be considered to have occurred prior to the privatization date if, at the time of privatization, the contract has been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) ENERGY REORGANIZATION ACT REQUIREMENTS.—

(1) EMPLOYEE PROTECTION.—The private corporation and the private corporation's subcontractors shall be subject to section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer is subject to the section.

(2) COMPLIANCE WITH SAFETY REGULATIONS.—With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 5116. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) REPEAL.—

(1) IN GENERAL.—Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297 through 2297–7) are repealed effective as of the privatization date.

(2) TABLE OF CONTENTS.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended effective as of the privatization date by striking the items relating to the sections repealed by paragraph (1).

(b) NRC LICENSING.—

(1) PRODUCTION FACILITY.—The second sentence of section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(v)) is amended by striking ''or the construction and operation of a uranium enrichment production facility using Atomic Vapor Laser Isotope Separation technology''.

(2) LICENSING.—Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

''(f) LIMITATION.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or section 53, 63, or 1701 if the Commission determines that—

''(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

''(2) the issuance of the license or certificate would be inimical to—

''(A) the common defense and security of the United States; or

''(B) the maintenance of a reliable and economical domestic source of enrichment services.''.

(3) APPLICATION FOR CERTIFICATE OF COMPLIANCE.—Section 1701(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)) is amended by striking paragraph (2) and inserting the following:

''(2) PERIODIC APPLICATION FOR CERTIFICATE OF COMPLIANCE.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less often than every 5 years. The Commission shall review the application, and any determination made under subsection (b)(2) shall be based on the results of the review.''.

(4) LICENSING OF TECHNOLOGIES.—Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f–1(a)) is amended—

(A) by striking ''other than'' and inserting ''including''; and

(B) by striking ''sections 53 and 63'' and inserting ''sections 53, 63, and 193''.

(c) JUDICIAL REVIEW OF NRC ACTIONS.—Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking subsection b. and inserting the following:

''b. JUDICIAL REVIEW.—The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

''(1) Any final order entered in any proceeding of the kind specified in subsection a.

''(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

''(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any plant leased to a corporation established under the USEC Privatization Act.

''(4) Any final determination under section 1701(c) relating to whether a gaseous diffusion plant, including any plant leased to a corporation established under the USEC Privatization Act, is in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.''.

(d) CIVIL PENALTIES.—Section 234a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)) is amended—

(1) by striking ''any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109'' and inserting ''any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701''; and

(2) by striking ''any license issued thereunder'' and inserting ''any license or certification issued thereunder''.

(e) REFERENCES TO THE CORPORATION.—After the privatization date, all references in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 5117. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102–486).

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(1)) is amended by inserting '', or a successor to the United States Enrichment Corporation'' before the period.

SUBCHAPTER B—NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES

SEC. 5201. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 2002''.

SUBCHAPTER C—STRATEGIC PETROLEUM RESERVE

SEC. 5301. SALE OF WEEKS ISLAND OIL.

(a) SALE.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, $292,000,000 worth of oil formerly contained in the Weeks Island Strategic Petroleum Reserve.

(b) PROCEEDS.—The proceeds from the sale described in subsection (a) shall be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be counted as an offset to discretionary budget authority and outlays for the purposes of section 251(a)(7) of that Act, if the President designates that the proceeds should be so counted, notwithstanding section 257(e) of that Act.

CHAPTER 3—SPENDING DESIGNATION

SEC. 5501. EMERGENCY DESIGNATION.

Congress hereby designates all amounts in this entire title as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these amounts shall only be available to the extent an unofficial budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to Congress.

DORGAN (AND CONRAD) AMENDMENTS NOS. 3468–3469

Mr. DORGAN (for himself and Mr. CONRAD) proposed two amendments to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

AMENDMENT NO. 3468

On page 740, line 6, strike ''$32,000,000'' and insert in lieu thereof ''$34,800,000''.

On page 740, line 8 after the word ''nature'' add a comma and insert ''and to protect natural resources in the Devils Lake Basin in North Dakota''.

AMENDMENT NO. 3469

On page 734, after the comma at the end of line 22, insert the following, ''and in the Devils Lake Basin in North Dakota''.

On page 734, line 23, strike ''$15,000,000'' and insert in lieu thereof ''$25,000,000''.

On page 735, line 1, strike ''$1,500,000'' and insert in lieu thereof ''$2,500,000''.

DOLE (AND OTHERS) AMENDMENT NO. 3470

Mr. HATFIELD (for Mr. DOLE, for himself, Mr. HATCH, Mr. GREGG, and Mr. HOLLINGS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place, insert the following:

SEC. 117. The definition of ''educational expenses'' in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 is amended to read as follows:

''educational expenses'' means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree, including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

HOLLINGS (AND INOUYE) AMENDMENT NO. 3471

Mr. HATFIELD (for Mr. HOLLINGS for himself and Mr. INOUYE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, as follows:

At the appropriate place, insert the following:

''SEC. 411. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended by inserting ''Tinian,'' after ''Sao Tome,''.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announced that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, March 13, 1996, at 9:30 a.m., to receive testimony on campaign finance reform.

For further information on this hearing, please contact Bruce Kasold at 224–3448.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. HATFIELD. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on Social Security and Family Policy to hold a hearing on Social Security and future retirees on Monday, March 11, 1996, beginning at 10 a.m. in room SD–215.

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

ADDITIONAL STATEMENTS

WHY THE ''LEAST DANGEROUS'' BRANCH IS ALSO THE BEST

• Mr. SIMON. Mr. President, I confess, I am not a regular reader of Legal Times, though my staff is, and they call articles to my attention.

But a longtime friend, Gene Callahan, sent me the first of a series of monthly columns that will be written by our former House colleague, Abner Mikva, who has also served on the Circuit Court of Appeals in Washington, DC and served as Counsel to the President.

His perspective should be of interest.

Judging by his first column, which I ask to be printed in the RECORD, it should be viewed by many more people than those who read the Legal Times, with all due respect to that readership.

His first column speaks with pride about the Federal judiciary but also has some suggestions for improvement there, suggestions that, in part, involve the legislative branch of Government.

I urge my colleagues to read Abner Mikva's first column.

The text of the column follows:

[From the Legal Times, Feb. 5, 1996]

WHY THE ''LEAST DANGEROUS'' BRANCH IS ALSO THE BEST

(By Abner J. Mikva)

Early last month, while the two political branches of government yielded to the elements and closed down for the blizzard, the Supreme Court of the United States was doing business as usual. It may have looked like a hot-dog trick to some, but Chief Justice William Rehnquist was making a point worth making: While the rest of government is perceived as sick and wanting, the judiciary, like the Energizer bunny, keeps on going.

Now that I am a disinterested observer (except for my pension, which as far as I know has no contingencies based on behavior), I find that the federal judiciary works amazingly well.

It always has been the least dangerous branch, but for a good period of its history that was because the federal judiciary did not have many demands upon it. This is no longer true. In almost every session of Congress, some new tasks are put to the federal courts. Everything from voting rights to carjacking is now considered appropriate for federal court jurisdiction.

At the same time, while the total judicial appropriation is still a small blip in the federal budget, it has been increasing exponentially. As with other rapaid growth, inevitably some money is not spent wisely.

The biggest single extravagance is Congress-driven: Should we have a federal courthouse at every crossroads in America? If the federal courts have selective and limited jurisdiction, should not the parties and their lawyers be required to come to the population centers of the country to litigate? But I remember from my days in Congress that it was a feather in the cap of a member if he or she could deliver a new courthouse (and a new judge) to some small town in the state.

Meanshile, the U.S. Courts of Appeals allow their judges to live wherever they want to within the circuit, providing chambers, equipment, and staff just to service those judges who would rather live in a bucolic place than in the big city to which the appellate court should limit its activities. (When I raised both these matters as a member of the U.S. Judicial Conference, I was met with the icy resistance of incumbent judges who like things the way they are.)

Even accounting for these blemishes (and others that I don't recount here), the federal courts are the most efficient institutions in our government. They perform their designated functions admirably. The appellate process provides a self-corrective device that fixes most of the mistakes and excesses of the lower courts. The judges really do preserve, protect, and defend the Constitution of the United States. And the reasons are pretty obvious.

First and foremost, there is the careful selection method employed to choose federal judges. There was a saying when I went to law school that the A students became law professors, the B and C students made a lot of money as practitioners, and the D students became judges. But that was never applicable to federal judges, and certainly is not true today. The large number of academicians who become federal judges indicates that legal ability is an important perrequisite for appointment. (On the Supreme Court alone, there are three former full-time law professors: Justices Antonin Scalia, Ruth Bader Ginsburg, and Stephen Breyer.)

The whole process is the closet thing that we have to a meritocracy in government. While U.S. senators have a large voice in deciding who become district judges, the candidate is subject to merit review in the first instance by the local bar associations, the local press, and all the other gauntlets that a judicial aspirant has to traverse. After finishing that section of the obstacle course, the would-be judge has to pass a full field investigation by the Federal Bureau of Investigation and a thorough vetting by the American Bar Association. Then, and only then, is the name sent to the president with the recommendation that he nominate. If the president agrees, then, and only then, is the name sent up to the Senate for confirmation.

Appointments to the Courts of Appeals are even more difficult. While the senators may not have as much say in choosing the nominee, they weigh in heavier in the confirmation process. (I still have bumps on my head from my own confirmation battle, which took more than six months and aged me many times that period. I had the National Rifle Association—a formidable opponent—on my case.)

Many are the casualties who could describe how tortuous is the path. Some bad press, a few disgruntled colleagues or clients, an over-exuberant writing—any of these can derail someone who would like to be a judge. Not all such derailments are fair or pretty, but they do provide a thorough preview of who is being appointed to the federal bench. The result is a bench both competent and clean.

There are exceptions, of course, but they are rare, compared to those of the other two branches of government. Indeed, one of the exceptions, Judge Alcee Hastings, was removed from the bench by Congress after his colleagues deemed his conduct inappropriate to judicial service. A jury had previously found him not guilty of criminal conduct in the matter, and the people of the sovereign state of Florida have since elected him to Congress.

There are other reasons why the judicial branch performs so well. The Judicial Conference, the governing body for the federal judiciary, is right for the task. Contrary to what Judge William Schwarzer wrote recently in *Legal Times* (''Governing the Federal Judiciary,'' Dec. 11, 1995, Page 24), the very fact that the judges in the conference do rotate, are not expert bureaucrats, and are not all from Washington, D.C., is a plus. I have had a close-up view of the workings of the other two branches, and neither has any systems as efficient as the 25 circuit and district judges who, along with the chief justice, make policy for the federal judiciary.

Another ingredient in the judicial success formula is the law clerks. The clerks, who come in for a year or two, are very bright, respectfully irreverent, and full of enthusiasm. Again, the rotation of clerks is a plus, and I worry that more and more judges are using career law clerks.

Senior status is another idea that works. The notion that a judge can semi-retire, still perform useful service, and open up a slot for a younger and more vigorous person is almost too good to be true.

That judges are as independent as they say they are is one of the most important reasons for the success of the judicial branch. This makes it all the more disturbing that some of my former colleagues, both on the bench and in Congress, think that Congress should exercise more vigorous oversight of the performance of judges. Sen. Charles Grassley (R-Iowa) wants judges to fill out time sheets so that he can decide whether they are working hard enough. Judge Laurence Silberman thinks that there are too many judges authorized on the D.C. Circuit, and testified to urge Congress not to fill an empty slot.

Given all the serious problems that other institutions of government have, both in their performance and in the way they are perceived, it is distressing that some would rather tinker with the judiciary. But then, there have always been those who would rather fix something that is not broken than do the serious lifting involved in real government reform.

RECOGNIZING THE IMPORTANCE OF INTERNATIONAL FAMILY PLANNING ON INTERNATIONAL WOMEN'S DAY

• Ms. SNOWE. Mr. President, today, I speak in honor of International Women's Day, which was last Friday, March 8, on an issue of tremendous importance to women and families around the world—U.S. funding for international family planning programs.

The United States has traditionally been a leader in international family planning assistance, and has had unrivaled influence worldwide in setting standards for these programs. An