

don't think—not all the time—because I think we are destroying a lot of competition that was out there. But there is no reason for the taxpayers to subsidize it. That is what this amendment does. It simply stops it.

I yield the floor.

Mr. INOUE. Mr. President, I believe the measure before us has addressed this problem. The problem in issue is rather painful. On one hand, it is our intention, and the intention of our Department of Defense, to maintain and retain an industrial base. How do we maintain an industrial base if there are too many companies involved in one scope of work, adding to the cost of defense? We have found that by encouraging restructuring, they can bring about a definite reduction in costs—a reduction in costs to the taxpayers, a reduction in costs to the Department.

Mr. President, there is no question that when we do achieve cost reduction brought about by restructuring, men and women will find themselves without employment. And so we are faced with this predicament: Do we subsidize a company by paying large sums of money for services and products, knowing that it can be done less expensively, but since we don't want men and women to lose their jobs, we subsidize their company to maintain an overloaded work force?

We have decided that it would be in our national interest, in the interest of the Defense Department, and in the interest of the taxpayers that we bring down the cost of Government. We do have other programs—not in the defense bill, but in other accounts—such as labor, health and human services, Medicare, Medicaid, welfare to help, to the extent possible, those who may have become victims of restructuring. But we have, Mr. President—the chairman and I—the responsibility of presenting to the Senate a measure that we are confident would bring about the best service, the best product, at the least cost.

Mr. HARKIN. 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.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be no further debate on the Senator's amendment and that it not be subject to second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are awaiting the arrival of another Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of this bill, the DOD appropriations bill, and that the following be the only remaining amendments in order with relevant second-degree amendments in order:

First, there is a managers' package that we will offer;

There is a pending amendment, No. 846;

We have the Hutchison amendment on war criminals;

McCain amendment to strike section 8097;

The McCain amendment; we will call it the "Buy America" amendment;

The Dorgan amendment on flood relief;

A second Dorgan amendment on re-engineering authority;

A Feinstein amendment on land transfer;

A second amendment on NATO expansion cost cap;

Graham amendment, which I believe is cosponsored by Senator MACK, on electronic combat testing;

The Harkin amendment, which is the second pending amendment for which the yeas and nays were just ordered on, amendment 848;

Senator INOUE may have a managers' amendment in addition to mine;

The Robb Marc card amendment;

And that, following the disposition of those amendments, S. 1005 then be read a third time, the Senate proceed to vote on the passage of the bill;

That further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration.

I further ask that all after the enacting clause be stricken, and the text of the Senate bill S. 1005 be inserted in lieu of the House-passed bill, the bill be read a third time, and passed.

I further ask that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that, other than those amendments that have now been qualified under this unanimous-consent agreement, no further amendments will be in order.

It will be our intention to try to move as quickly as possible once we are on the bill tomorrow morning at 11 o'clock to dispose of the amendments I have listed. And I would ask that all staff be notified that we shall seek time agreements on those amendments when they are called up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 11, 1997, the Federal debt stood at \$5,355,085,035,915.18. Five trillion, three hundred fifty-five billion, eighty-five million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents.

Twenty-five years ago, July 11, 1972, the Federal debt stood at \$429,654,000,000—four hundred twenty-nine billion, six hundred fifty-four million—which reflects a debt increase of nearly \$5 trillion; \$4,925,431,035,915.18—four trillion, nine hundred twenty-five billion, four hundred thirty-one million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents—during the past 25 years.

#### CONGRATULATIONS TO VERA FAIRBANKS CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Vera Fairbanks of Blue Springs, MO, who will celebrate her 100th birthday on August 2, 1997. Vera is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Vera's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Vera's celebration of 100 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join her friends and relatives in wishing Vera health and happiness in the future.

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 14, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on January 14, 1997, during the adjournment of the Senate by the Acting President pro tempore (Mr. ROBERTS).

#### MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 40003 of Public Law 105-18, the minority leader appoints the following individuals to the National Commission on the Cost of Higher Education: Dr. Blanche Touhill of Missouri and Dr. Walter Massey of Georgia.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1997 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

EC-2485. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2486. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Conditional Exemption from Terminology Section of the Care Labeling Rule" received on July 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2487. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2488. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2489. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Abandonment and Discontinuance of

Rail Lines and Rail Transportation" received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2490. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1997-1998" received on July 10, 1997; to the Committee on Labor and Human Resources.

EC-2491. A communication from the Director of the Office of Public/Private Initiatives, the Commercial Service of the U.S.A., International Trade Administration, transmitting, pursuant to law, a rule entitled "Federal Register Notice" (RIN0625-XX07) received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2492. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2493. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Present State of Knowledge of the Upper Atmosphere 1996: An Assessment Report"; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-178. A resolution adopted by Manistee County Board of Commissioners, Manistee Michigan relative to the English language; to the Committee on Governmental Affairs.

POM-179. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION 4

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1988; and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by prompting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be imple-

mented in a manner that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts," and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

*Resolved, by the Senate and House of Representatives in General Court convened,* That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

POM-180. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION No. 53

Whereas, the integrity of Tennessee's infrastructure is dependent upon the continued support of the federal government and its funding mechanisms; and