

Whereas, all Americans were horrified by the news this morning that 16 kindergarten children and their teacher were shot and killed yesterday in Dunblane, Scotland, by an individual who invaded their school;

Whereas, another 12 children and 3 adults were apparently wounded in the same terrible assault;

Whereas, this was an unspeakable tragedy of huge dimensions causing tremendous feeling of horror and anger and sadness affecting all people around the world;

And, whereas, the people of the United States wish to extend their sympathy to the people of Scotland in their hours of hurt, pain, and grief;

Therefore, be it resolved by the Senate of the United States that the Senate on behalf of the American people does extend its condolences and sympathies to the families of the little children and others who were murdered and wounded, and to all the people of Scotland with fervent hopes and prayers that such an occurrence will never ever again take place.

Mr. President, I wanted to read this on the floor. This has been accepted. This is the unanimous voice of the U.S. Senate.

I wish there was more that we could do. But I think it is important that we recognize what has happened and send our love and our support.

Mr. President, I yield the floor.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I ask unanimous consent that all pending amendments be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 3521 AND 3522 TO AMENDMENT
NO. 3466

Mr. BOND. Mr. President I send to the desk two amendments for Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. MCCAIN, proposes amendments numbered 3521 and 3522 en bloc to amendment No. 3466.

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

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

The amendments are as follows:

AMENDMENT NO. 3521

(Purpose: To require that disaster funds made available to certain agencies be allocated in accordance with the established prioritization processes of the agencies)

On page 756, between lines 10 and 11, insert the following:

SEC. 1103. ALLOCATION OF FUNDS.

Notwithstanding chapters 2, 4, and 6 of this title—

(1) funds made available under this title for economic development assistance programs of the Economic Development Administration shall be made available to the general fund of the Administration to be allocated in accordance with the established competitive prioritization process of the Administration;

(2) funds made available under this title for construction by the United States Fish and

Wildlife Service shall be allocated in accordance with the established prioritization process of the Service; and

(3) funds made available under this title for community development grants by the Department of Housing and Urban Development shall be allocated in accordance with the established prioritization process of the Department.

AMENDMENT NO. 3522

(Purpose: To require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs)

SEC. . PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(A) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

Mr. BOND. Mr. President, I ask that those amendments be set aside.

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

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

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

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 3501

Mr. BOND. Mr. President, I would like to move to an amendment that has been cleared which I would like to call up on behalf of Senators COHEN and BUMPERS numbered 3501.

The PRESIDING OFFICER. That amendment has already been filed.

Mr. BOND. That amendment has already been filed. I understand that it has been cleared on both sides. It is an amendment to permit recipients of Legal Services Corporation grants to use funds derived from non-Federal sources to testify at legislative hearings, or to respond to requests for certain information.

As I understand it, this amendment is acceptable to both sides. Therefore, it will not require a rollcall vote. I assume that we can move to a voice vote to adopt this amendment.

Mr. CRAIG. Mr. President, I rise to express my serious concerns with the Cohen-Bumpers amendment regarding the ability of Legal Services Corporation grantees to testify on legislation or rulemaking before Federal, State, or local government bodies. I will not block this amendment at this time, but I think this is a topic worthy of greater deliberation and one that should be revisited.

Earlier today, I offered an amendment, which was accepted on both sides, that was prompted by the oft-reported tendency of LSC grantees to exceed the bounds of the law, of its own rules, and of appropriate behavior in pursuing agendas that are often political or ideological, and not oriented toward providing legal services.

The Senate had a significant debate over LSC funding during our original consideration of the Commerce-State-Justice appropriation bill because of this very issue.

Even in rejecting the Appropriations Committee's recommendation to replace the current LSC system with block grants to the States, the Senate still voted, in adopting the Domenici amendment, to try to focus the activities of LSC grantees on their mission to provide legal representation to the needy in legal proceedings. That is the only LSC-grantee activity that the Federal Government has any business funding, directly or indirectly. Political and policymaking advocacy clearly are—and ought to be—considered inappropriate.

In this area and others, the Senate has come down firmly against Federal subsidies for lobbying and advocacy. Three times last year, the Senate adopted different Simpson-Craig amendments along these lines that related to Federal grants, in general. The one that became law, in the Lobbying Disclosure Act of 1995, prevents any Federal grants, awards, or loans from going to IRS 501(c)(4) organizations that engage in lobbying activities.

The Senate has been building this record on indirect subsidies of lobbying

and advocacy for two reasons: First, the public should not be forced to subsidize political and policymaking advocacy on behalf of special interests, and second, dollars are fungible.

Most LSC grantees take money from multiple sources. It all gets mixed in one pot. The more you put in the pot from any source, the more you subsidize every item in that grantee's agenda, including those that Federal dollars should not support.

I supported the block grant approach to providing legal aid because local control generally leads to better oversight. Even in the Domenici amendment, which was a compromise, there were provisions designed to address the concern that we lack adequate oversight and accountability when it comes to how LSC grantees use their funds.

I understand the balance that the authors of this amendment believe they are striking, and I am not unsympathetic. There are some matters on which it would be appropriate for LSC grantees to offer testimony or information, in a way that is directly relevant to their mission to provide legal representation to the needy.

However, I think there is a risk here that this amendment may enable what is essentially lobbying. I don't believe the Senate wants LSC grantees to use Federal dollars to free up non-Federal funds to pay for activities we don't want supported by Federal dollars. An indirect subsidy is as real as a direct one.

This is an issue that deserves more lengthy and serious debate, and this language deserves closer examination and possibly fine-tuning than can be given in the final rush to finish a 780-page omnibus appropriations bill. I look forward to that process.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 3501) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3520

Mr. WELLSTONE. Mr. President, I will take just a few minutes to summarize the amendment that I just submitted which has been laid aside for the moment.

This amendment deals with energy assistance. As I said to the Chair, I think there is broad bipartisan support.

Mr. President, there are really two parts to the amendment. I mean part of what we are talking about is really bolstering the Senate's position about funding next year for energy assistance as we go into conference. This is a commitment that there at least be \$1 billion for the whole Nation for energy assistance for people in our country.

The second part of the amendment deals with the emergency assistance in the here and now. Mr. President, in my State of Minnesota last year there were 110,000 households who received this. This is a lifeline program for many elderly people, for many families with children, the low- and moderate-income citizens, and quite frankly it has enabled people not to be put in the position of "heat or eat".

In my State this year, fewer households have been served. I think last year we received about \$50 million. This year we received about \$35 million. What is going to happen if there is no additional assistance as these bills accumulate? It is warm right now in Washington, but we have had brutally cold weather, and we are going to go back to more of that weather this month. The bills will accumulate, and the real concern is that people will not be able to afford those bills.

Mr. President, this is an amendment that, as I said, I believe will have broad bipartisan support. I think it really is all about values and our priorities.

I think what we are saying in this sense-of-the-Senate amendment is that in the United States of America people should not go cold. Surely in our country, we can extend a hand and help people who need that help. This is a program that has not required very much by way of investment in resources. But it makes a huge, very concrete, and important difference in the lives of many people. To the cold weather States, like my State of Minnesota, this is a program that is hugely important.

So, Mr. President, I propose the sense-of-the-Senate amendment because this is an issue that is staring people in the face. It is extremely important that people do not go without heat. Therefore, I think it is extremely important that this amendment be agreed to.

I can talk more about the amendment later on. Other colleagues are here on the floor. As I said, I hope there will be good bipartisan support for this.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry. My understanding is that it is in order now to send to the desk amendments provided that you have a prior consultation with the managers of the bill and get what is known as a "slot" to speak.

The PRESIDING OFFICER. The Senator should ask unanimous consent that the pending amendment be laid aside. When that is granted, an amendment is in order if the Senator's name is on the list.

Mr. WARNER. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

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

Mr. WARNER. Parliamentary inquiry. Is it not correct that the name

of the Senator from Virginia is on the list?

The PRESIDING OFFICER. The Senator is authorized to offer a relevant amendment.

AMENDMENT NO. 3523 TO AMENDMENT NO. 3466
(Purpose: To prohibit the District of Columbia from enforcing any rule or ordinance that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland)

Mr. WARNER. Mr. President, I offer an amendment which I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3523 to amendment No. 3466:

At the end of title I of section 101(b), add the following:

SEC. 156. None of the funds provided in this Act may be used directly or indirectly to implement or enforce any rule or ordinance of the District of Columbia Taxicab Commission that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland.

Mr. WARNER. I thank the Chair.

Mr. President, this is not going to be regarded as an earth-shaking amendment, but it is one that is very important in my judgment to every one of us in the Senate and, indeed, in the House of Representatives. We have every day constituents who come to visit us from our States, from many places, and they have to rely upon the indigenous transportation. Part of that transportation is taxicabs operated under the jurisdiction of the District of Columbia, the jurisdiction of the sovereign State of Maryland, and the jurisdiction of the sovereign State of Virginia. For some 50 years, there has been a general format of understanding between these three jurisdictions as to how the taxis will allocate the various customers, business and the like.

Out of the blue, the D.C. Taxi Commission, without any notification, to my knowledge, of either the appropriate authorities in Maryland and Virginia, said that henceforth they are going to start a certain policy which would be at considerable variance with what had been in place for some 50 years and what is now operating.

Speaking for myself, I have lived in the greater metropolitan area for many years. I have been concerned about the quality of the taxi service, the ability of the drivers to understand even the simple basic things—language, locations. I am concerned about the overall public safety as that is associated with those cabs, primarily those cabs that are licensed in the District of Columbia.

But, anyway, the purpose of this amendment is to not permit any of the funds appropriated for the District of Columbia to be used for the purpose of trying to implement such agreements as the D.C. Taxi Commission acting unilaterally wishes to put in effect.

In my judgment, the proper way is to go to the Council of Governments, referred to as COG, and COG has many

times taken into consideration the needs and requirements of the District of Columbia, the Commonwealth of Virginia, and the great State of Maryland, and resolved them. That is what should be done in this case. So I think it is a matter, while not of earth-shaking proportions, that should be considered by the Congress in terms of saying to the District: Wait a minute. You are not to implement any agreement which will impact on our constituents coming from many places to visit the Nation's Capital. Let the Council of Governments arbitrate a fair allocation between the States of Virginia and Maryland and the District of Columbia and work out an appropriate agreement.

So, Mr. President, I will soon consult with the managers. Perhaps they can accept this amendment at this time. Otherwise, I will ask that it be laid aside.

Mr. President, to accommodate the managers and the leadership, I will ask unanimous consent that my amendment be laid aside temporarily.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. After consultation with the Democratic leader and lots of other people, I ask unanimous consent that all remaining first-degree amendments in order to H.R. 3019 under the previous consent agreement must be offered by 8 p.m. this evening, with the exception of the managers' package, two amendments by the majority leader, two amendments by the Democratic leader, one for the Democratic manager, and one for the minority manager, and it be in order for the mover of the amendment to withdraw his or her amendment.

Mr. WARNER. Mr. President, reserving the right to object, and I certainly do not wish to object, I am also here to protect the interests of the Armed Services Committee and the desires of the chairman of that committee, Senator THURMOND, to put in sequence here an amendment on behalf of himself and other members of the committee.

Could I inquire of the manager if Senator THURMOND could be given an appropriate slot, or whatever terminology the distinguished leader wishes to use, to put that amendment in?

Mr. LOTT. If I might respond, Mr. President, certainly that would be in order if the amendment is offered by the designated hour. No time has been set yet as to the order that they will be brought up. We are just trying now to ascertain exactly what amendments we have, and when the manager, the distinguished chairman, returns there will be an order set up then. I am sure this will be put in the sequence.

Mr. WARNER. As I understand, the distinguished majority whip assures the Senator, speaking on behalf of Senator THURMOND—

Mr. LOTT. I do give that assurance to the distinguished Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. WELLSTONE. Mr. President, reserving the right to object, I wanted to ask the Senator, does this mean that it is—in terms of this agreement, I gather that the leaders can offer amendments for Senators if they were not here before 8 if those amendments had been on the list as part of the original agreement?

Mr. LOTT. That is my understanding, Mr. President.

Mr. WELLSTONE. Is that the Senator's understanding?

Mr. LOTT. Yes, it is.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object further, Mr. President, I wonder if the distinguished leader would consider this unanimous consent request, and I state it at this time.

Mr. President, I ask unanimous consent that the amendment that I will soon send to the desk on behalf of Senator THURMOND be filed under Senator THURMOND's name in lieu of one of the relevant amendments reserved by the Senator from Arizona, Mr. MCCAIN. Would there be any objection to that?

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

Is there objection to the unanimous consent request of the Senator from Mississippi?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alaska object?

Mr. MURKOWSKI. The Senator seeks recognition.

The PRESIDING OFFICER. The question before the body is the unanimous consent request of the Senator from Mississippi.

Is there objection? Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, in light of this new agreement, for the information of all Senators, there will be no votes between now and 8:30 p.m., and any votes ordered between now and 8:30 will be stacked to occur at 8:30 p.m. this evening on a case-by-case basis. With that, I yield the floor.

AMENDMENT NO. 3524 TO AMENDMENT NO. 3466

(Purpose: To reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumers)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, if it is in order, I will send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment of the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, pro-

poses an amendment numbered 3524 to Amendment No. 3466.

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

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

The amendment is as follows:

On page , beginning with line , insert the following:

SEC. . SEAFOOD SAFETY.

(a) Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with the "Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products" (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995) or produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of such regulations, shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

Mr. MURKOWSKI. Mr. President, this amendment would simply end featherbedding in the Department of Agriculture relative to the process of seafood inspection as we know it today. I am especially concerned about the current regime for the canned salmon industry in the United States.

As the Chair is well aware, a significant portion of that industry is based in my State of Alaska, and a good portion of that industry is controlled, through the State of Washington. As a consequence of the development of the industry over the years, there is an inspection program operated by the State of Alaska which meets all the criteria of the Federal Food and Drug Administration. This assures the consistent quality and wholesomeness of the salmon canned in Alaska. However, the USDA and only the USDA requires yet another, completely redundant layer of inspection, the cost of which is charged back to the canner.

That means we have a situation where salmon going into the marketplace, going into the Safeway, going into Giant, going on the shelves of the grocers throughout the United States—is subject to an inspection that has been traditional in the industry involving both State and Federal oversight.

However, for reasons unknown to the Senator from Alaska, the Department of Agriculture believes that what is good enough for the American salmon consumer is not good enough for the Federal programs that purchase this salmon with taxpayer dollars. So, the USDA demand that the salmon it purchases, available for our programs for the homeless and others, be inspected by an additional USDA inspector who must actually stand in the cannery at all times. This procedure is only required for salmon that goes into the USDA program.

This is an additional cost to the Federal Government, and additional cost to the canner; additional cost, ultimately, to the consumer. It is really

featherbedding. The USDA wants to keep Federal inspectors employed, even though they are not responsible for the safety of the salmon, and even though the commercial product sold in every grocery in the Nation is not subject to this continuous inspection.

This particular amendment simply would alleviate this burden and no longer make necessary this inspection by the USDA.

I might add, the inspection process as required by USDA often requires far more than just putting one inspector in each cannery. The canneries work well beyond an 8 to 5 day. They work when the fish are in, which requires in many cases a continuous 24-hour a day operation to ensure the quality of the pack.

USDA's insistence is outdated. It has roots that are unfathomable. But the main issue is not its cause but its effect. The programs that protect the average consumer are necessary. They are appropriate. I support them. But it is not necessary nor is it appropriate for the Department of Agriculture to add an additional bureaucratic layer beyond the ones in place for you and me.

As a consequence, Mr. President, I ask my colleagues, at the appropriate time, to consider adopting this amendment. I have discussed it with some of the floor managers. I do not know whether the Senator from Virginia has any interest in the subject or not.

Mr. President, I will further offer an additional amendment which I will send to the desk. I ask the pending amendment be set aside.

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

AMENDMENT NO. 3525 TO AMENDMENT NO. 3466

(Purpose: To provide for the approval of an exchange of lands within Admiralty Island National Monument)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3525 to amendment No. 3466.

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

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

The amendment is as follows:

SECTION 1.

(a) SHORT TITLE.—This section may be cited as the "Greens Creek Land Exchange Act of 1996."

(b) FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument and sections 503 and 504 of that Act provided special provisions under which the Greens Creek Claims would be developed. The provisions supplemented the general mining laws under which these claims were staked.

(2) The Kennecott Greens Creek Mining Company, Inc., currently holds title to the Greens Creek Claims, and the area sur-

rounding these claims has further mineral potential which is yet unexplored.

(3) Negotiations between the United States Forest Service and the Kennecott Greens Creek Mining Company, Inc., have resulted in an agreement by which the area surrounding the Greens Creek Claims could be explored and developed under terms and conditions consistent with the protection of the values of the Admiralty Island National Monument.

(4) The full effectuation of the Agreement, by its terms, requires the approval and ratification by Congress.

(c) DEFINITIONS.

As used in this section—

(1) the term "Agreement" means the document entitled the "Greens Creek Land Exchange Agreement" executed on December 14, 1994, by the Under Secretary of Agriculture for Natural Resources and Environment on behalf of the United States and the Kennecott Greens Creek Mining Company and Kennecott Corporation;

(2) the term "ANILCA" means the Alaska National Interest Lands Conservation Act, Public Law 96-487 (94 Stat. 2371);

(3) the term "conservation system unit" has the same meaning as defined in section 102(4) of ANILCA;

(4) the term "Greens Creek Claims" means those patented mining claims of Kennecott Greens Creek Mining Company within the Monument recognized pursuant to section 504 of ANILCA;

(5) the term "KGCMC" means the Kennecott Greens Creek Mining Company, Inc., a Delaware corporation;

(6) the term "Monument" means the Admiralty Island National Monument in the State of Alaska established by section 503 of ANILCA;

(7) the term "Royalty" means Net Island Receipts Royalty as that latter term is defined in Exhibit C to the Agreement; and

(8) the term "Secretary" means the Secretary of Agriculture.

(d) RATIFICATION OF THE AGREEMENT. The Agreement is hereby ratified and confirmed as to the duties and obligations of the United States and its agencies, and KGCMC and Kennecott Corporation, as a matter of Federal law. The agreement may be modified or amended, without further action by the Congress, upon written agreement of all parties thereto and with notification in writing being made to the appropriate committees of the Congress.

(e) IMPLEMENTATION OF THE AGREEMENT.

(1) LAND ACQUISITION.—Without diminishment of any other land acquisition authority of the Secretary in Alaska and in furtherance of the purposes of the Agreement, the Secretary is authorized to acquire lands and interests in land within conservation system units in the Tongass National Forest, and any land or interest in land so acquired shall be administered by the Secretary as part of the National Forest System and any conservation system unit in which it is located. Priority shall be given to acquisition of non-Federal lands within the Monument.

(2) ACQUISITION FUNDING.—There is hereby established in the Treasury of the United States an account entitled the "Greens Creek Land Exchange Account" into which shall be deposited the first \$5,000,000 in royalties received by the United States under part 6 of the Agreement after the distribution of the amounts pursuant to paragraph (3) of this subsection. Such moneys in the special account in the Treasury may, to the extent provided in appropriations Acts, be used for land acquisition pursuant to paragraph (1) of this subsection.

(3) TWENTY-FIVE PERCENT FUND.—All royalties paid to the United States under the Agreement shall be subject to the 25 percent

distribution provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) relating to payments for roads and schools.

(4) MINERAL DEVELOPMENT.—Notwithstanding any provision of ANILCA to the contrary the lands and interests in lands being conveyed to KGCMC pursuant to the Agreement shall be available for mining and related activities subject to and in accordance with the terms of the Agreement and conveyances made thereunder.

(5) ADMINISTRATION.—The Secretary of Agriculture is authorized to implement and administer the rights and obligations of the Federal Government under the Agreement, including monitoring the Government's interests relating to extralateral rights, collecting royalties, and conducting audits. The Secretary may enter into cooperative arrangements with other Federal agencies for the performance of any Federal rights or obligations under the Agreement or this Act.

(6) REVERSIONS.—Before reversion to the United States of KGCMC properties located on Admiralty Island, KGCMC shall reclaim the surface disturbed in accordance with an approved plan of operations and applicable laws and regulations. Upon reversion to the United States of KGCMC properties located on Admiralty, those properties located within the Monument shall become part of the Monument and those properties lying outside the Monument shall be managed as part of the Tongass National Forest.

(7) SAVINGS PROVISIONS.—Implementation of the Agreement in accordance with this section shall not be deemed a major Federal action significantly affecting the quality of the human environment, nor shall implementation require further consideration pursuant to the National Historic Preservation Act, title VIII of ANILCA, or any other law.

(f) RESCISSION RIGHTS.

Within 60 days of the enactment of this section, KGCMC and Kennecott Corporation shall have a right to rescind all rights under the Agreement and this section. Rescission shall be effected by a duly authorized resolution of the Board of Directors of either KGCMC or Kennecott Corporation and delivered to the Chief of the Forest Service at the Chief's principal office in Washington, District of Columbia. In the event of a rescission, the status quo ante provisions of the Agreement shall apply.

Mr. MURKOWSKI. Mr. President, I ask the amendment be set aside for future consideration.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, moments ago I received a request to send an amendment to the desk on behalf of the chairman of the Armed Services Committee, the senior Senator from South Carolina [Mr. THURMOND].

AMENDMENT NO. 3526 TO AMENDMENT NO. 3466

(Purpose: To delay the exercise of authority to enter into multiyear procurement contracts for C-17 aircraft)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. SMITH, Mr. COATS, Mr. SANTORUM, Mr. INHOFE, Mr. EXON, Mr. ROBB, Mr. BRYAN, and Mr. KEMPTHORNE, proposes an amendment numbered 3526 to amendment No. 3466.

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

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

The amendment is as follows:

On page 754, line 4, strike out the period at the end and insert in lieu thereof “: provided further, That the authority under this section may not be used to enter into a multiyear procurement contract until the day after the date of the enactment of an Act (other than an appropriations Act) containing a provision authorizing a multiyear procurement contract for the C-117 aircraft.”.

Mr. WARNER. Mr. President, this amendment is cosponsored by Senators NUNN, myself, COHEN, LOTT, SMITH, COATS, SANTORUM, INHOFE, EXON, ROBB, BRYAN, and KEMPTHORNE. We are contacting other Members, all of those being members of the Senate Armed Services Committee. I am of the opinion there will be other members of the committee that will seek to become cosponsors. For that purpose, I ask unanimous consent now that further Members may add their names.

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

Mr. WARNER. Mr. President, I would like to briefly address the amendment.

Mr. President, I rise to introduce an amendment which would allow the Senate Armed Services Committee an adequate opportunity to review the proposed multiyear contract for the C-17 program. I would think that all Members who have an interest in ensuring that taxpayer dollars are spent wisely on defense programs would support this amendment.

This morning, at a hearing of the Senate Armed Services Committee, I joined with my colleagues in telling the Secretary of the Air Force and the Chief of Staff of the Air Force how concerned we are with the approach which the administration has adopted concerning the C-17 program. Quite simply, a supplemental appropriations bill is not an appropriate vehicle for granting the authorization to proceed with such a large acquisition program. In my view, there is no justification for bypassing the authorizing committee in a decision of this magnitude.

We are talking about a program to purchase 80 additional C-17 aircraft, over 7 years, at a cost of almost \$22 billion. If we proceed with the administration's proposal—as contained in the Senate bill—we will be giving the Pentagon the authority to sign a contract which commits this Nation to a major acquisition program with a \$22 billion price tag. We will be rubber-stamping a Defense Acquisition Board [DAB] recommendation that an additional 80 C-17 aircraft is the proper solution for our airlift requirements in the future, and that this multiyear contract is the best way to achieve that goal. We must not be rushed into such a decision. This program deserves careful and thorough scrutiny by the Armed Services Committee.

By treating this program separately—by dealing with it outside of

the normal authorization process—we will not have the opportunity to weigh this program against the other competing priorities in the procurement accounts—across the services. The C-17 program, as proposed, will eat up a substantial share of the procurement budget for the next 7 years. We must understand the full impact of this decision—for the entire defense budget—before committing ourselves to such a program.

I remind my colleagues that this is a program which has been plagued by problems in the past. The Armed Services Committee has stood by the C-17 program in its lean years. It appears that our faith in this program has been justified. The C-17 is performing well in Bosnia, and it appears that the problems of the past have been corrected.

Our argument today is not with the aircraft—but with this unusual expedited process that would effectively strip the Armed Services Committee of its responsibilities to examine a proper authorization for the 7-year multiyear contract for the C-17.

I urge my colleagues to support the pending amendment.

AMENDMENT NO. 3527 TO AMENDMENT NO. 3466

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. HATFIELD, for himself and Mr. DOLE, Mr. MCCONNELL, and Mr. LEAHY, proposes an amendment numbered 3527 to amendment No. 3466.

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

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

The amendment is as follows:

To the substitute on page 750, between lines 18 and 19, add the following:

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, \$50,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

Mr. WARNER. I ask unanimous consent that be laid aside.

Mr. COATS. Mr. President, I wonder if I could ask the Senator from Virginia to just yield for a moment? I have an amendment I would like to offer on behalf of Senator DOLE. I need to beat the clock. May I take 30 seconds to do that?

Mr. BURNS. If the Senator will yield, this Senator has three to offer before 8 o'clock.

Mr. WARNER. Mr. President, I wish to accommodate my colleagues.

Let me just say in one further sentence, the purpose of the amendment by Mr. THURMOND and myself is to go to the jurisdiction of our committee over a very important contract, relating to C-17's.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 3528 TO AMENDMENT NO. 3466

(Purpose: To allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 3528 to amendment No. 3466.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. CONTINUED OPERATION OF AN EXISTING HYDROELECTRIC FACILITY IN MONTANA.

(a) Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1) or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for project numbered 1473, provided that the current licensee receives no payment or consideration for the transfer of the license a political subdivision of the State of Montana that accepts the license—

(1) shall not be required to pay such charges during the 5-year period following the date of acceptance; and

(2) after that 5-year period, and for so long as the political subdivision holds the license, shall not be required to pay such charges that exceed 100 percentum of the net revenues derived from the sale of electric power from the project.

(b) The provisions of subsection (a) shall not be effective if:

(1) a competing license application if filed within 90 days of the date of enactment of this act, or

(2) the Federal Energy Regulatory Commission issues and order within 90 days of the date of enactment of this act which makes a determination that in the absence of the reduction in charges provided by subsection (a) the license transfer will occur.

Mr. BURNS. Mr. President, I also ask unanimous consent the present amendment be set aside.

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

AMENDMENT NO. 3529 TO AMENDMENT NO. 3466
(Purpose: To provide for Impact Aid school construction funding)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 3529 to amendment No. 3466.

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

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

The amendment is as follows:

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a)(1) From any unobligated funds that are available to the Secretary of Education to carry out section 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994) not less than \$11,500,000 shall be available to the Secretary of Education to carry out subsection (b).

(2) Any unobligated funds described in paragraph (1) that remain unobligated after the Secretary of Education carries out such paragraph shall be available to the Secretary of Education to carry out section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707).

(b)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term "construction" has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary of Education not later than 30 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I ask unanimous consent the present amendment be set aside.

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

AMENDMENT NO. 3530 TO AMENDMENT NO. 3466
(Purpose: To establish a commission on restructuring the circuits of the United States Courts of Appeals)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 3530 to amendment No. 3466.

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

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

The amendment is as follows:

At the end of the amendment add the following:

Subtitle B—Commission on Restructuring the Circuits of the United States Courts of Appeals

SEC. 921. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on restructuring for the circuits of the United States Courts of Appeals which shall be known as the "Heflin Commission" (hereinafter referred to as the "Commission").

(b) FUNCTIONS.—The function of the Commission shall be to—

(1) study the restructuring of the circuits of the United States Courts of Appeals; and
(2) report to the President and the Congress on its findings.

SEC. 922. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of twelve members appointed as follows:

(1) Three members appointed by the President of the United States.

(2) Three members appointed by the President pro tempore of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Chief Justice of the United States.

(b) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but three may conduct hearings.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 923. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 924. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an of-

ficer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 925. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report.

SEC. 926. REPORT.

No later than 2 years after the date of the enactment of this subtitle, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

On page 79, line 10 add the following:
"Of which not to exceed \$3,000,000 shall remain available until expended for the Twelfth Circuit Court of Appeals.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 3531 TO AMENDMENT NO. 3466

Mr. COATS. Mr. President, on behalf of Senator DOLE, myself, and Mr. LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. DOLE, for himself, Mr. COATS, and Mr. LIEBERMAN, proposes an amendment numbered 3531 to amendment No. 3466.

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

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

The amendment is as follows:

On page 404, between lines 17 and 18, insert the following:

Subtitle N—Low-Income Scholarships

SEC. 2921. DEFINITIONS.

As used in this subtitle—

(1) the term “Board” means the Board of Directors of the Corporation established under section 2922(b)(1);

(2) the term “Corporation” means the District of Columbia Scholarship Corporation established under section 2922(a);

(3) the term “eligible institution”—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 2923(d)(1), means a private or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 2923(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student’s achievement through activities described in section 2923(d)(2); and

(4) the term “poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 2922. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the “District of Columbia Scholarship Corporation”, which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the Board of Education, the Superintendent, the Consensus Commission, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is hereby established in the District of Columbia general fund a fund that shall be known as the “District of Columbia Scholarship Fund”.

(7) DISBURSEMENT.—The Mayor shall disburse to the Corporation, before October 15 of each fis-

cal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year for which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) \$5,000,000 for fiscal year 1996;

(ii) \$7,000,000 for fiscal year 1997; and

(iii) \$10,000,000 for each of fiscal years 1998 through 2000.

(B) LIMITATION.—Not more than \$250,000 of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors comprised of 7 members, with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Speaker of the House of Representatives, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Majority Leader of the Senate, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker and Minority Leader of the House of Representatives and Majority Leader and Minority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board’s power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of \$150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(13) CONGRESSIONAL INTENT.—Subject to the results of the program appraisal under section 2933, it is the intention of the Congress to turn over to District of Columbia officials the control of the Board at the end of the 5-year period beginning on the date of enactment of this Act, under terms and conditions to be determined at that time.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) **HIRING AUTHORITY.**—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) **FINANCIAL MANAGEMENT AND RECORDS.**—

(1) **AUDITS.**—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) **REPORT.**—The report for each such audit shall be included in the annual report to Congress required by section 2933(c).

SEC. 2923. SCHOLARSHIPS AUTHORIZED.

(a) **ELIGIBLE STUDENTS.**—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) **SCHOLARSHIP PRIORITY.**—

(1) **FIRST.**—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1996, 1997, and 1998; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) **SECOND.**—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) **SPECIAL RULE.**—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

(d) **USE OF SCHOLARSHIP.**—

(1) **TUITION SCHOLARSHIPS.**—A tuition scholarship may be used only for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia.

(2) **ENHANCED ACHIEVEMENT SCHOLARSHIP.**—An enhanced achievement scholarship may be used only for the payment of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program;

(B) the costs of tuition and mandatory fees for, and transportation to attend, after-school activities that do not have an academic focus, such as athletics or music lessons; or

(C) the costs of tuition and mandatory fees for, and transportation to attend, vocational, vocational-technical, and technical training programs.

(e) **NOT SCHOOL AID.**—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 2924. SCHOLARSHIP PAYMENTS AND AMOUNTS.

(a) **AWARDS.**—From the funds made available under this subtitle, the Corporation shall award a scholarship to a student and make payments in accordance with section 2930 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) **NOTIFICATION.**—Each eligible institution that desires to receive payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) **TUITION SCHOLARSHIP.**—

(1) **EQUAL TO OR BELOW POVERTY LINE.**—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$3,000 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) **ABOVE POVERTY LINE.**—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 50 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$1,500 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) **ENHANCED ACHIEVEMENT SCHOLARSHIP.**—

(1) **EQUAL TO OR BELOW POVERTY LINE.**—For a student whose family income is equal to or below the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) \$1,500 for 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) **ABOVE POVERTY LINE.**—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) 50 percent of the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) \$750 for fiscal year 1996 with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(e) **ALLOCATION OF FUNDS.**—

(1) **FEDERAL FUNDS.**—

(A) **PLAN.**—The Corporation shall submit to the District of Columbia Council a proposed allocation plan for the allocation of Federal funds between the tuition scholarships under section 2923(d)(1) and enhanced achievement scholarships under section 2923(d)(2).

(B) **CONSIDERATION.**—Not later than 30 days after receipt of each such plan, the District of Columbia Council shall consider such proposed allocation plan and notify the Corporation in writing of its decision to approve or disapprove such allocation plan.

(C) **OBJECTIONS.**—In the case of a vote of disapproval of such allocation plan, the District of Columbia Council shall provide in writing the District of Columbia Council's objections to such allocation plan.

(D) **RESUBMISSION.**—The Corporation may submit a revised allocation plan for consideration to the District of Columbia Council.

(E) **PROHIBITION.**—No Federal funds provided under this subtitle may be used for any scholarship until the District of Columbia Council has

approved the allocation plan for the Corporation.

(2) **PRIVATE FUNDS.**—The Corporation shall annually allocate unrestricted private funds equitably, as determined by the Board, for scholarships under paragraph (1) and (2) of section 2923(d), after consultation with the public, the Mayor, the District of Columbia Council, the Board of Education, the Superintendent, and the Consensus Commission.

SEC. 2925. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

(a) **APPLICATION.**—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle. Each such application shall—

(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(2) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(3) provide the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards, completed not earlier than 3 years before the date such application is filed;

(4) describe the eligible institution's proposed program, including personnel qualifications and fees;

(5) contain an assurance that a student receiving a scholarship under this subtitle shall not be required to attend or participate in a religion class or religious ceremony without the written consent of such student's parent;

(6) contain an assurance that funds received under this subtitle will not be used to pay the costs related to a religion class or a religious ceremony, except that such funds may be used to pay the salary of a teacher who teaches such class or participates in such ceremony if such teacher also teaches an academic class at such eligible institution;

(7) contain an assurance that the eligible institution will abide by all regulations of the District of Columbia Government applicable to such eligible institution; and

(8) contain an assurance that the eligible institution will implement due process requirements for expulsion and suspension of students, including at a minimum, a process for appealing the expulsion or suspension decision.

(b) **CERTIFICATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(2) **CONTINUATION.**—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

(3) **EXCEPTION FOR 1996.**—For fiscal year 1996 only, and after receipt of an application in accordance with subsection (a), the Corporation shall certify the eligibility of an eligible institution to participate in the scholarship program under this subtitle at the earliest practicable date.

(c) **NEW ELIGIBLE INSTITUTION.**—

(1) **IN GENERAL.**—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(A) a list of the eligible institution's board of directors;

(B) letters of support from not less than 10 members of the community served by such eligible institution;

(C) a business plan;

(D) an intended course of study;

(E) assurances that the eligible institution will begin operations with not less than 25 students;

(F) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(G) a statement that satisfies the requirements of paragraph (2), and paragraphs (4) through (8), of subsection (a).

(2) **CERTIFICATION.**—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(3) **RENEWAL OF PROVISIONAL CERTIFICATION.**—After receipt of an application under paragraph (1) from an eligible institution that includes an audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(4) **DENIAL OF CERTIFICATION.**—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(d) **REVOCATION OF ELIGIBILITY.**—

(1) **IN GENERAL.**—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(A) good cause, including a finding of a pattern of violation of program requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(2) **EXPLANATION.**—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

SEC. 2926. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

(a) **REQUIREMENTS.**—Each eligible institution participating in the scholarship program under this subtitle shall—

(1) provide to the Corporation not later than June 30 of each year the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 3 years before the date the application is filed; and

(2) charge a student that receives a scholarship under this subtitle the same amounts for the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the

District of Columbia and enrolled in such eligible institution.

(b) **COMPLIANCE.**—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 2927. CIVIL RIGHTS.

(a) **IN GENERAL.**—An eligible institution participating in the scholarship program under this subtitle shall be deemed to be a recipient of Federal financial assistance for the purposes of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) **REVOCATION.**—Notwithstanding section 2926(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this subtitle is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 2928. CHILDREN WITH DISABILITIES.

(a) **IN GENERAL.**—Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) **PRIVATE OR INDEPENDENT SCHOOL SCHOLARSHIPS.**—

(1) **DETERMINATION OF ELIGIBILITY FOR SERVICES.**—If requested by either a parent of a child with a disability who attends a private or independent school receiving funding under this subtitle or by the private or independent school receiving funding under this subtitle, the Board of Education shall determine the eligibility of such child for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) **REQUIREMENTS.**—If a child is determined eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), the Board of Education shall—

(A) develop an individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), for such child; and

(B) negotiate with the private or independent school to deliver to such child the services described in the individualized education program.

(3) **APPEAL.**—If the Board of Education determines that a child is not eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), such child shall retain the right to appeal such determination under such Act as if such child were attending a District of Columbia public school.

SEC. 2929. CONSTRUCTION PROHIBITION.

No funds under this subtitle may be used for construction of facilities.

SEC. 2930. SCHOLARSHIP PAYMENTS.

(a) **IN GENERAL.**—

(1) **PROPORTIONAL PAYMENT.**—The Corporation shall make scholarship payments to participating eligible institutions on a schedule established by the Corporation.

(2) **PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.**—

(A) **BEFORE PAYMENT.**—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(B) **AFTER PAYMENT.**—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible insti-

tion shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

(b) **FUND TRANSFERS.**—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

SEC. 2931. APPLICATION SCHEDULE AND PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

SEC. 2932. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) **CONFIDENTIALITY.**—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 2933. PROGRAM APPRAISAL.

(a) **STUDY.**—Not later than 4 years after the date of enactment of this Act, the Department of Education shall provide for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level; and

(3) the satisfaction of parents of scholarship students with the scholarship program.

(b) **PUBLIC REVIEW OF DATA.**—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) **REPORT TO CONGRESS.**—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students

who have participated in the scholarship program.

(d) **AUTHORIZATION.**—There are authorized to be appropriated for the study described in subsection (a), \$250,000, which shall remain available until expended.

SEC. 2934. JUDICIAL REVIEW.

The United States District Court for the District of Columbia shall have jurisdiction over any constitutional challenges to the scholarship program under this subtitle and shall provide expedited review.

SEC. 2936. OFFSET.

In addition to the reduction in appropriations and expenditures for personal services required under the heading "PAY RENEGOTIATION OR REDUCTION IN COMPENSATION" in the District of Columbia Appropriations Act, 1996, the Mayor of the District of Columbia shall reduce such appropriations and expenditures in accordance with the provisions of such heading by an additional \$5,000,000.

SEC. 2937. OFFSETS.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the payment to the District of Columbia for the fiscal year ending September 30, 1996, shall be \$655,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law, 93-198, as amended (D.C. Code, sec. 47-3406.1).

SEC. 2938. FEDERAL APPROPRIATION.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the Federal contribution to Education Reform shall be \$19,930,000, of which \$5,000,000 shall be available for scholarships for low income students in dangerous or failed public schools as provided for in Subtitle N and shall not be disbursed by the Authority until the Authority receives a certification from the District of Columbia Emergency Scholarship Corporation that the proposed allocation between the tuition scholarships and enhanced achievement scholarships has been approved by the Council of the District of Columbia consistent with the Scholarship Corporation's most recent proposal concerning the implementation of the emergency scholarship program. These funds shall lapse and be returned by the Authority to the U.S. Treasury on September 30, 1996, if the required certification from the Scholarship Corporation is not received by July 1, 1996.

SEC. 2939. EDUCATION REFORM.

In addition to the amounts appropriated for the District of Columbia under the heading "Education Reform", \$5,000,000 shall be paid to the District of Columbia Emergency Scholarship Corporation authorized in Subtitle N."

Mr. COATS. Mr. President, given the time, I yield the floor.

AMENDMENT NO. 3532 TO AMENDMENT NO. 3466

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] for himself, Mr. STEVENS, and Mr. INOUE, proposes an amendment numbered 3532 to amendment No. 3466.

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

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

The amendment is as follows:

In the pending amendment, on page 540, line 11 after "Act" insert: "and \$5,000,000 shall be available for obligation for the period July 1, 1995 through June 30, 1996 for employment-related activities of the 1996 Paralympic Games."

In the pending amendment, on page 597, line 21 after "expended" insert: ", of which \$1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games."

Mr. LAUTENBERG. Mr. President, may I ask our colleague to just withhold for 1 minute while I fashion a unanimous consent request here? There are amendments still ready to go.

When the Senator from Georgia finishes, it will be past the bewitching hour of 8 o'clock.

I ask unanimous consent if we can keep the amendment filing period open for another 30 minutes—another 15 minutes?

Mr. MURKOWSKI. Mr. President, I object.

Mr. LAUTENBERG. Will the Senator from Alaska accept a 5-minute delay?

Mr. MURKOWSKI. The Senator will accept 5 minutes.

Mr. LAUTENBERG. I submit the unanimous consent request for 5 minutes.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I simply rise to express some disappointment in the fact that we have had an amendment with respect to China and Taiwan that we intended to offer. It has been approved by the administration and the ranking minority member of Foreign Relations supports it. Yet, the other side of the aisle has objected to its submission.

I am very sorry about that. It would seem to me that this body would want to speak out on the China effort. However, through their staff and through their workings, they have kept us from doing that. We will have to bring it up in another fashion.

This was submitted by Mr. HELMS, Mr. DOLE, Mr. MURKOWSKI, Mr. PELL, Mr. SIMON, Mr. MACK, Mr. GRAMS, Mr. PRESSLER, Mr. BROWN, Mr. LUGAR, Mr. D'AMATO, Mr. LIEBERMAN, Mr. ROTH, and Mr. FORD. I simply want to say we will have to find another way, but I should think this body would want to speak out on the current situation in China or Taiwan.

Mr. MURKOWSKI. I wonder if I can ask my good friend from Wyoming if he recalls sometime ago this body voted 97 to 1 on a resolution welcoming President Li as he visited his alma mater in New York and the issue of our responsibility to Taiwan at that time was discussed at great length in this body. I think it is fair to say my friend from

Wyoming participated in that debate. This body did vote overwhelmingly to support the resolution welcoming President Li to visit his alma mater.

I believe, as the Senator from Wyoming has indicated, the amendment has broad bipartisan support and, in view of the recent action by the P.R.C. to intervene in the first free election process in Taiwan, that my friend from Wyoming could give me any indication as to why anyone would object in this body to allowing a substitution so that this amendment could be presented tonight?

It is my understanding the amendment was not filed. As a consequence when an effort was made to get a ruling from the Parliamentarian, the Parliamentarian indicated that substitution would be appropriate if it was perhaps unanimous—I am paraphrasing it—and there was an objection.

What would be the basis for someone to object to the consequence of the bullying tactics of the P.R.C.?

Mr. THOMAS. I have to say to the Senator that I am not certain. This was designed with the assistance and involvement of the administration to support some of the things they are doing, certainly to rededicate ourselves to the commitments that we have made through the Taiwan agreements.

In any event, I am sure we will make another effort. I am very disappointed we were not able to bring that forward.

Mr. MURKOWSKI. If I may follow up with another question. Is the understanding of the Senator from Alaska correct that the objection was from the other side of the aisle?

Mr. THOMAS. Yes, that is correct, it was from the other side of the aisle.

Mr. MURKOWSKI. I hope we have an opportunity tonight to get an explanation as to why there is an objection in this body for bringing up a topic that is, obviously, before the entire world as we look at what China has initiated relative to the launching of missiles to an area adjacent to the island of Taiwan, initiated a naval activity of significant magnitude, when clearly the elections are about to take place on the 23d of March. And it seems, indeed, unfortunate that we cannot get an explanation as a consequence of the commitments that were made under the Taiwan Relations Act to ensure that Taiwan was adequately provided with enough defensive capability to meet their needs subject to a declining amount over the years, as well as a requirement that the President of the United States evaluate the threat to the security of Taiwan, relative to any threat that might exist, and report back to the Congress relative to that threat.

I say to my friend from Wyoming, we have obviously had a significant threat, as evidenced by the missiles, as evidenced by the naval activity. I ask my friend from Wyoming if he would not agree that an expression of support to reaffirm the Taiwan Relations Act would not seem to be appropriate, timely, and in order at this time?

Mr. THOMAS. I certainly agree with that analysis and suggest to the Senator that we did involve ourselves very deeply in this and had bipartisan support, administration support. I think it still would be the desire of this body to have a statement, and we intend to bring it up in another way.

I thank my friend very much.

Mr. MURKOWSKI. If I might ask my colleague one more question, since I joined with him and cosponsored the resolution to reaffirm the Taiwan Relations Act by the U.S. Senate, and that is if it is his intention to pursue this matter and bring it up on the next vehicle that, obviously, is moving? Is that the intent of the Senator from Wyoming?

Mr. THOMAS. Yes. Let me say that is our intention, and I do believe really that the Members of this body do want to make a statement. I think this statement generally reflects what we are for, and we will make every effort to bring it up at the earliest possible time.

Mr. MURKOWSKI. I thank my colleague. I appreciate the reassurance. I think as we look at the tensions in the world today and recognize the obligation the United States has under the Taiwan Relations Act that, indeed, a voice of support is indicated by the amendment to reaffirm the terms and conditions of the Taiwan Relations Act. The fact that the administration further supports that action, we find ourselves in a rather perplexing situation where no one who is objecting seems to care to come to the floor and explain the basis for the objection. I commend my friend from Wyoming for his diligence and commitment to persevere on something that I think is, indeed, appropriate and timely.

I thank my good friend for joining me in a colloquy.

If there are no further Senators wishing recognition at this time, I ask unanimous consent to speak for 5 minutes as in morning business until such time as another Senator seeks recognition.

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

Mr. MURKOWSKI. I thank the Chair.

RELATIONSHIP BETWEEN TAIWAN AND CHINA

Mr. MURKOWSKI. Mr. President, I would like to continue relative to the matter that the Senator from Wyoming and I discussed, because I think we have seen an extraordinary series of events take place. I am referring specifically to the fact that on the 23d of March, free elections will take place in Taiwan.

It is significant that we have seen an extraordinary activity as evidenced by Beijing who has seen fit to harass the process, threaten the Taiwanese with a military presence, missile threats, as well as naval activity of significant merit.

The consequences of that effort seem to have been misdirected, however, be-

cause President Li, who is running for reelection, in the sense that these would be free elections, is in a situation where he has been attacked by the Government of Beijing, time and time again, as fostering independence for Taiwan.

Yet, the Taiwanese know, and most of us who have followed the election process are aware, he is not the candidate of independence. Dr. Peng is the candidate of independence. The people in Taiwan are aware of the distinction. As a consequence, Mr. President, as they have continued their attacks on President Li, it has rallied the support of the Taiwanese people around President Li.

I can only assume that the attack against President Li was directed in hopes that somehow he would receive less than perhaps 50 percent of the vote. Well, we will have to see what percentage of the vote he will ultimately receive. But clearly the attacks seem to have helped President Li's popularity in Taiwan. I was recently over there, about 3 weeks ago, and had an opportunity to meet with various officials, including President Li.

One of the other interesting things, as a consequence of the presence of the PRC in the election process in Taiwan, is an extraordinary realization and identification of Taiwan as a significant voice in international affairs. Now it seems that there is more concern being leveled by Beijing against Taiwan's prominence. Taiwan is called upon to participate in humanitarian contributions and various activities by international organizations. They clearly are one of the most prosperous countries in the world, having the highest per capita capital reserves of virtually any other nation.

So what we see today is the perplexing situation where, on one hand, we have the focus of a democracy initiating its first free elections, a real concern internally by the Chinese leadership as to what role they should play with their renegade province, recognizing that next year Hong Kong is basically within the total control of China, when 1997 comes, and in 1997 the people's Congress will meet to basically set the parameters for the next 5 years and the hierarchy of the leadership in China.

We do not know what the mindset of that leadership is. We can only guess. But it is fair to say that their extreme views of what should be done—and as we look at the capability of the M-9 missile and the accuracy of that missile to be launched from within China to targets on either end of Taiwan, southern and northern target areas, and we note the capability of the naval activities, clearly, there has been a strong signal sent.

The difficulty in trying to determine just how this is ultimately going to play out, I think, deserves the action that was proposed tonight by my friend from Wyoming, and that is a reaffirmation of the Taiwan Relations Act. As I

said earlier and we discussed in our colloquy, the President of the United States has an obligation to come before the Congress if, indeed, in his opinion, the national security interests of Taiwan are in jeopardy. I think the President and the administration's actions so far are to be commended. We have, by our display of naval power, intelligence and other assets, basically reinforced our commitments to the Taiwan Relations Act.

There are a couple of other significant events that probably should be noted, Mr. President, and that is the reality that initially the Chinese indicated they would cease their missile tests on the 15th. Further, they would cease their naval activities on the 20th. And, of course, we have the date of the 23d for the free democratic elections in Taiwan.

So I think we will have to watch those dates very closely, Mr. President, to see if, indeed, the Chinese are serious in terminating the missile activities, terminating the naval activities on the dates that they have stated. If they do not, why, clearly they intend to escalate the tensions that are now in existence. And, as a consequence, Mr. President, I fear for the ultimate disposition because the Taiwan Relations Act mandates that the resolve of China and the issues of China with regard to its two provinces, particularly Taiwan, will be by peaceful means.

So I guess we will just have to wait and see what the ultimate outcome of this is as each day goes by, but I think it is most appropriate this body reaffirm the terms and conditions of the Taiwan Relations Act. We have already seen, under the terms of that act, the ability of the Taiwanese to seek military assistance in the form of purchases for their defensive needs—I want to stress defensive needs—as a prerequisite of the Taiwan Relations Act. That activity has been carried out by the United States on a decreasing dollar amount. We have the request for some of the higher technological capabilities associated with the Patriot missile system as an antiballistic missile defense.

There are some of us in the Congress that feel perhaps this is the time to escalate those sales and offer the people of Taiwan the psychological assurance, as well as the real assurance, of what that type of technology should be. This Senator from Alaska is reserving his firm opinions on that depending on what the situation is as we approach these dates of significance relative to a determination of whether or not Beijing simply wants to show its strength with regard to Taiwan or whether we can expect an extended period of tensions.

In my meetings with President Li, I had the assurance that after the elections, assuming President Li were elected, that he would initiate communications with Beijing in an attempt to reduce tensions. I think that that will occur. My concern is what price Beijing