill)		3.0
Transfer to Navy Mil Con for ROTH in Puerto Rico (bill)		10.0
Police Research Institute (not in either bill)		1.0
Southwestern Oregon Narcotics Task Force (not in either bill)		1.0
General provisions:		
Incentive payments to subcontractors under Indian Financing Act (bill Sec. 8025A)		8.0M
Mental health care demonstration project at Fort Bragg, NC, with open-ended price and program growth clause (bill Sec. 8037)		18.5
Protection of 53d Weather Reconnaissance Squadron of Air Force Reserve (bill Sec. 8047)		.651
For independent cost effectiveness study of Air Force bomber programs (bill Sec. 8101)		4.5
For nuclear testing damage to Rongelap Atoll, for transfer to resettlement trust fund managed by Department of Interior (bill Sec. 8112)		5.0
Requirement to contract within 60 days of enactment for procurement of AN/U5H-42 mission recorders on S-3B aircraft (bill Sec. 8133)		39.8
Utility reconfiguration project at Philadelphia Naval Shipyard (bill Sec. 8150)		14.2
Direction to award contract to sole U.S. supplier of nuclear steam generator tubing for aircraft carriers (bill Sec. 8151)		17.5
Fiscal Year 1994		
Technology Reinvestment Program		77M

DOMESTIC RESCISSION PROPOSALS
WASTEWATER EARMARKS

Over \$1.2 billion dollars was earmarked for wastewater treatment grants in the FY95 HUD/VA Appropriation bill. Very few if any of these projects were authorized. A number of these were not properly studied before the funding levels were set and that some of the projects may have been funded above the 50% cost share required under the Clean Water Act. With this mind you I propose that we rescind funding for these projects which were not authorized, and/or have not been properly scoped and cost-shared. We have asked the Environmental Protection Agency to provide a list of the projects that meet this criteria and the dollar amount eligible for rescission.

HIGHWAY DEMONSTRATION PROJECTS

\$352 million was appropriated for earmarked surface transportation projects which do not necessarily represent either federal, state or local priorities. We should rescind any unobligated monies. Projects not yet commenced should compete for selection among other priorities by state transportation authorities through the applicable process. The Department of Transportation is providing a list of the project eligible for rescission.

SPECIAL PURPOSE GRANTS

The VA/HUD Appropriation bill for Fiscal Year 1995 included \$290 million in special purpose grants. According to estimates, only \$7 million of this funding has been properly authorized. Examples of projects funded in the bill include:

\$450,000 for the construction of the Center for Political Participation at the University of Maryland College Park;

\$750,000 for the Scitrek Science Museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta;

\$1.45 million to the College of Notre Dame in Baltimore, MD for capitol costs including equipping and outfitting activities, connected to the renovation of the Knott Science Center; and \$2 million for Depaul University's library to provide direct services and partnerships with community organizations, schools, and individuals in North Carolina.

All of the unauthorized earmarks for which money has not been obligation should be rescinded. HUD is preparing a list of the projects which meet this criteria.

ELLIS ISLAND

The Department of Transportation's Fiscal Year 1992 Appropriation bill provided \$15 million for the construction of a bridge to Ellis Island. The Park Services opposes the bridge. In a 1991 study on the construction of the bridge they wrote "The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource." The funding for this project has not been obligated and should also be rescinded.

Mr. MCCAIN. Mr. President, the bill reported by the Senate Appropriations Committee that we are now considering does rescind some of the programs I recommended, including a small cut in TRP and the other research and defense conversion programs. On the domestic side, the bill includes rescissions in highway trust fund demonstration projects.

But the committee-reported bill does not touch the many earmarks for special interest projects added by Congress. It does not rescind industrial base set-asides. It does not cut funding for DOD support to the Olympics and other international sporting events. It does not touch congressional add-ons for excess Guard and Reserve equipment. And it leaves intact several billion dollars for dual-use, defense conversion, and medical and university research programs that were earmarked.

Further, the bill does not rescind any military construction funds. It does not rescind any of the nearly \$1 billion in congressionally-added military construction projects, much less funding for projects on bases slated for closure in this BRAC round.

The projects which would be affected by this amendment should not be built anyway. No responsible DOD official would continue a construction project at any base which has been ordered to be closed.

I think it is time to send a signal to the American people that we will not do this kind of thing anymore.

Mr. President, I believe that the opposition's argument against this proposition will be that it is in reaction to an action triggered by the executive branch in the form of the recommendations of base closing.

Mr. President, as we know, the BRAC is a nonpartisan commission that was

confirmed by Congress and the President must accept all of their recommendations or none. If this money is going to be rescinded anyway, then this amendment is redundant. The argument will be the rescission should be applied to all other accounts. Perhaps so.

But, Mr. President, I hope that this amendment would be accepted. I see no reason, frankly, for it to be opposed. I would be glad to work with the committee in order to see that it is acceptable. I cannot imagine—I cannot imagine—any Member of this body seeking to continue a military construction project on a base that is going to be closed. It is beyond me.

So I certainly look forward to the response of the managers of the bill. And, Mr. President, very reluctantly, very reluctantly, I may have to ask for the yeas and nays because of the clarity of this issue.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 335, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment by striking lines 5 and 6 on page 2 of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 335), as modified, is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) **CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.**—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103-307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, \$11,554,000.
Military Construction, Air Force, \$6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to clo-

sure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) **ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.**—Notwithstanding any other provisions of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) **DEFINITION.**—In the section, the term “base closure Act” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. MCCAIN. Mr. President, that would eliminate the placement money which was necessary for underground storage tanks at Fort Indiantown Gap and that would make this amendment more closely defined in that it only targets new construction—new construction—at this base which is earmarked for closure.

I reserve the balance of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, with the time equally divided.

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

The bill clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition for a moment just to be sure that I understand the thrust of the amendment of the distinguished Senator from Arizona. If I might have the attention of my colleague, Senator MCCAIN, for just a moment. He and I were just talking briefly, and I wanted to be sure—

The PRESIDING OFFICER. I advise the Senator from Pennsylvania that the time of the Senator from Arizona has expired. The Senator from Oregon has 5 minutes remaining.

Mr. INOUE. I ask unanimous consent that the Senator from Arizona be granted 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania may proceed.

Mr. SPECTER. I thank the Chair, and I thank my colleague from Arizona.

As I understand the thrust of the amendment, the provisions which would strike \$1,800,000 to replace underground storage tanks has been deleted from the amendment because that change or that work may be necessary in any event; is that correct?

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. And the items on electrical targeting systems upgrade, \$770,000, and flight simulator and air medical complex, \$4,584,000, and barracks, \$6,200,000, will be reinstated in the event Fort Indiantown Gap remains open by proceedings under the Base Closing Commission.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. Of course, I make these inquiries because of the concern which I have, and I know that my colleague from Pennsylvania, Senator SANTORUM, shares these concerns. We believe Fort Indiantown Gap is an important installation militarily, and we intend to fight the matter before the Base Closing Commission. So the net effect of this amendment, which I understand the managers are prepared to accept without a vote, would leave Fort Indiantown Gap unharmed in the event that it remains open.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. I thank my colleague from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Pennsylvania. I am aware how sensitive and difficult the issue of base closures are. I think it is well known to all of us that no one fought harder or continues to fight harder on behalf of the Philadelphia Naval Shipyard than my colleague from Pennsylvania. He understandably is committed to preserving jobs and the military presence in his State, and I thank the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Arizona for those generous remarks. I have not made a comment about the Philadelphia Navy Yard for a long time on the Senate floor. I said enough in the past that there really is not a need to say very much more.

I would just make a couple of comments. That battle was lost in the Supreme Court of the United States on a very complex legal argument. Interestingly, the Harvard Law Review published an extensive review of that case, Dalton versus Arlen Specter, and came to the conclusion that the Court was wrong on its analysis of separation of powers. It is a very complicated constitutional issue as to how Congress may delegate to the President or executive agency authority to take action without sufficient standards.

The thrust of my argument had been that the Navy actually concealed evidence from certain admirals that the yard should be kept open. But there were many other complex legal issues, and it was at least some satisfaction to

win the case in the Harvard Law Review if not in the Supreme Court.

We got one interesting comment before the decision was reached. NBC television said that it was the ultimate in constituent service. We all say, "I'm going to take that case to the Supreme Court of the United States." Well, we did.

I thank my colleague for mentioning it and giving me an opportunity for that brief rejoinder.

Mr. McCAIN. Mr. President, when I heard that the Senator from Pennsylvania was going to the U.S. Supreme Court in this case, I never had a doubt that he was correct. It is, however, heartening to know that the Harvard Law Review corroborates that conclusion that all of his colleagues reached.

But seriously, it is the ultimate in constituent service and, I think, is an indication of the dedication that the Senator from Pennsylvania had to preserving the very livelihood of many of the residents of his State in the Philadelphia area. I know that he has their eternal gratitude for his herculean efforts.

Mr. SPECTER. I thank again my colleague, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes. The Senator from Arizona has 30 seconds.

Mr. HATFIELD. Does the Senator from Montana wish any further time?

Mr. BURNS. Just about 1 minute.

Mr. HATFIELD. I yield 1 minute to the Senator from Montana.

Mr. BURNS. Mr. President, I thank my chairman, and I thank the Chair.

I am going to oppose and ask that this amendment be tabled. I think what we have here when we start looking at the BRAC, the Base Realignment and Closure Commission, we are all at once starting to send wrong messages before the process is even complete on those that are now being considered. I think probably the construction will not go on, especially new construction, on bases that are being considered now. I do not think that is going to happen.

So I know where my friend from Arizona is coming from and what he wants to try to do. But I think as chairman of that committee, I would like to see the funds at least stay there, have a possibility of letting that Commission complete its duty, and then rescind that money. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. McCAIN. I ask unanimous consent for an additional minute.

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

Mr. McCAIN. Mr. President, I am confused by the comments of the Senator from Montana. He says the money is not going to be spent, that it would be restored if the base was off the list, and that is exactly what the amendment says.

In all due respect to the Senator from Montana, I am confused by the fact that he would oppose an amendment that says that the money would not be spent, but if the base is off the rescission list, then it will be spent.

I can only surmise that this is some kind of turf problem, but, Mr. President, as the chairman of the Military Readiness and Defense Infrastructure Subcommittee, I do not look kindly on spending money for military construction projects which are on a base closing list and should not be spent, with a provision that the money would be spent if the base was off the list.

So, Mr. President, I will expend no more time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield back the remainder of my time. I just think it sends the wrong message at this particular time in the process of BRAC. But I have no further comment.

Mr. REID. Mr. President, I oppose the amendment from the Senator from Arizona because it is premature and unnecessary. Moreover, it can have unintended effects, which might result in forcing later expenditures that would wipe out any savings he might anticipate if the amendment were to be passed.

First, Mr. President, the cuts he has anticipated in his amendment are premature and could affect the final decisions of the Base Closure Commission, prejudice the living conditions and rights of the people serving on those bases now and the communities which are associated with them. That would be unfair.

Second, the amendment assumes that the committees charged with authorizing and appropriating funds for military construction projects have not anticipated or are adequately providing for savings resulting from the BRAC process. That is just not the case. Mr. President, if you look at last year's conference report on military construction appropriations you will find a reduction in the President's request of some \$135 million, split evenly among the services, and some taken from defense-wide programs. This was in anticipation of the fiscal year 1996 BRAC decisions, and we took a large sum because we anticipated a larger BRAC round, more closures, than actually have been recommended by the services and DOD than has in fact been recommended.

Third, it is unclear why the Senator feels it unnecessary to amend this appropriations measure. The Appropriations Committee has followed the guid-

ance of the authorizing committee and only funded those projects which have been authorized. Why not wait until the authorization bill is crafted and the result of the BRAC Commission are known, rather than guess now, send confusing signals to the communities which have been identified for possible action by the Commission.

Does the Senator just want to penalize military communities further, in the name of spending cuts in this area?

Fourth, DOD is not asleep at the switch on this matter. The Department is not going to allow spending for fiscal year 1995 military construction projects that are recommended for closure.

So, Mr. President, I believe that both the Department of Defense, the authorization and appropriations committees are well aware of the need to reduce unnecessary construction programs resulting from the BRAC process, and have proven that they will take the action needed, in the framework of the BRAC decisionmaking process set up. No one wants to spend construction funds unnecessarily, and so I feel the amendment just jumps the gun, is not helpful, and prejudices the process that has worked well.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

Mr. SPECTER. Mr. President, will the Chair desist on that matter for another matter which has just been called to my attention by my colleague, Senator Santorum? And that is an issue—if we may clarify, if we can have just a minute to do that—an issue which arises in the event that Fort Indiantown Gap is realigned instead of closed, that whatever the consequence is, I just want to understand the intent of the Senator from Arizona that these funds will be reinstated if the function of Fort Indiantown Gap continues, even if it is called a realignment.

Mr. McCAIN. Mr. President, if I may respond, if there is a realignment which keeps that base open, then this rescission would not apply.

Mr. SANTORUM. If I can, if the base remains open as a Guard unit, which is what will happen, but is designated as closed by the BRAC because all active units will be pulled out, does that still maintain these programs?

Mr. McCAIN. They do not. If it is a Guard installation, then we go through the regular functions, provisions for Guard units.

The PRESIDING OFFICER. I would remind Senators all time has expired and all time was yielded back.

The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

The amendment (No. 335) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 336

(Purpose: To rescind fiscal year 1995 funding for listing of species as threatened or endangered and for designation of critical habitat under the Endangered Species Act of 1973)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 336.

Mrs. HUTCHISON. 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:

On page 28, between lines 14 and 15, insert the following:

DEPARTMENT OF THE INTERIOR
UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCES MANAGEMENT
(RESCISSION)

Of the funds made available under this heading in Public Law 103-332—

(1) \$1,500,00 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentences.

Mr. HATFIELD. Mr. President, will the Senator yield—

Mrs. HUTCHISON. I will be happy to yield, Mr. President.

Mr. HATFIELD. On an understanding to the amendment.

I now ask unanimous consent that the Hutchison amendment be limited to 40 minutes to be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

The amendment rescinds \$1.5 million in funds for new listings of endangered or threatened species or designation of

critical habitat through the end of the fiscal year, which is a little more than 6 months from now. It provides that remaining funds may not be used for final listings of endangered or threatened species or final designation of critical habitat.

The amendment does permit downlistings, changing a species from endangered status to threatened status. In H.R. 4350, the House regulatory moratorium bill, the House passed a moratorium on new listings or designations until the earlier reauthorization of the Endangered Species Act or December 31, 1996. Rescinding funds for a more limited time period will provide a time out from new listings controversies and will provide the momentum necessary for reauthorization of the Endangered Species Act.

Mr. President, as many of us in this body know, we have a critical situation with the Endangered Species Act implementation. I do not think one Member of this body does not support the concept of protecting endangered species.

What has happened is, I think, the regulators have really gone far beyond congressional intent, and we have found ourselves in many States across our country having endangered species declarations for baitfish. In the Panhandle of Texas, we have baitfish now being looked at to be put on the endangered species list.

Now, I would not mind baitfish being on the list if it did not encroach on private property rights and the use of water. Water is very important for the farmers and ranchers in the panhandle. It is very important to the people of Amarillo. They rely on the water sources. So when you start saying to the people of this country we are going to take away water rights from people who are farming and ranching and making their living off the land, when you say we are going to take water rights from cities that need the drinking water supply, then you set up a choice. Then you say, OK, what is more important than water rights and private property rights of individuals?

Well, I do not think it is a baitfish. I think we might have some instances in which it would be worth saving some sort of specie that was in imminent danger of being extinct with some economic damage, but, Mr. President, that is not what is happening.

Let me take another example in my State of Texas. The jaguar is to be put on the endangered or threatened list. Now, the last time someone saw a jaguar in south Texas was sometime in the 1940's. There are no jaguars in Texas. Maybe one wandered up from Mexico during the Second World War, but when you are talking about taking private property rights because a jaguar appeared 30 years ago and has not been seen since, we once again have a crucial decision: What is right and best for the private property owners, for the taxpayers of our country, and for the

endangered species and the preservation of nature.

I just want common sense to come into the equation, and that is the issue here. My amendment will say time out. The time has come for us to look at the policies. And we are going to take up the reauthorization of the Endangered Species Act. When we do that, we are going to be able to look at scientific bases. How are we going to determine what is really endangered? The fact that the Tipton kangaroo rat has feet 1 millimeter longer than the Herman rat, does that make the Tipton kangaroo rat take precedence over a farmer in California who was arrested and is now looking at a \$300,000 fine and a year in prison because he might have run over a Tipton kangaroo rat, when the Herman rat, which is the same except the feet are one millimeter shorter, is not on the endangered species list?

So we are going to be able to take that up in the Endangered Species Act reauthorization. We are going to be able to take up cost-benefit analysis. We are going to be able to look at the people who might lose jobs like the logging industry in the northwest part of our country, where people were put out of jobs that had been in families for generations to save a spotted owl.

We are going to look at alternative habitats. We are going to look at the possibility that we could have taken spotted owls and put them in nearby public lands without any cost to the taxpayers and without the breaking down of the logging industry in the northwest part of our country, and most certainly without causing these people such disruption in their lives by losing their livelihood and their jobs. These people are being retrained. It is costing the taxpayers of America \$250 million as the result of a bill we passed in 1993 to retrain workers who did not want to leave their jobs to save a spotted owl. So these are some of the things we are going to be able to take up in the Endangered Species Act reauthorization.

Mr. President, you and I have talked about the importance of having full hearings on the Endangered Species Act, to hear from everyone, from the Fish and Wildlife Department, from people who are involved in saving the environment, from people who are involved in saving animals, and from private property owners and people who believe that the Constitution, the fifth amendment for private property rights, is in fact a part of the Constitution and is intact.

So we know that it is going to take time to do that. But I wish to make sure, Mr. President, that we do not do something between now and the time of reauthorization or in this case until the end of the fiscal year that would put the rights of a baitfish above the farmers and ranchers in the Panhandle of Texas. We want to make sure that between now and the end of the fiscal year we do not have a jaguar that

would take away the leasing rights to many counties in south Texas. We want to make sure that things that go beyond the realm of reason do not happen in this country while we wait and do the Endangered Species Act reauthorization in the right way. That is what I wish to make sure, Mr. President, we are able to do.

So I appreciate the opportunity. I wish to reserve the remainder of my time in case someone would speak against this amendment. I realize it would be hard to speak against this wonderful amendment, but nevertheless if someone decides to do it, I would like to be able to reserve the remainder of my time to respond.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I yield whatever time we may have up to 5 minutes to my colleague from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Texas is, I think, constructive and vitally important to people in many parts of the United States. With each passing month we learn more about the distortions in the lives of our people caused by the application of the present Endangered Species Act. A mere finding of threatened or endangered status for any species subject to listing automatically results in restrictions on the use of property, restrictions in economic activity, and in cultural, social, and community disruptions. This amendment will give both the country and the Congress breathing space for a period of approximately 6 months during which the Endangered Species Act itself can be examined, as it will be, by a subcommittee headed by the present Presiding Officer presiding over this body.

I know he and I and the Senator from Texas all believe the Endangered Species Act should be continued, as it represents a real value held by all Americans, but that it must be changed so factors and values other than the species itself must be considered. Human values, people's jobs, their communities, their society, their culture must be weighed as we come up with balanced solutions to Endangered Species Act findings. That is not possible today under the act. The breathing space which will be imposed by the amendment of the Senator from Texas will allow that careful consideration to take place in this body. It will restore a degree of balance which is presently lost.

This is not and has not been asserted by the Senator from Texas to be a long-term or full solution to the necessity of balancing human and other interests in our environment. It is a step to allow that process to take place in a more careful and rational and thoughtful manner. As such, to protect our people and our communities for a 6-month period while we discuss the Endangered Species Act, the amendment proposed by the Senator from Texas is valuable, I may say vital, and I hope it will be adopted by this body.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate the Senator from Washington working with me on this amendment. He and I had been discussing the impact of these regulatory excesses on the economies of our respective States and he has been a valuable resource to me in putting this amendment forward. We are going to do everything we can to move in a positive direction to make sure we do what is right for this country, protecting private property rights and the abilities of our farmers and ranchers, while at the same time taking the time to reauthorize the protection of endangered species in a judicious and timely manner.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Texas has 12 seconds remaining. The Senator from Hawaii has 15 minutes and 3 seconds.

Mr. INOUE. Mr. President, I am pleased to yield whatever time the gracious lady from California requires.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am pleased to be here to stand up in opposition to this amendment. The Senator from Texas had put forward a moratorium on the Endangered Species Act as a separate bill, and appeared before a committee on which I served, the Environment and Public Works Committee, and, Mr. President, you are an able member of that committee and chaired the particular subcommittee before which the Senator from Texas appeared.

We had a very long, complicated, and involved hearing on the wisdom of putting forward a moratorium on the Endangered Species Act. I have to say to you, Mr. President—and it is my very strong view—that in this U.S. Senate, with all the experience we bring to these issues, with all the expertise we bring to these issues, it seems to me to essentially stop the Endangered Species Act in its tracks, which is really what this amendment would do, is not the proper way to legislate. It is an abdication of our responsibility.

I am very pleased that the ranking member of our committee has come to join this debate. I say to him that I will be finished with my comments in about 3 or 4 minutes. I am very pleased

that he is here to lead this fight because it is quite appropriate that he do so.

I do not know anyone in the U.S. Senate who is perfectly satisfied with the Endangered Species Act, who feels that it is perfect, who feels that it does not need to be fixed, who feels that we cannot improve it. And we are all quite dedicated to improving it. The chairman of the Environment and Public Works Committee, Senator CHAFEE, is a really great leader in this U.S. Senate. He, working along with our ranking member, last year proposed a new reauthorization of the Endangered Species Act. And together, in a bipartisan fashion, I have great confidence that they will lead this fight.

I think to come on this floor in the U.S. Senate and to add an amendment to a defense emergency supplemental bill that deals with a very important and sensitive environmental issue is simply not the right way to legislate.

Mr. President, 77 percent of Americans support maintaining or strengthening the Endangered Species Act, according to a May 1994 Times-Mirror survey. Interestingly, even 72 percent of Texans support maintaining or strengthening the act.

I have to say again that to torpedo the Endangered Species Act because there may be a problem in Texas is not the right way to legislate. I have been in Congress for awhile. I was 10 years in the House of Representatives, where I served very proudly, and 2 years here, where I am trying to do the best I can. When I have a problem that is local in nature, I do not bring it to the floor of the U.S. Senate and expect my colleagues to overturn an act that is supported by the American people. I will call in the various bureaucrats. I will sit them down around the table, and I will work with them.

I know that my friend from Texas is an excellent Senator and works very hard and knows what she needs to do for her people. I strongly advise that she withdraw this amendment and handle her problems in Texas, because I frankly do not want to see us gamble with this.

Let me explain what I mean. During the hearing that we held on the Senator's amendment, I asked her if she had ever heard of a Pacific yew tree. She said yes, she had heard of it, but she was not exactly sure what it had to do. I explained to her that the drug Taxal, which is in fact the one and only hope for curing ovarian cancer that we have at this time, and hopefully for preventing breast cancer, came from the Pacific yew tree. By the way, the Pacific yew tree was being used for its bark and was in danger of disappearing, and no one knew its value.

Why do I raise this issue for my colleagues to hear? It is because, on average, endangered plant species have fewer than 120 individual plants by the time they are listed. The fact of the matter is, when we get down to a point because of this moratorium that we

lose that last plant that could hold the secret for the cure of Alzheimer's, or the secret of a cure for prostate cancer, what is the good of that type of legislation? I say it is very harmful.

So in closing, Mr. President, I hope that we will all vote against this amendment. I do not think it has a place on a defense supplemental appropriations bill. If anything, we not only endanger species in this bill, we endanger ourselves if we vote for this amendment because we could, unwittingly, voting for this amendment, wipe out the last plant that holds the cure for some disease. We could wipe out the last animal. I know what I am talking about because we do not have grizzly bears anymore in California. The California grizzly is off the face of the Earth because we did not act in time.

I think that the Environment and Public Works Committee, under the able leadership of Senator CHAFEE and Senator BAUCUS as ranking member, and you, Mr. President, as the very important chair of the subcommittee that will deal with it—I have my faith in you. And I hope we will defeat this amendment and get on with our job of reauthorizing the Endangered Species Act in due course, in due time, and with due diligence.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, parliamentary inquiry: How much time is remaining?

The PRESIDING OFFICER. The Senator from Hawaii controls 8 minutes and 44 seconds; the Senator from Texas controls approximately 7 minutes.

Mr. INOUE. Mr. President, I am pleased to yield all of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I thank my good friend, Senator INOUE from Hawaii.

Mr. President, as ranking Democrat on the Environment and Public Works Committee, I must oppose the Hutchison amendment. The reason is really very simple. It is because the Endangered Species Act needs to be improved. That is the reason, so that farmers, ranchers, homeowners, and others have an easier time coping with the requirements of the act. But this is no way to fix it.

At best, the Hutchison amendment is a makeshift stopgap measure that does not really solve the underlying problem. Let me repeat that: It does not solve the underlying problem. Once it expires, we are still faced with the problem. And worse, the amendment actually undermines our ability to make the act work while the situation deteriorates, deteriorates into false hope and false promises that things are going to be OK. Let me remind Senators of where things stand.

In the last Congress, we held a series of hearings, an extensive series of hearings on the Endangered Species Act. We heard from a wide variety of people that were having problems from the act. We heard representatives of the national interest groups, all the way to individuals, individual landowners and homeowners, who had to cope with the designation of their property as critical habitat.

I remember a hearing we held in Ronan, MT. Ronan is in the middle of grizzly habitat—the grizzly, an endangered species. Several hundred people packed the school gymnasium. The hearing lasted all day—a long, hot day, let me tell you, hot because of the physical temperature, not because of the emotion of people in the room.

We made a lot of progress. We identified reforms that can significantly improve the act while continuing to protect against the extinction of the species. Reforms, like peer review of listing species, an outside panel of peer reviews of scientists, outside peer review panels that can give us outside advice, and a larger role for States.

I think States, particularly State fish and game departments, who have to manage fish and wildlife in their State, should have a greater role, a greater reliance on incentives that have punishments, incentives for landowners, and particularly incentives for private landowners.

I must say that the bill I introduced had the support of both the western Governors and the environmental community. There were significant major changes in that legislation, and had we been able to finish our work last year, I think a lot of the problems we are now talking about here today would have been solved. We would not be talking about them at all.

This Congress, and the chairman of the Environment and Public Works Committee, Senator CHAFEE, and the chairman of the relevant subcommittee, Senator KEMPTHORNE, the Presiding Officer, have indicated that they intend to reauthorize the act. We are going to reauthorize the act.

Senator REID and other Democrats on this subcommittee have made it crystal clear that they are prepared to cooperate and work to pass a reauthorization bill this year. They want to pass a bill this year. The opposition to the moratorium is not opposition to reform. It is for reform.

The fundamental point I want to make here is if we are going to serve our people, let us reform the act. Let us not mislead them by passing a moratorium which does not address the underlying problems of the act. That, in my mind, is the best way to proceed.

Otherwise, we all know what will happen. A floor amendment here, an appropriations rider there, a waiver, a moratorium, an exemption, a carve-out—what is the result? We wind up responding to the crisis of the moment. We do too much of that around here and we never get around to the basic

issues that must be resolved if we are really going to improve the act.

So, I believe, Mr. President, that the Hutchison amendment is a diversion. It is also more than that. The amendment cuts out money for species that are on the brink of extinction. That will make a bad situation worse. Some other species may be lost; others will survive, but, in the meantime, the population will have declined. As a result, our options will be more limited. Recovery will be more expensive. It will be more burdensome, not less.

I am reminded, Mr. President, of the problem with the owl. The main reason the Pacific Northwest faced a critical problem with the spotted owl in old growth forests is because neither the State of Oregon nor the State of Washington nor the U.S. Congress, nor Presidents heeded warning signals to do something about the potential extinction of the spotted owl. Ten, 15 years ago, agencies concerned with this issue sent us warning signals. What did we do? We all ignored them. We swept them under the rug and did not address the issue. I say that is going to be the consequence here—isolated individual problems. As I said, the more we delay, the more our options are limited and the greater the problem becomes and the more expensive the solutions.

Instead of shutting down the process, I believe we should be promoting efforts to go ahead, to conserve species before they are on the brink of extinction when greater flexibility exists to accommodate the legitimate needs of private landowners. This amendment would only affect the Fish and Wildlife Service's ability to list additional species. It does little or nothing to address the needs of private landowners who are affected by species already on the list. It does nothing about that. As a result, it is not only a shortsighted solution, but an incomplete one. It does not do what it purports to do.

Mr. President, there are legitimate problems with the act. I believe we should sit down, work together, find ways to minimize the burden the act imposes on all landowners, and we should not adopt this amendment.

At the appropriate time I will move to table this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Texas controls 7 minutes 6 seconds. The Senator from Hawaii controls 1 minute 52 seconds.

Mrs. HUTCHISON. Mr. President, I would like to yield up to 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Texas for offering this amendment and bringing to the floor of this Senate for the first time in this session what I think will

be part of a very critical debate that I hope we will resolve.

Let me say that there is nothing wrong with this amendment and it ought to be enacted. We ought to vote to support a moratorium on further listings until the Senator from Montana, the Senators from Oregon and Idaho, and the Senator from Texas, have a chance to resolve a very bad law that needs dramatic fixing at this moment.

We have heard rhetoric on this floor for the last 5 years that the Endangered Species Act is not working. It is costing hundreds of millions of dollars of lost economy and lost jobs, and we have done nothing about it. And now on the doorstep of an opportunity to change it, what is wrong with just stopping for a moment, stepping back from this administration's rush to judgment and in a panic throw list thousands of species simply because they think the Senate and the House are now going to change a law that has needed to be changed?

So I applaud the Senator from Texas for offering this amendment. We have heard arguments on the floor to say, well, that is a local issue, that the Senator from Texas does not understand she has a local problem, so why does she not deal with it locally? It is not legal in Idaho, Washington, Oregon, and Montana, for this very act at this moment is dislocating people, economies, farmers, ranchers and business people with the cavalier attitude on the part of the implementing agencies that "so be it." It is all in the name of the species, and to heck with people.

I think it is time that this Congress resolve the issue, and do it quickly, first of all, with a moratorium and, secondly, with the responsible authorizing committees' handling of a reauthorization of the act. The chairman of the Appropriations Committee, yesterday, hosted a hearing on the very viability of a regional power system that is now being directly threatened by the impact of a decision and a proposed management plan by a Federal agency on the Endangered Species Act. That regional power organization has spent over \$1.5 billion trying to save a variety of species of fish in the Columbian Snake River system. The process has been driven more by politics than by the good science that ought to make the decisions. If it is politics that is listing species instead of science, what is wrong with the amendment of the Senator from Texas?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. Let us support the amendment and bring about a moratorium and stop this rush to judgment.

Mr. INOUE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute 52 seconds remaining. The Senator from Texas has 3 minutes 56 seconds.

Mr. INOUE. I ask unanimous consent that 8 additional minutes be allocated to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Reserving the right to object. You are asking for 8 minutes in addition to the 2 minutes? Are you asking for 10 minutes?

Mr. INOUE. Yes, Mr. President. This is to accommodate the Senator from Nevada and the Senator from New Jersey. Would you like to have an additional 8 minutes?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would want an additional amount of time that would equalize it. I think we have set a time agreement here and perhaps we could accommodate to some degree, but perhaps not for 10 more minutes.

Mr. INOUE. Five?

Mrs. HUTCHISON. I think that would be fine.

Mr. INOUE. I ask unanimous consent that 10 additional minutes be allocated for this debate, 5 minutes under the control of the Senator from Texas and 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I yield 4 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Montana for allowing me just a few minutes to make some remarks, because I must say, because I come from New Jersey, the most densely populated State in the country, it does not mean that we have less of an interest about species that are in jeopardy, be they animal or flora fauna, than do they in the more remote parts of the country. And this debate, I think, ought to be taking place at a different pace and a different time. We just went through a hearing and a markup on Tuesday in the EPW Committee. It was carried and was going to be presented on the floor. Instead, I have to say that I am surprised that the Senator from Texas, after having won an agreement from the subcommittee to pass the amendment along, suddenly now it is attached to a rescission bill.

What is the urgency, Mr. President, of moving this so quickly? Are we willing to say today that we do not want to continue preserving those species that may save lives, that may interest our children and our grandchildren in a particular type of fish, or a particular type of bird, or particular type of animal? I am on the Environment Committee, as is the Senator from Texas. One of the things that I did when we had the oil spill up in Alaska a few years ago was to get up there very quickly and talk to the people in the communities.

They were heartbroken because of the threat to the abundant species that existed there, including bald eagles, including sea otters, including seals; grief stricken, Mr. President, grief stricken because it may be the end of a salmon run or a herring run or another bit of marine life around which whole cultures and whole communities were built.

So the madness, the urge to get this done so quickly, is something, frankly, I do not understand. And to come along, after we have had a full discussion—and if not full enough, we can continue it—but to rush at this moment into a moratorium that says we cannot do anything, tie the hands behind your back—we had a \$2 million rescission; no, let us increase it by another \$1 million.

I do not know exactly what the Senator from Texas has in mind, but I cannot believe that she or the proponents of this amendment would want to diminish the opportunity to protect a species that might, as we heard from the distinguished Senator from California, aid in fighting breast cancer or another type of disease.

I know that there are trees that produce a bark that is used medicinally and very effectively.

Mr. President, I rise today to express my dismay and unhappiness with the amendment offered by Senator HUTCHISON to increase the rescission of Fish and Wildlife funding and to restrict any remaining appropriated funds for making any final determinations that a species is endangered or that its habitat is critical.

The \$2 million rescission already included in the bill will severely jeopardize the Fish and Wildlife Service's activities to administer the Endangered Species Act. It will diminish their ability to protect and recover species, to increase public involvement and to comply with existing court orders.

But this amendment, Mr. President, would effectively paralyze them.

I must say when I saw this amendment come to the floor, I was very surprised.

Just 2 days ago, our subcommittee held an expedited hearing on S. 191, Senator HUTCHISON's bill, which would put a hold on administration of the Endangered Species Act until it is reauthorized.

We expedited that hearing and agreed on holding a markup in good faith, even though some of us on the committee are philosophically opposed to this proposed legislation.

Now it appears that the Senator has decided to bypass the committee, despite our willingness to work with her, and bring her proposal straight to the floor.

I know that this act is not perfect. It has not been administered in the most effective manner. And we want to fix those problems.

But Senator HUTCHISON's efforts to freeze the Agency in its tracks is no solution.

The solution is to do what we began in committee on Tuesday: to seriously review what's right with the act, what's wrong, and what we can do to make it better.

Mr. President, the American people support this act. A recent poll found that 77 percent of Americans want to maintain the ESA or even strengthen it. The American people understand that the ESA enables us to take proactive steps before the decline of a vulnerable species is irreversible.

They want to save endangered species before key components of our ecosystem are relegated to the walls of natural history museums. We have a moral responsibility to make sure that does not happen.

The listing of an imperiled species is necessary to ensure that it receives the protections of the ESA. Each time a species is listed, it sends out a warning signal that the ecosystem is in decline.

There are currently 118 species that have been proposed for ESA listing. Senator HUTCHISON's amendment would render us powerless to protect the future of these 118 threatened species.

And for those who might not care about that, I would point out that it also would effectively prevent the Fish and Wildlife Service from meeting with landowners and resolving their concerns about the way current policies affect their lives.

Mr. President, this amendment accomplishes nothing. Our endangered species will continue to be endangered. The costs of recovery will continue to mount. And the Fish and Wildlife Service will find itself paralyzed to effect any improvements in the administration of this act.

Those of us who serve on the subcommittee want to work together in a bipartisan manner to implement real reforms in the Endangered Species Act.

Every Member who spoke at our committee's recent hearing on the Endangered Species Act, including the Senator from Texas, said as much. The general consensus following that hearing was that we would try to accomplish that goal—in the spirit of good faith and cooperation.

Mr. President, this amendment coming between the subcommittee's positive action on the Senator's bill and the full committee markup expected next Thursday, would make it very difficult—if not impossible—to operate in that spirit.

I urge my colleagues to table this amendment, and to support the Environment Committee's efforts to craft a more effective endangered species program.

Mr. President, I would have to say I am amused by good friends and colleagues who stand on the floor talking about rhetoric. As the decibels increase and the pace increases, we are talking about perhaps major changes in the ecology of our society. I would not treat this quite this lightly. I hope that we are able to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes and 12 seconds remaining; and the Senator from Texas, 9 minutes.

Mr. BURNS. Mr. President, I rise to support the amendment offered by Senator HUTCHISON of Texas. It is about time this Congress begin to put a little bit of common sense back into the Endangered Species Act.

Currently, there are about 60 listed or candidate species in Montana. And, there always seems to be a new species that some group wants listed or placed on the candidate list. The recent efforts by a group based out of Colorado who want the black-tailed prairie dog placed on the candidates list is an example of this.

This amendment would rescind \$1.5 million for the Endangered Species Act for the new listings and habitat. That's a good place to start this debate. Let's put this moratorium in place, and then let us reauthorize the Endangered Species Act to include common sense and protect species and habitat.

The State of Montana needs this amendment, and I urge its adoption.

Mr. DOMENICI. Mr. President, I rise to state my cosponsorship of and support for the amendment offered by the Senator from Texas to rescind \$1.5 million in fiscal year 1995 funding for certain new actions under the Endangered Species Act. I support this amendment for two reasons. First, it is generally acknowledged that the Endangered Species Act in its present form simply is not working as it should. Second, there is every indication the act will be thoroughly revised by this Congress. Consequently, this amendment will put a halt to spending more money on certain aspects of a program that all agree is broken and that will soon be fixed.

There is little question that the Endangered Species Act is broken. The act was passed in 1973 with the noble goal of saving threatened and endangered species from extinction, and having fought long and hard over the years to protect my State's precious natural resources, I fully support the ideals underlying the act. Twenty years of experience, however, have revealed that the act is fundamentally flawed in its practical application. Specifically, the act allows those who administer it to create social and economic chaos among communities unfortunate enough to be located anywhere near a listed species.

Let me give you an example of the chaos created by the act in my home State. The San Juan River runs through the northwestern part of New Mexico. Along the San Juan there is a dam, Navajo Dam, which has quite literally provided life to the residents of that part of the State. The dam en-

ures that the citizens in the surrounding cities and towns—cities like Farmington, Aztec, and Bloomfield, towns like Turley and Blanco—have adequate supplies of water for domestic use all year round. The dam powers a 30,000 kilowatt hydroelectric plant which provides electric power to all of the area's homes and businesses. The dam supplies water to the many rural irrigation ditches in the area, thus allowing agriculture to flourish. The dam has created one of the most beautiful recreational lakes in the State, Lake Navajo. And the dam provides water for, what I am proud to say, is some of the best trout fishing in the United States; as a consequence it provides jobs for no less than 20 world-class fishing guide services as well as jobs for the accompanying tourist industry. So this one dam does it all; it provides food, water, electricity, jobs, and recreation for all of the citizens of that region.

Living in the Colorado and San Juan Rivers, however, is a minnow known as the Colorado squawfish. This minnow has been listed under the act as an endangered species. Unfortunately for the people of northwestern New Mexico, a very small population of this minnow, a population which has never been recorded at more than 30 fish, is found in the area around Navajo Dam. As a result of this listing under the act, a committee was established to study how the squawfish might increase its numbers. As a part of this study, the committee would like to see what effects, if any, the historic, pre-dam flow of the San Juan River would have on the squawfish. To emulate this natural flow, the releases from Navajo Dam would have to be lowered to half of their current output for 4 months at the end of this year, and the committee has proposed that the Bureau of Reclamation do exactly that. Mr. President, this sounds to me as if we are using the people of the area as guinea pigs to study the squawfish.

Needless to say, this proposal has both terrified and infuriated the residents of the Navajo Dam area. They are terrified because, if adopted, the proposal will leave them with completely inadequate water supplies, will greatly increase the cost of electricity, and will wipe out many of the fishing and tourist jobs upon which they depend. They are infuriated because this possible social and economic upheaval will occur solely for the academic exercise of determining whether or not a historic flow on the San Juan River will benefit the squawfish. Although I commend the Bureau of Reclamation for conducting town meetings to determine what effects the proposal will have on the people of the area, I believe that the fact that the proposal is being seriously considered at all indicates just how out of control the Endangered Species Act has become.

Unfortunately, this is just one example of how economically and socially destructive the act can be and has been

on the people of my State. I could speak at great length about how listings have decimated the timber industries in small towns such as Reserve, NM. I suspect that most of the Members of this Chamber have been confronted with similar stories.

These situations, however, have generated widespread recognition that the act has failed miserably to protect citizens from the social and economic burdens it creates. Just recently, in fact, even Interior Secretary Babbitt, long a defender of the act, recognized that the current listing process can produce "unnecessary social and economic impacts upon private property and the regulated public."

Therefore, as I said at the outset, the Endangered Species Act is, in fact, broken. Fortunately, this new Congress, and Senators CHAFEE and KEMPTHORNE in particular, have made revision of the act a top priority, and I am sure that they will do an outstanding job in this regard. It is for this reason that I am cosponsoring this amendment. Rather than allowing the continuation of a process that fails in practical effect to protect communities from social and economic devastation, this amendment will prevent moneys from being spent on new listings of threatened or endangered species and on new designations of critical habitat for the rest of fiscal year 1995. As I believe it only makes sense that we stop spending money on something that is broken and that will soon be fixed, I fully support this amendment, and I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, might I ask the Senator from Texas, in terms of proceeding here, if she might want to speak now so we can even out the remaining time?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will be happy to do that, if the Senator from Montana will agree to let me finish on my own amendment.

Mr. BAUCUS. Yes.

Mrs. HUTCHISON. Will the Chair please notify me, then, when the time is equal?

The PRESIDING OFFICER. The Senator from Texas will have 6 minutes, approximately, but she will be notified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator GRAMM be added as a cosponsor of this amendment.

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

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, I want to respond to some of the things that have been said, because I think we have to put this in perspective.

The Endangered Species Act expired in September 1992. It has not been re-

authorized, although we have appropriated money for its implementation. So, essentially, today what we are doing is saying, no longer are we going to fully fund the implementation of this act that expired 2 years ago.

We are not wiping out the implementation. I want to put this in perspective. We are taking out \$1.5 million out of approximately \$4.9 million in the act. So there will be \$3.4 million for the biologists and the workers at the agencies to continue doing their job.

But what we are trying to do is say the time has come for us to put parameters around the implementation of this act because it has gone so far beyond reason.

Senator BOXER and Senator BAUCUS have both agreed that no one is completely satisfied with the Endangered Species Act implementation. That is absolutely true, which is why we should stop doing it now, so that we can reauthorize it and tell the people who have gone so far beyond congressional intent exactly what Congress intended; that we intended to protect species, but that we most certainly intend to have common sense in the equation; that we are not going to put baitfish ahead of the water rights of farmers and ranchers; that we are not going to put the jaguar over the leasing rights of the ranchers in south Texas when nobody has seen a jaguar in Texas; that the golden-cheeked warbler is not going to take precedence over the farmers and ranchers and people in the area of Austin, TX. That is what we are trying to do.

The Senator from California indicated that this might be sort of a local bill, and why do we not just take care of Texas and let everyone else fend for themselves.

Well, I would just mention that California now has 74 potential listings, any one of which could possibly go on the endangered or threatened endangered species list—74. I do not think this is local.

In fact, I met with the leaders of the Los Angeles business community a few weeks ago when I was out in Los Angeles, and they told me of their two top issues, one is the overzealous regulation in the Endangered Species Act. I hear that from Arizona, I hear it from Idaho, I hear it from Montana, I hear it from New Mexico. This is not a local issue. Everyone agrees we have to do something.

What I want to do is reauthorize it in a timely and judicious manner, and I want to have the time to do that.

The Senator from New Jersey says, "Why the rush? Why the rush?"

The rush is not there. I introduced the bill to put a moratorium on the Endangered Species Act on January 7 of this year. It was March 7 before we had a hearing in the subcommittee. The markup is scheduled for March 23. So will this bill be able to be acted on before the April recess? I do not know. I hope so, because we still need the moratorium bill because we need to stop

the overzealous regulation of this act by every possible means until we can reauthorize the act with all of the players at the table.

So this is not rushing. This is trying to keep a disaster from happening. It is trying to keep people from losing their jobs while we are taking this bill up in due course.

It was mentioned that the Pacific yew tree is being used to be a part of a medicine that helps cure breast cancer. And I certainly am supportive of that. As the Senator from California knows, she and I agree on the need for more research for breast cancer.

But, in fact, I think we have to understand that the Pacific yew tree is now being harvested by Bristol-Myers. That is one of the good things that can happen. When we do discover that there is a plant that can be used to help cure disease or keep us from having more disease, then we have the ability to harvest that tree, and that is exactly what is happening.

The PRESIDING OFFICER. The Senator is notified that she now has an equal amount of time as the Senator from Montana.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. BAUCUS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. REID. Mr. President, I serve as the ranking member of one of the subcommittees of the Environment and Public Works Committee, over which there is jurisdiction of the bill introduced by the Senator from Texas.

I, in good faith, dealt with the chairman of the full committee and the chairman the subcommittee to work out a procedure to have hearings on her legislation. I was afraid something like this would happen, and it appears it has.

If this is how we are going to do business, I am going to be real upset in the future in entering into any agreements on the Environment Committee of which I have any dealings. I am going to be as mischievous as I can on this floor.

I dealt with the full committee chairman and the subcommittee chairman so that we could expedite a hearing on the bill of the Senator from Texas, have a full committee markup, and report this to the floor.

Now if we, probably because of the procedure set up here, do not have the votes to table this, I personally am going to get as many of my colleagues as I can, if this amendment is adopted to this bill, as important as it is, I am going to do everything within my power to get the President to veto this bill so that we can come back here and do things the right way.

I have stated numerous times that I believe the Endangered Species Act needs some work done on it. The State of Nevada is affected as much as any

other State. We are fourth in line as to endangered species listings.

But this is not the way to treat a very important matter. I am very upset. I am going to do everything that I can to make sure that the President—if, in fact, this bill passes—will veto it so we can start conducting business as ladies and gentleman.

Mr. BAUCUS. Mr. President, I yield the rest of our time to the Senator from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The remaining time is 1 minute 20 seconds.

Mr. GRAHAM. Mr. President, the distinguished Presiding Officer and I, in the last Congress, were ranking member and chair of the subcommittee which had jurisdiction over the Endangered Species Act.

As the Presiding Officer knows, we were preparing to hold a series of hearings on this act with the goal of reauthorization in 1995. That is a goal which I hope we will continue to meet. I think it is important that we reauthorize this legislation.

During the course of my chairmanship of that subcommittee, I learned some important things about the Endangered Species Act, and I would just briefly in my remaining seconds like to enumerate some of the things I learned.

First, that the focus should not be so much on individual species as it should be on the habitat of those species. In many ways, the endangerment of a species is a signal of more fundamental problems in the habitat, problems which can have serious ramifications to the humans who occupy that habitat.

Second, in many cases the charges made against the Endangered Species Act were actually the responsibility of some other Federal, State, or local action for which the endangered species became the scapegoat.

Finally, Mr. President, I believe that we need to consider the reauthorization of this act. It certainly is in need of reform, but not the kind of amputation that is being proposed by this amendment.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I certainly understand when people have legitimate disagreements over the rights of private property owners versus the rights of animals and the concern that we have for protecting habitat.

I do object to the characterization that this is somehow an inappropriate amendment. I do not think we can say that. We have had expedited procedures on the bill that would put the moratorium in place—a bill that was introduced in January, that had 29 signatures on the request for a hearing in late January, that was very much worked on and compromised to accommodate the concerns of people who

were legitimately interested in this bill—until we finally got a hearing on March 7.

We have not had a markup in committee. I think we can see from some of the concerns that have been raised that we may not be able to get this bill on the floor before April. I really do not think it is a fair thing to say that we have had expedited treatment of this bill.

I think what is important is that we put some common sense into the implementation of the Endangered Species Act. Congress passed the bill. It has expired. In fact, we have not been able to reauthorize it because the concerns are so great and the disagreements are so large.

So, we are going to take our time and we are going to reauthorize the bills, I hope, in a judicious way. The main thing we are going to have to do is put common sense into the equation.

What I am trying to prevent today is the use of the next 6 months while we are taking this up in a rational way so that everyone can have their side aired and their view aired. I am trying to say, "time out," so that silly things will not happen, so that bait fish and golden cheeked warblers and jaguars and salmon that are running the wrong way in a stream will not take precedence over the rights of farmers and ranchers who have toiled on their land and who are working for a living and providing the food for citizens to eat in this country.

So I am very concerned that we act immediately. I think this is a great first step. I think it is a reasonable first step. I did not wipe out the whole agency. I just took \$1.5 million out of \$4.9 million. There is \$3.5 million left. We are not going to lay people off. People will still be able to work. I think it is quite reasonable, and I did compromise with the chairman of the committee.

I want to thank Senator CHAFEE for working with me on this amendment and for working with me in a fair way to try to get this bill heard. Thank you.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I move to table the Hutchison amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Hutchison amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—38

Akaka	Harkin	Moseley-Braun
Baucus	Heflin	Moynihan
Biden	Hollings	Murray
Bingaman	Inouye	Nunn
Boxer	Johnston	Pell
Bryan	Kennedy	Pryor
Bumpers	Kerrey	Reid
Byrd	Kerry	Robb
Daschle	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Feingold	Leahy	Simon
Glenn	Levin	Wellstone
Graham	Lieberman	

NAYS—60

Abraham	Exon	Lugar
Ashcroft	Faircloth	Mack
Bennett	Feinstein	McCain
Bond	Ford	McConnell
Breaux	Frist	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Packwood
Campbell	Grams	Pressler
Chafee	Grassley	Roth
Coats	Gregg	Santorum
Cochran	Hatch	Shelby
Cohen	Hatfield	Simpson
Conrad	Helms	Smith
Coverdell	Hutchison	Snowe
Craig	Inhofe	Specter
D'Amato	Jeffords	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Dorgan	Lott	Warner

NOT VOTING—2

Bradley Mikulski

So the motion to lay on the table the amendment (No. 336) was rejected.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. Gregg). The Senator from Nevada.

Mr. REID. Mr. President, I make a point of order that the amendment violates rule XVI of the Standing Rules of the Senate and is legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is well taken. The Chair sustains the point of order.

Mrs. HUTCHISON. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Texas appeals the ruling of the Chair.

The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE DECISION OF THE CHAIR

The PRESIDING OFFICER. The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—42

Akaka	Ford	Lieberman
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Breaux	Inouye	Nunn
Bryan	Johnston	Pell
Bumpers	Kennedy	Pryor
Byrd	Kerrey	Reid
Daschle	Kerry	Robb
Dodd	Kohl	Rockefeller
Exon	Lautenberg	Sarbanes
Feingold	Leahy	Simon
Feinstein	Levin	Wellstone

NAYS—57

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Packwood
Campbell	Gregg	Pressler
Chafee	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner

NOT VOTING—1

Bradley

So, the ruling of the Chair was rejected as the judgment of the Senate.

Mrs. HUTCHISON. I ask unanimous consent that the yeas and nays be vitiated on the Hutchison amendment and that Senators GORTON and DOMENICI be added as original cosponsors.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 336) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent to substitute the word "item" for the word "time" in amendment No. 329 agreed to on Wednesday, March 8. It corrects a typographical error. This has been cleared on both sides.

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

Mr. HATFIELD. Mr. President, I would like to indicate that in the next sequence of amendments, we will have the Leahy-Jeffords amendment, which will take perhaps a minute, and that will then be followed by a Roth-Glenn amendment which, again, will not call for a rollcall, according to the authors of the bill.

We are now down to about two amendments left. We understand agreements have been worked out on the Republican side and we have about the

same number—three amendments—on the Democratic side. I understand that those have been worked out.

So we should be at a point where we will be wrapping up the long list of amendments and moving toward final passage. I just want to indicate that any Member who has an amendment to be handled in any form here on the floor, please contact us. We have about five or six that have been cleared on both sides. At an appropriate moment, we will use as a wrap-up those agreed to.

Mr. INOUE. Mr. President, will the chairman yield?

Mr. HATFIELD. Yes.

Mr. INOUE. Are we now prepared to have a time certain for final passage?

Mr. HATFIELD. I am unable to say that, based upon the fact that on two amendments 20 minutes to half an hour has been requested for discussion—the Brown amendment and the SPECTER amendment. I am sure they will not require a great length of time. But I hope that perhaps in the next hour we will be able to reach final passage. I would be hesitant to set a time certain.

Mr. INOUE. I yield the floor.

AMENDMENT NO. 337

(Purpose: To authorize the Secretary of Transportation to issue a Certificate of documentation for the vessel *L.R. Beattie*)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Senator JEFFORDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. JEFFORDS, proposes an amendment numbered 337.

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

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

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —MISCELLANEOUS

SEC. 01.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *L. R. BEATTIE*, United States official number 904161.

Mr. LEAHY. Mr. President, I strongly support the amendment introduced today with my friend from Vermont, Senator JEFFORDS. This amendment would authorize the Secretary of Transportation to issue a certificate of documentation to grant coasting rights to the vessel *L.R. Beattie*. This certificate is commonly known as a Jones Act waiver.

The *L.R. Beattie*, a 500 passenger, triple deck cruise boat, was originally built and flagged in the United States. The ship was later brought by a Canadian company, although it was never flagged in Canada. It has since been

sold to a U.S. company and was bought last year by Lake Champlain Shorelines Cruises of Burlington, VT.

Lake Champlain Shorelines Cruises bought the *L.R. Beattie* to operate tours on Lake Champlain and plans to rename it the *Spirit of Ethan Allen II*. This boat will be the showcase of a flourishing cruise industry on Lake Champlain. This boat will support over 30 Vermonters working on these cruises. But before this boat may begin carrying passengers on Lake Champlain, Congress must pass a Jones Act waiver for the *L.R. Beattie* because of its brief history under Canadian ownership.

A Jones Act waiver is a routine and noncontroversial bill. It does not cost U.S. taxpayers a penny. It simply authorizes the Secretary of Transportation to issue a certificate of documentation to allow a vessel to operate on U.S. waters.

But a Jones Act waiver for the *L.R. Beattie* has languished in Congress for more than a year. The Oceans Act of 1994, H.R. 4852, which reauthorized Coast Guard operations, contained a Jones Act waiver for the *L.R. Beattie*. The House of Representatives easily passed this bill. Unfortunately, it died in the Senate at the end of last year's session.

This year, Senator JEFFORDS and I introduced legislation, S. 172, to allow the *L.R. Beattie* to receive a Jones Act waiver. The Senate Commerce Committee will soon consider this bill with other Jones Act waivers. The time table for final passage of these Jones Act waivers, however, may be too late for Lake Champlain Shoreline Cruises because of the fast-approaching cruise season. Without this simple, noncontroversial Jones Act waiver, this small business in Vermont could go out of business, throwing over 30 Vermonters out of work.

Senator JEFFORDS and I have authored this amendment to respond to the special circumstances surrounding a Jones Act waiver for the *L.R. Beattie*.

I want to thank Senator HOLLINGS, the ranking member of the Senate Commerce Committee, and Senator PRESSLER, the chairman of the Senate Commerce Committee, for their invaluable cooperation on this amendment.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I join my senior Senator in this amendment, which will help make Vermont summers on Lake Champlain a little bit better.

Mr. President, I wish to thank the managers of this legislation for accepting this important amendment. I would especially like to thank the chairman of the Commerce Committee, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their assistance with this measure.

Mr. President, included in the Merchant Marine Act of 1920, Jones Act waivers allow for vessels transporting