

the people, I am introducing a different kind of constitutional amendment. An amendment that would simply give States the explicit right to limit congressional terms. It would not mandate that any State limit the nature or extent of the terms of the individuals who represent it in the Congress, but would give the States, if they chose to do so, the right to limit the Members' terms who represent that State.

In the Arkansas case, which was announced earlier this week, Justice Clarence Thomas wrote, "Where the Constitution is silent it raises no bar to action by the States or the people."

I believe that he is correct. Where the Constitution does not speak, the people and their States should have a right. Unfortunately, a majority of Supreme Court Justices did not agree with Justice Thomas. In order to supply them with what they appear to require, I believe we should allow the Constitution a way to shout out "freedom." This is a freedom the American people want and a freedom the American people understand is necessary.

More than 3 out of 4 people in the United States endorse the concept of term limits. They have watched individuals come to Washington and spend time here, captivated by the Beltway logic, the spending habits and the power that exists in this city. The people of America know that the talent pool in America is substantial and there are many who ought to have the opportunity of serving in the U.S. Congress. Furthermore, they know that term limits would make sure that individuals who go to Washington return someday to live under the very laws that they enact.

I believe the people in the various States of this Republic should have the opportunity to limit the terms of those who serve them in the U.S. Congress. In light of the fact that the administration has argued against term limits, the executive branch is not going to support term limits, and because the judicial branch has ruled conclusively now in the United States Supreme Court that the States have no constitutional authority, it is up to those of us who serve in the U.S. Congress to do something to extend to the people their right to speak.

This is the house of the people. This Congress is the place where the voice of the people can, and should, be heard. Let us provide another avenue where the voice of the people regarding this important matter can be heard.

It is my pleasure to announce that today I am proposing a joint resolution to be enacted or passed by a two-thirds vote of each Chamber of Congress, which merely reads:

"SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

"SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to

the House of Representatives of the United States.

"SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Obviously section 3 is simply the ratification clause.

It is a simple amendment to accord to the people of the United States of America a profound right—the right to make sure that the individuals who represent them in this body and in the House of Representatives are people who stay in touch with their needs and concerns, the aspirations, the hopes and the wishes of those who sent them here. The right to limit the terms of Members of the U.S. Senate and the right to limit the terms of those individuals who represent districts in our States in the U.S. House of Representatives.

Because that right has been rejected—argued against by the executive branch, the Clinton administration, and ruled against by the U.S. Supreme Court—we, the Members of the U.S. Congress, are forced to accord that right to the people. We must at least give them the opportunity to vote on that right by sending to them this joint resolution on the right of States and individuals to limit Members' terms who serve the States and the districts of those States in the U.S. Congress.

It is a profoundly important expression of our confidence in the people of this country to extend to them the right to be involved in making this judgment. I submit this joint resolution today in the hopes that democracy will continue to flourish as people have greater opportunities to be involved.

ADDITIONAL COSPONSORS

S. 768

At the request of Mr. GORTON, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 768, a bill to amend the Endangered Species Act of 1973 to reauthorize the act, and for other purposes.

S. 853

At the request of Mr. GORTON, the name of the Senator from Montana [Mr. BAUCUS] was withdrawn as a cosponsor of S. 853, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. THOMPSON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit congressional terms.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

LIEBERMAN AMENDMENT NO. 1200

Mr. LIEBERMAN proposed an amendment to amendment No. 1199 proposed by Mr. DOLE to the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes; as follows:

Insert at the appropriate place the following new section:

SEC. . REVISION TO EXISTING AUTHORITY FOR EMERGENCY WIRETAPS.

(a) Section 2518(7)(a)(iii) of title 18, United States Code, is amended by inserting "or domestic terrorism or international terrorism (as those terms are defined in 18 U.S.C. 2331) for offenses described in section 2516 of this title." after "organized crime".

(b) Section 2331 of title 18, United States Code, is amended by inserting the following words after subsection (4)—

"(5) the term 'domestic terrorism' means any activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State and which appear to be intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by assassination or kidnapping."

(c) Section 2518(7) of title 18 is amended by adding after "Notwithstanding any other provision of this chapter," "but subject to section 2516,".

THE HANFORD LAND MANAGEMENT ACT

JOHNSTON (AND MURKOWSKI) AMENDMENT NO. 1201

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

After section 7, add the following:

"SEC. 8. COMPLIANCE WITH CERCLA, RCRA, NEPA, AND OTHER LAWS.

"(a) POLICY.—This Act shall govern all land management and environmental management activities at the Hanford Reservation and shall preempt any provision of federal, state, or local law or regulation, or any agreement entered into by the Department of Energy that is inconsistent with this Act.

"(b) PREEMPTION.—No environmental management activity conducted by the Secretary or the employees or contractors of the Secretary at the Hanford Reservation shall be subject to—

"(1) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601-9675);

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 to 6992k, also known as the Resource Conservation and Recovery Act);

"(3) any state or local law or regulation relating to environmental management activities; or

"(4) the Tri-Party Agreement between the Department, the Environmental Protection Agency, and the Washington State Department of Ecology.

"(c) VOLUNTARY COMPLIANCE.—Notwithstanding subsection (b), the Secretary may, in his discretion, comply with provisions of laws preempted by this section to the extent the Secretary determines appropriate, practicable, and cost-effective. The Secretary shall include a list of any such provisions of law in the environmental management plan submitted to Congress under this Act.

"(d) COMPLIANCE WITH NEPA.—Compliance with the procedures and requirements of this Act shall be deemed adequate consideration of the need for the federal actions specified in the environmental management plan, alternatives to the specified actions, and the environmental impacts thereof for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Submission of the environmental management plan in accordance with the Act shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act and no further consideration shall be required.

"SEC. 9. LIABILITY.

"(a) CIVIL PENALTIES AND FINES.—The second sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a), relating to civil and administrative penalties and fines) is repealed.

"(b) WAIVER OF SOVEREIGN IMMUNITY.—The third sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a), relating to the waiver of immunity by the United States) is repealed.

"(c) CRIMINAL LIABILITY.—The seventh sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)) is amended—

"(1) by striking—

'An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.'; and

"(2) by inserting the following—

'No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law.'

"(d) CONFORMING AMENDMENTS.—(1) Section 6001(c) of the Solid Waste Disposal Act (42 U.S.C. 6961(c), relating to state use of penalties and fines collected from the United States) is repealed.

"(2) Section 102(c) of the Federal Facility Compliance Act (42 U.S.C. 6961 note, relating to effective dates) is repealed.

"(e) ENVIRONMENTAL DAMAGES.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) or any other provision of law, the United States shall not be liable for any environmental response costs, natural resource loss, or other damages arising out of federal activities at the Hanford Reservation."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Oversight and Investiga-

tions of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 7, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing will be to examine the historical evolution of the National Environmental Policy Act of 1969, how it is being applied now in several situations, and what options are available to improve Federal decision-making consistent with the objectives of that statute.

For further information concerning the hearing, please contact James P. Beirne, senior counsel to the committee, at (202) 224-2564.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 15, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 871, a bill to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224-7933 or Judy Brown at (202) 224-7556.

ADDITIONAL STATEMENTS

DEFENSE BUDGET ISSUES

• Mr. GRASSLEY. Mr. President, the unmatched disbursement problem at the Pentagon has been simmering on a back burner for years.

All of a sudden, it is on the front burner, and it is boiling.

The issue is so bothersome right now because it undermines the credibility of the defense budget numbers and the case for pumping up the defense budget.

There is another article on it in the Washington Post on Tuesday.

This one zeros right in on the main problem: the lack of accountability at the Pentagon.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, May 23, 1995]

THE PENTAGON'S ACCOUNTABILITY PROBLEM

(By Coleman McCarthy)

Speaking of welfare abuse—and who isn't—have you heard about the \$13 billion the government handed out over the past decade but doesn't know where it went or to whom? Then there's the \$6 billion spent in excess of what Congress authorized.

The welfare recipients who have taken this money and run—or lazed about or bought Cadillacs, as it is derisively said of poor people—are in a category of their own. They are military contractors. Their welfare agency is the largest of them all, the Department of Defense, which has a defense against enemies great and small except the one within: fiscal stupidity and indifference.

Some of the details of this welfare abuse were revealed May 16 before the Senate Armed Services subcommittee on readiness. It wasn't much of a hearing: just a half-day of testimony from a Pentagon undersecretary and the head of the General Accounting Office, a few senators and not much in the national media that evening or the next day.

If \$19 billion in lost or untracked tax money had been dispensed by the Department of Education on mismanaged reading programs or if this were \$19 billion that vaporized in the Medicare or food stamp bureaucracy, no hearing room would have been large enough to hold the media and outraged public, no time limit on hearings would have been imposed and no senator's publicist would have passed up the chance to paper Washington with the boss's deploring of bureaucrats, welfare cheats and, for sure, liberals.

But this was the Pentagon—the Department of Giveaways—and its dollar-mates, military contractors and their rent-a-general execs. Both givers and takers are on permanent dispensations from standards of competence, accountability and honesty that apply elsewhere.

At the hearings, Charles A. Bowsher of the GAO ran through what he called the Pentagon's "serious problem of not being able to properly match disbursements with obligations." Pentagon overpayments, flawed contracts, duplicative business practices, shoddy or no record-keeping and multiple payroll systems have meant that the money might as well have been thrown out of airplanes for all anyone knew where it went.

On such a routine matter as travel, Bowsher reported that the Pentagon has "over 700 processing centers, 1,300 pages of regulations and some 40 steps to get travel approval and reimbursement. The result: DOD spent over 30 percent of each travel dollar on administrative cost. By contrast, companies with the best travel processes have one disbursing center . . . and 10 or fewer process steps. These companies spend as little as 1 percent of their travel dollar on administrative costs."

According to John Hamre, the Pentagon undersecretary and comptroller, each month the Pentagon deals with 2.5 million invoices and 10 million paychecks. He spun: "It isn't that we have wicked people trying to screw up, it's that we have a system that's so error-prone that good people working hard are going to make mistakes."

In the past 18 months, the hard-working good folk at the Pentagon have miscalculated Hamre's paycheck six times.

Because no wicked people are involved in the missing billions, no mention was made of firings, much less possible indictments. On the issue of "problem disbursements," Hamre was the model of managerial thoughtfulness. It is too late or too burdensome to go back and see what or who went awry: "I decided to suspend, on a one-time basis, the requirement to research old transactions." To DOD's contractor buddies, the message, unlike the money, was not lost: Relax, we're good people, you're good people. It was "the system."

Hamre reassured Congress that the era of reform is here: "The department has refined and advanced its blueprint to eliminate its long-standing financial management problems."