

First, the domestic producers must sell all or almost all of the production during that growing season. Under this requirement, however, sales of a perishable agricultural product during the weeks immediately following the end of the growing season would not disqualify a seasonal industry.

Second, during the growing season, other domestic producers of the article who produce in a different growing season must not supply, to any substantial degree, demand for the article. Again, this would not preclude the other industry from selling any produce during the growing season.

Instead, the purpose of these two limitations is to preclude arbitrary season cutoffs from meeting the standard. The scope of the modified definition is limited to situations where international producers compete directly with domestic producers of the same like product during the same growing season.

This does not mean that there cannot be any overlap between the partial-year growing season in which the domestic industry alleges injury and another growing season. Various factors such as weather conditions may cause one growing season to begin early or end late and yet not affect a separate growing season.

While this change will allow the ITC to conclude that a partial-year industry constitutes a domestic industry under section 202, I believe that it is consistent with the NAFTA and other international obligations.

This amendment, by itself, will not solve the myriad post-NAFTA challenges facing America's winter vegetable industry. Domestic winter growers are suffering from dramatic increases in imports of Mexican squash, eggplant, sweet corn, beans, bell peppers, tomatoes, and other vegetables. These crops are seasonal and perishable.

Without prompt legislative reform, the domestic winter vegetable industry will soon end its second post-NAFTA growing season with unfair rules and hampered ability to redress harm. In human terms, too many farm families have bankrupted, stopped production, and lost confidence in their Government to assure fairness.

In addition to S. 1463, we should enact and implement additional legislative and administrative measures to make NAFTA work as it was designed.

But today, we do have a chance to take a positive step toward fairness for American farmers. Let us not forfeit that chance as we contemplate adjournment until next month. On behalf of fundamental fairness for farm families, I urge you to support this bipartisan reform.

I would like at this time, therefore, to ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1463, a bill to clarify the definitions of domestic industry and like articles in certain trade actions involving perishable agricultural products, that the Senate then

proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements relating thereto be placed in the RECORD at the appropriate place as if read; provided further that the above occur without intervening action or debate.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS OF DOMESTIC INDUSTRY AND LIKE OR DIRECTLY COMPETITIVE ARTICLES.

(a) DEFINITION OF DOMESTIC INDUSTRY.—Section 202(c)(4) of the Trade Act of 1974 (19 U.S.C. 2252(c)(4)) is amended—

(1) by striking “and” at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting “; and”, and

(3) by adding at the end the following new subparagraph:

“(D) may, in the case of one or more domestic producers who produce a like or directly competitive perishable agricultural product during a particular growing season, limit the domestic industry to those producers if the producers sell all or almost all of their production of the article in that growing season and the demand for the article is not supplied, to any substantial degree, by other domestic producers of the article who produce the article in a different growing season.”.

(b) DEFINITION OF LIKE OR DIRECTLY COMPETITIVE ARTICLE; CONSIDERATION OF IMPORTED ARTICLE.—Section 202(c)(6) of such Act is amended by adding at the end the following new subparagraphs:

“(E) In the case of a perishable agricultural product produced by a domestic industry described in paragraph (4)(D), the term ‘like or directly competitive article’ means only the articles produced by the industry during the applicable growing season.

“(F) In the case of a perishable agricultural product, the Commission may limit its consideration to imported articles that are entered, or withdrawn from warehouse for consumption, during the same growing season as the like or directly competitive product.”.

(c) RELIEF LIMITED TO CERTAIN IMPORTED PRODUCTS.—Section 202(d)(4) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)) is amended by adding at the end the following new subparagraph:

“(E) The Commission may, in the case of a perishable agricultural product, limit provisional relief to imported articles that are entered, or withdrawn from warehouse for consumption, during the same growing season as the like or directly competitive product.”.

(d) CONFORMING AMENDMENT.—Section 202(d)(5) of the Trade Act of 1974 (19 U.S.C. 2252(d)(5)) is amended in the matter preceding subparagraph (A), by striking “subsection” and inserting “section”.

(e) EFFECTIVE DATE.—The amendments made by this Act apply with respect to investigations initiated pursuant to section 202(b) of the Trade Act of 1974 (19 U.S.C. 2252(d)) and requests for provisional relief initiated pursuant to section 202(d) of such Act (19 U.S.C. 2252(d)) after the date of the enactment of this Act.

**BALANCED BUDGET
DOWNPAYMENT ACT, I**

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG. Mr. President, I ask the Chair if there is an opportunity to make a statement without interrupting the discussion on the amendment of the Senator from Iowa?

Mr. President, clearly, since there is a moment of time, I just wanted to make a point about an amendment that I was going to offer. I have decided not to do so, not because I do not think it is warranted and justified and ought to be presented, but it is very obvious to me, after having seen the vote that was taken on the amendment offered by the Senator from Massachusetts to increase education funding substantially so we can meet our needs for our young people and to provide the kind of education that is essential if the United States is going to maintain or improve its leadership in global affairs, economics, science, et cetera—I saw what happened with that vote. We did not get 60 votes in favor of it, whatever the technicality was, to waive the budget, et cetera.

So, when I look at an amendment I was going to offer on environmental protection, it seemed to me that the handwriting was on the wall or that the toxics were in the ground or in the air, and that we were not going to get anywhere with a vote.

Mr. President, the American people clearly want to see an end to the partisan bickering, and it seems we are making some progress in that direction.

At the same time, Mr. President, I do want to register my concern about the stop-start way we are now financing much of the Government.

Continuing resolutions and shutdowns are no way to run a Government. The resulting uncertainty and chaos has a serious impact on States and local governments, on Federal employees, and on Americans throughout the country.

I also want to take a few moments to discuss the impact of the current CR on an area of particular concern to me: the environment.

Mr. President, I had planned to offer an amendment to protect environmental programs during the life of this short-term spending measure. My amendment would have frozen EPA's funding at last year's levels, as opposed to the roughly 14-percent cut called for in this bill.

However, I recognize that my amendment would be subject to the same point of order that was raised on Senator KENNEDY's amendment. As with his amendment, I am confident this amendment would receive a majority of votes, but not enough to overcome the parliamentary objection.

I also am concerned that, if my amendment were adopted in the Senate, the House leadership would refuse to put such a CR up to a vote, and the result would be another Government

shutdown. I do not want that to happen. And I will not be offering my amendment. But I do want to take this opportunity to emphasize the importance of adequately funding EPA—and preferably doing so on a longer-term basis—when the pending CR expires in March.

Mr. President, it is time to make protection of our environment a national priority. Americans have a right to know that their air is clean enough to breathe, their water is clean enough to drink, and their children are not going to get sick because they live near a toxic waste dump.

The American people feel strongly about this, Mr. President. Poll after poll shows very strong public support for protecting our environment. Even Republican polls have reached that conclusion.

One recent Republican poll by Linda DiVall showed that only 35 percent of voters would support a candidate who supported the one-third cut in EPA funding in the House Republicans' VA/ HUD appropriations bill. The same poll showed that while 6 out of 10 Americans say there is too much Government regulation generally, only 1 in 5 believe that statement applies to the EPA.

Unfortunately, despite the broad public support for environmental protection, this Congress has treated these programs very poorly. Funding for EPA has been under serious attack. And EPA's budget has been subject to stop-start budgeting, which has created tremendous uncertainty and which has had a serious impact on environmental programs.

For example, many toxic waste sites are not getting cleaned up because of budget uncertainties and inadequate funding. These cleanups typically take a long time, and sometimes are costly. Since EPA does not know how much money it will have, it has been forced to shut down many projects that already have been underway, and to delay others.

This will end up costing taxpayers millions of dollars. It also will mean that many sites will remain filled with toxic wastes, placing nearby residents at additional risk.

Mr. President, EPA is not an agency with a fat budget. It has been underfunded for years. EPA has already eliminated all of its temporary employees, and the Agency now has 1,300 employees less than its authorized ceiling. If the level in the continuing resolution continues for the rest of the year, EPA will be forced to furlough all its employees for 10 to 12 workdays.

Mr. President, furloughs at EPA are not what the people want. They want a Federal Government that will take responsible and prudent steps to improve our environment. To that, in my view, we should be increasing EPA's budget, not cutting it, as this bill would do.

Mr. President, deep cuts in EPA's budget inevitably will have an adverse impact on our environment, and on the

many hard-working people who work at the Agency. But I also want to point out to my colleagues—especially those on the other side of the aisle—that cuts in EPA have a direct impact on many businesses in the private sector. Under President Reagan, EPA entered an era of substantial privatization.

Today, over 80 percent of the Superfund budget and 52 percent of the rest of EPA's budget goes to private contractors. Those companies and their employees will suffer needlessly if EPA's budget is slashed.

Other companies that rely on EPA also will be hurt by EPA cuts. For instance, EPA is required to certify new pesticides before they can be marketed. However, under this CR, many of these certifications will not be done. That means these products will not be approved for the coming growing season. Farmers, consumers and the agricultural chemical community all will be adversely affected.

Mr. President, our Nation has made enormous progress since the environmental movement was ignited by Earth Day in 1970. Environmental laws have made our water safer to drink, cleaned up our oceans and rivers, made the air cleaner, and protected our land from destruction. We can not afford to turn back now.

I have heard it said over and over that we need to balance the budget because we are piling debt onto our children. But what about the environment we are leaving our children? In my view, and the view of the American people, that simply has to be a national priority.

Mr. President, at the expiration of this continuing resolution, I really hope that the Congress will approve a budget for EPA that protects the environment. And not for 6 weeks at a time. But for the rest of the fiscal year.

That is important for the Agency to operate effectively. It is important for its employees, who need to plan their work, and their lives. It is important for the many private contractors and their employees, who depend on this funding. It is important for States and localities, which also rely on EPA funding to administer environmental programs. And, most critically, it is important to all Americans who care about the quality of our environment.

Mr. President, I ask unanimous consent an article appearing today in the New York Times, on the front page as a matter of fact, be printed in the RECORD at the appropriate place.

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

[From the New York Times, Jan. 26, 1996]

WORRIED REPUBLICANS BEGIN BACKPEDALING ON ENVIRONMENTAL ISSUES

(By John H. Cushman, Jr.)

WASHINGTON.—Republicans are increasingly worried that by imposing deep cuts on environmental programs they are doing even deeper political damage to their party, and they are beginning to back away from further confrontations on environmental issues.

As a result, it now appears more likely that Congress might loosen somewhat the fiscal vise that has gripped environmental agencies during the long budget impasse, while a number of proposals favoring mining, logging, oil and other big industries could vanish from the legislative landscape.

Administration officials and environmentalists can hardly claim victory yet. The administrator of the Environmental Protection Agency, Carol M. Browner, said that at a Senate hearing on Friday, she would testify that the cuts already imposed, and the slightly less severe ones still to come, would force the agency to delay some of its highest priorities, including new measures to control dangerous pollutants in drinking water.

But some environmentalists are starting to say, with a hint of wonder in their voices, that they are close to success in making environmental programs what one lobbyist called a "third rail," political slang for issues like Social Security that are best not touched because they carry such voltage with voters.

Increasingly, Republicans are echoing the same message.

This week, 30 Republican moderates in Congress wrote Speaker Newt Gingrich to complain that the party had "taken a beating this year over missteps in environmental policy" and calling on him to correct the course during the continuing budget talks.

"If the party is to resuscitate its reputation in this important area, we cannot be seen as using the budget crisis as an excuse to emasculate environmental protection," said the letter, drafted by Rep. Sherwood Boehlert, a maverick Republican environmentalist from upstate New York.

Even some of the party's more conservative advisers are sounding similar alarms these days.

"Our party is out of sync with mainstream American opinion," wrote Linda DiVall, a Republican pollster, in reporting to congressional clients on a recent nationwide survey on environmental issues.

But many in the party's leadership are reluctant to change course. They say the problem is not their agenda but the way they have explained it.

"What is out of sync is the distortion of our record by the administration and by radical environmental groups who want to continue to overregulate the economy," said Rep. John A. Boehner of Ohio, head of the House Republican Conference.

Environmental groups have mounted a sustained campaign all year to get their millions of members to complain to lawmakers about the Republican agenda, and it appears that the effects are increasingly being felt.

Last week, during the congressional recess, the entire New Jersey delegation of eight Republicans and five Democrats wrote to the Republican leadership asking that full financing be restored to the Superfund program, a reaction to news that the EPA had suspended the clean-up of hundreds of toxic waste sites.

In his State of the Union address, President Clinton spoke at length about environmental issues, which usually take a back seat to others. He won applause and loud cheers when he denounced the environmental proposals of the Republicans and challenged Congress to "re-examine those policies and reverse them."

The problem for the Republican leadership, though, is that many of those proposals are at the heart of their promise to roll back federal regulations, and many of the party's leaders, including Sen. Bob Dole of Kansas, the majority leader, and Rep. Tom DeLay of Texas, one of Gingrich's loyal lieutenants, are among their most vigorous advocates.

In a speech to the National Association of Manufacturers on Thursday, DeLay, the majority whip, accused Clinton of lying in his

speech when he said that by voting to cut environmental enforcement by 25 percent, Congress was serving the interests of corporate lobbyists at the expense of clean water and children's health.

"That isn't just misrepresenting the truth; that is outright lying," DeLay said.

But Ms. DiVall, whose clients include a conservative Republican presidential candidate, Sen. Phil Gramm of Texas, said in her polling report that some of the party's environmental policies were broadly disdained by Democrats and Republicans alike—and by most independents, most young people and most women.

"By greater than a 2-to-1 margin, voters have more confidence in the Democrats than Republicans as the party they trust most to protect the environment," her report said. "Most disturbing is that 55 percent of Republicans do not trust their party when it comes to protecting the environment, while 72 percent of the Democrats do trust their party."

The poll came up with especially strong signals on the Republicans' efforts to cut spending at the EPA.

"Attacking the EPA is a nonstarter," Ms. DiVall wrote.

Her polling found that only 35 percent of the public would vote to re-elect members of the House who supported the Republican-backed bill cutting financing for the agency, by a third, while 46 percent said they would vote not to re-elect them. If voter turnout in November is higher, she warned, the results would be worse.

Warnings like that seemed to be having an effect on Thursday, as the House leadership brought to the floor the latest stop-gap spending bill, to keep the federal government open until March. Previous temporary spending bills have singled the EPA out for especially severe cuts, especially in enforcement and clean-up activities.

The measure, passed by the House on Thursday night, would still cut the agency's financing, just as deeply as the spending bill Clinton vetoed in December but not as deeply as the cuts since Oct. 1, when the fiscal year began.

The Interior Department, another environmental agency that has been operating without a final agreement on its budget, would be financed until March. But the real issue facing that agency is not how much money it can spend, but rather what environmental policies it must follow.

One of the biggest fights of the past year was over changes the Republicans proposed in the mining law. Favored by industry and opposed by environmentalists, the measure was part of Interior bill and the broader budget bill, both of which Clinton vetoed.

On Thursday, Jack Gerard, an industry spokesman, said the budget impasse had "at least for now halted progress toward passage of mining law reform."

Mr. LAUTENBERG. So, I am hoping we get on with the resolution, the CR, not that I like it, frankly, but we do have to maintain the constancy of our work force, get the jobs done as well as we can at the moment. I am terribly disappointed at the relatively low levels of funding—

Mr. HATFIELD. Mr. President, may we have order so the Senator can be heard?

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order. Senators to the left of the Chair please take your conversations into the Cloakroom.

Mr. LAUTENBERG. Mr. President, rather than take any more time, I will yield the floor at this point.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I do not believe there is any more discussion. Senator HARKIN indicated he had finished his discussion.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. The question is on a motion to waive.

Is there further debate on the motion?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what we may propose here, at the Democratic leader's suggestion, is to vote on this matter, vote on final passage, vote on the START treaty, vote on DOD, and then anybody who may wish to discuss these matters can do that.

Mrs. BOXER. Will the majority leader yield for a question? Can we make those votes 10-minute votes?

Mr. DOLE. Sure. I would put them en bloc.

Mrs. BOXER. I would support you fully and completely.

VOTE ON MOTION TO WAIVE THE CONGRESSIONAL BUDGET ACT—AMENDMENT NO. 3122

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act with respect to amendment No. 3122.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present, and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "nay."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 45, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—45

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

NAYS—45

Abraham	Grams	McConnell
Ashcroft	Grassley	Moynihan
Bond	Gregg	Murkowski
Brown	Hatch	Nickles
Burns	Hatfield	Pressler
Byrd	Helms	Roth
Chafee	Hutchison	Santorum
Cochran	Inhofe	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Frist	Mack	Thurmond
Gorton	McCain	Warner

NOT VOTING—9

Bennett	Domenici	Hollings
Campbell	Faircloth	Kyl
Coats	Gramm	Shelby

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the amendment fails.

Mr. DOLE. Mr. President, with the passage of the Balanced Budget Downpayment Act, instead of the headline reading "Government Shuts Down," it will read "Government Scaled Down."

Instead of adding to the frustration that the American people have with Government, we'll be adding to the amount of money we are saving taxpayers.

Instead of punishing Federal employees; we'll be eliminating unnecessary Federal programs.

Everybody knows that this bill is not perfect.

Each of us, if given the opportunity, would write it differently.

Some, like President Clinton, would prefer to spend more tax dollars.

Others, like me, would spend less. But I think we can all agree that this bill is much better than shutting down the Government.

The bottom line here, Mr. President, is that with this Balanced Budget Downpayment Act, we fulfill our commitment to keep the Government open, while at the same time we ensure at least \$30 billion in budgetary savings for the current fiscal year.

This puts the focus back where it belongs: On cutting unnecessary Washington spending and reducing the budget deficit.

And let me leave no doubt: The Republican promise to the American people to balance the budget the right way in 7 years is not something we are willing to sacrifice.

We will never relent in our fight to protect future generations of Americans and leave them the legacy of a better America. And today's continuing resolution is a genuine downpayment on that promise.

Let me also briefly mention that this continuing resolution includes the fiscal year 1996 Foreign Operations Appropriations Act, which has been held up for many months by pro-abortion special interest groups.

I am pleased that the resolution contains many provisions which I drafted or strongly supported. These include:

An assurance that countries which have embarked on the peace process in

the Middle East—Israel, Egypt, and Jordan—will receive important support for their search for a just and lasting peace.

A restriction on aid to Bosnian Serbs, a doubling to \$100 million in military draw down authority to equip, arm, and train Bosnian Government forces, and a provision limiting assistance to any country which harbors international war criminals.

A requirement of human rights certification before additional assistance can be provided to Haiti. This is in response to the overwhelming evidence indicating that elements of the Government of Haiti have been involved in political assassinations—a sad outcome for a U.S. military operation that was alleged to be about democracy and the rule of law.

Assistance for critical states on the periphery of the newly resurgent Russia—especially Ukraine and Armenia. This bill also provides for the Transcaucasus enterprise fund—an idea I first proposed in 1994.

This bill also contains provisions to encourage the administration to honor its stated commitment to expand NATO eastward—sooner, rather than later. The Republican Congress has repeatedly been forced to push the Clinton administration on the issue of NATO expansion—another case where the administration's deeds have not matched their words.

Finally, the bill contains the Humanitarian Aid Corridors Act—a limitation on aid to countries which impede the delivery of U.S. humanitarian aid to other countries. This important provision will help ensure we get the best bang for our foreign aid buck. I was proud to be the lead sponsor of this provision.

Mr. President, it has been a long and difficult process to get the foreign operations conference report to this point. And let me congratulate subcommittee Chairman McCONNELL for his leadership and perseverance.

Mr. ABRAHAM. Mr. President, I wanted to take this opportunity to address several of the votes cast today. Among other items, the Senate voted today to uphold the Budget Act with respect to the Kennedy and Harkin amendments. Let me make my position clear; I support full funding for education and continued vigilance over Medicare fraud. In the past, I have offered several amendments to protect education spending from cuts as well as to create new initiatives to fight Medicare fraud. My Medicare fraud amendment was a key part of the Medicare reforms vetoed by the President as part of the Balanced Budget Act of 1995.

Nevertheless, I did not support any amendment to the continuing resolution which would result in the shutdown of the Federal Government. By forcing this bill to return to the House for additional debate, these amendments would have done just that. Already we have seen the Government shut down twice in the past few

months. The most recent shutdown lasted a record 21 days. Another shutdown is simply unacceptable.

I yield the floor.

Mr. HATFIELD. Before final passage, I would like to take the opportunity to explain further my concerns about several provisions in this bill.

RESTRICTIONS ON POPULATION PLANNING ACTIVITIES

I am dismayed by the provision in this continuing resolution which restricts the funds that may be made available for our international population assistance program and the U.S. contribution to the United Nations Population Fund [UNFPA].

The proponents of this language know that it is extremely unlikely that an authorization bill will pass before the July 1, 1996 deadline. Therefore, the bill provisions restricting funding to 65 percent of fiscal year 1995 levels and the obligation of funds to monthly apportionments of 6.67 percent will go into effect. When this occurs, our international family planning efforts will be devastated. The result—more unintended pregnancies and more abortions.

Let me give you a present day example. The former Soviet Union has the highest abortion rates in the world. In 1991, an estimated 12 to 15 million legal and illegal abortions were performed. The average woman will have between four and six abortions during her lifetime. Some women have as many as 20 abortions. This is appalling. Why do these countries have such high abortion rates? The answer—the unavailability of modern contraceptives.

Last year, in the foreign operations bill I was able to secure funding to allow the Agency for International Development to develop a comprehensive family planning program in the former Soviet Union. AID's efforts in Russia, Moldova, Belarus, and Ukraine have begun to have an impact on the abortion rate. We have data from the Ukraine that shows a reduction in the number of abortions.

So what are we doing today? We are drastically cutting funding to United States-supported international family planning programs, and we are reducing AID's flexibility to respond to areas, like the former Soviet Union, where the need for family planning is so great. We are ensuring that the world will return to the old ways—the old Russian model—with increases in unintended pregnancies and abortions.

As a pro-life Senator who strongly opposes abortion, I am disheartened by the lack of understanding and foresight of our colleagues in the House who have been unrelenting in their insistence on these restrictions.

HUMAN EMBRYO RESEARCH

I remain concerned about using this continuing resolution to place restrictions on research. However, I understand from the National Institutes of Health that this will not effect any current grants because the NIH is not funding research in this area at this

time. It is my hope that the authorizing committees will take the time necessary to fully examine the issue of human embryo research and its ramifications before further restrictions are placed on funding. This is an important issue which deserves our full consideration.

EDUCATION FUNDING

I would like to add, Mr. President, that I regretfully oppose the amendment by my colleague from Massachusetts, to increase funding for education programs. While one of my highest personal priorities is to increase funding for these programs, I cannot in good conscience support an effort which gives us all a rhetorical win but not a substantive win. Increasing funding for these programs for 45 days has little to no practical effect. Aside from the fact that most education programs are forward funded and thus, not impacted in the next 45 days—over \$13 billion or 54 percent of education moneys are, by law, not available until July 1 and another \$7.5 billion or 31 percent are not obligated until the third and fourth quarters of the fiscal year—this amendment does not provide any certainty for the long term. It may also jeopardize our ability to enact legislation necessary to stabilize national education spending.

The best action we can take for education is to pass this continuing resolution and then proceed as rapidly as possible to consider the fiscal year 1996 Labor, HHS, Education appropriations bill. The Senate bill, reported from the committee on September 15, includes \$22.3 billion indiscretionary spending for education programs, an increase of \$1.5 billion more than the House-passed bill and the entire amount of increase given to the Senate Labor/HHS Subcommittee in its 602(b) allocation. Without a Senate-passed bill we are negotiating from a position of weakness with the House. Passage of this bill will provide the baseline on which true long-term planning can take place in school districts and classrooms all across this country.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to ask consent now that we have three consecutive votes. I will make the request here.

Mr. President, I ask unanimous consent that H.R. 2880 be advanced to third reading. I now ask for the yeas and nays on final passage of H.R. 2880.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1124

Mr. DOLE. Mr. President, I further ask unanimous consent that it be in order for me to ask for the yeas and nays on adoption of the conference report to accompany S. 1124, the DOD authorization bill, and that the vote

occur on adoption of the conference report immediately following the vote on H.R. 2880.

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

UNANIMOUS-CONSENT AGREEMENT—START II TREATY

Mr. DOLE. Mr. President, I also ask unanimous consent, as if in executive session, that it be in order for me at this time to ask for the yeas and nays on the adoption of the resolution of ratification to accompany the START II treaty.

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

Mr. DOLE. Further, Mr. President, I ask unanimous consent as if in executive session that the vote on the resolution occur immediately after the vote on adoption of the DOD authorization conference report.

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

Is there a sufficient second for the advancement of the rollcall vote? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the votes be 10 minutes each.

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

Mr. DOLE. Mr. President, I ask unanimous consent that there be 1 minute in between votes to explain the next vote.

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

If there be no further amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2880) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "yea."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLINGS], is necessarily absent.

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

The result was announced—yeas 82, nays 8, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—82

Abraham	Frist	Mikulski
Akaka	Gorton	Moseley-Braun
Ashcroft	Graham	Moynihan
Baucus	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Harkin	Nunn
Boxer	Hatch	Pell
Bradley	Hatfield	Pressler
Breaux	Heflin	Pryor
Bumpers	Hutchison	Robb
Burns	Inhofe	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Santorum
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Simon
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Leahy	Thomas
Dole	Lieberman	Thompson
Dorgan	Lott	Thurmond
Exon	Lugar	Warner
Feingold	Mack	Wellstone
Feinstein	McCain	
Ford	McConnell	

NAYS—8

Brown	Glenn	Levin
Bryan	Helms	Reid
Dodd	Lautenberg	

NOT VOTING—9

Bennett	Domenici	Hollings
Campbell	Faircloth	Kyl
Coats	Gramm	Shelby

So the bill (H.R. 2880) was passed.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

Mr. DOLE. Under the previous order, there is 1 minute between each vote, if anybody would like to have it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of January 22, 1996.

Mr. THURMOND. Mr. President, I am disappointed that the Senate has to consider the revised Defense authorization conference report for fiscal year 1996. To the dismay of many Members, President Clinton vetoed the original bill on December 28 because of his objections to: Deploying a missile defense system able to defend all 50 States; certifying that deployments of U.S. forces under U.N. command and control are in the national interest; and, requiring

the President to seek congressional approval of funding of unanticipated contingency operations.

The primary reason for the President's veto of the bill was the administration's uncompromising opposition to deploying a system to defend the United States against ballistic missiles. The first duty of the President, as defined in the Constitution, is to defend America. Missile defense for America is a very achievable goal; it is hard to understand the opposition to providing protection for America.

Mr. President, we are told that there is no immediate threat, but I can assure you that when we are threatened, it will be too late to start. We will then be at the mercy of an aggressor's blackmail, or worse. In order to complete action rapidly on the renewed conference without further diluting the national missile defense provisions, the conferees dropped the NMD sections from the conference report. Although the conference report we are now considering does not include language on NMD, Republicans remain determined to enact forceful NMD legislation in the near future. I remain strongly committed to the deployment of a multiple-site NMD system by 2003 and am working with Senator LOTT, Senator SMITH, Senator KYL, and others in formulating a new bill.

Mr. President, the requirement to submit a supplemental request of funds to pay for contingency operations was also listed as a reason for the President's veto.

Unfortunately, President Clinton continues to deploy our military forces overseas for a variety of non-traditional military operations without due regard to cost or funding. These operations absorb significant human resources and funds which had been budgeted and appropriated for military readiness and modernization.

Our provision would merely have required the submission of a supplemental request to ensure that readiness is maintained, while at the same time allowing the Congress to carry out its constitutional responsibility. Although I disagree with President Clinton's argument that such a requirement is unconstitutional, the conferees agreed to change this requirement to a sense of Congress.

In his veto message, the President asserted that he thought his authority as commander in chief would be undermined by a requirement to certify that placing U.S. troops under operational control of the United Nations is in our national security interest. I do not understand how any President can possibly object to a requirement that explicitly states to the American people that any deployment of American troops is in the national interest. This was a broadly supported provision and the President's veto ensures that neither the Congress nor the President has seen the last of this common-sense legislation.

While I disagree with the objection, since certification is an accepted way