United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, JULY 9, 1997 No. 96

House of Representatives

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day we are aware of all Your gifts to us, O gracious God, those gifts that brighten our days, that warm our hearts, and strengthen our spirits. We are especially conscious of the gift of friendship and those relationships that help bind us one to the other and give us a sense of unity in a common bond. With all the distractions that pull us from a noble vision of life, we are enthused that there are people who inspire and encourage us, whose loving concern lifts us up and helps point us in the way. For the gift of friendship that provides harmony and support in our lives, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATIONS TO CONGRESSMAN AND MRS. CHET EDWARDS ON BIRTH OF SECOND SON

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise today to congratulate our colleague and our friend, the gentleman from Texas [Mr. EDWARDS], and his wife Lea Ann, and their son John Thomas on the birth of their second son, Garrison Alexander. Garrison Alexander was born at 10:32 on Sunday, July 6 at Hillcrest Baptist Hospital in Waco, TX. He weighed 6 pounds and 1 ounce.

Garrison Alexander is named in honor of his two grandmothers, Shirley Garrison Edwards and Patricia Alexander Wood. His 1½-year-old brother that all of us know as J.T. is named in honor of his two grandfathers, Rev. John A. Wood and Thomas Edwards.

I have had the pleasure of working with the gentleman from Texas [Mr. EDWARDS] on many issues that affect Texas and our Nation, and he represents his constituents with the highest degree of integrity. He is a devoted family man, and he will be a terrific father to Garrison, just like he has been to J.T. Both Edwards boys are very lucky to have such a loving family with CHET and Lea Ann.

I am also privileged to have the opportunity to play this small part with the Edwards family. We all wish heartfelt congratulations to the proud parents and hope the rest of Congress joins me in welcoming Garrison Alexander into this world. I want to thank CHET and Lea Ann as we celebrate bringing another Texan in to serve our Nation.

GIVING CREDIT WHERE CREDIT IS DUE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it is time to give credit where credit is due. In today's Washington Post on the front page there is an article announcing that the budget could be balanced ahead of schedule. The budget could be balanced as early as next year. How can we explain this good news? Let us recall a little history.

In 1993, the President submitted a budget with huge deficits as far as the eye can see. In 1994, the President submitted a budget with huge deficits as far as the eye can see. In 1995, the President submitted three budgets with huge deficits as far as the eye can see.

But in 1995 a big change came to Washington. Republicans came to town promising to balance the budget and they were serious. They insisted that the President join us in an effort to balance the budget, and the President finally agreed. Our determination and seriousness is now paying off. We are perhaps only 1 year away from a balanced budget. That is a victory that all Americans should celebrate.

CLEVELAND SHINES AS HOST OF ALL-STAR GAME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise to celebrate my city, Cleveland, OH, for its outstanding debut as America's All-Star city last night when the American League beat the National League 3 to 1 at Cleveland's Jacobs Field.

The All-Star victory was brought about through a dramatic two-run home run by Cleveland Indian Sandy Alomar, who was named the game's most valuable player. The midsummer night's classic showed Cleveland at its best, an All-Star city, a still-shining new Jacobs Field, the most enthusiastic fans anywhere, a first-rate, first-place team, the most valuable players.

When Sandy Alomar hit a home run to win the All-Star Game, he showed that Cleveland hits a home run every time it steps up to the plate nationally. Baseball, what a sport. The All-Star Game, what a game. Cleveland, what a city.

Printed on recycled paper containing 100% post consumer waste

TAX CUTS ON GILLIGAN'S ISLAND

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the debate we are hearing these days about tax cuts for people who pay no taxes is worthy of a scene from Gilligan's Island. One can just imagine Gilligan complaining to the Skipper and asking him why he is not getting a tax cut.

At this point the Skipper would have already taken off his cap and smacked Gilligan over the head and cried with exasperation, ''Gilligan, don't be ridiculous!''

Then the Skipper, in his usual condescending way, would try to explain to his slow ''Little Buddy'' that it is impossible to cut taxes for someone who pays no taxes.

Gilligan would not need the Professor to explain to him the metaphysical impossibility of such a preposterous proposition, even though Gilligan lived in a fantasy land. All he would need is a good rap on the chest, a little common sense, and the advice, ''Gilligan, don't be ridiculous!''

□ 1015

LET US START CARING ABOUT AMERICAN KIDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Mexico's top narcotics organization has threatened to kidnap and murder American officials. The FBI said the Arellanno-Felix organization, in an effort to protect their drug shipments on our borders, will come in America and will kill.

Unbelievable here. America is overrun with heroin and cocaine, we have got kids dying in Chicago, Los Angeles, New York, and who cares, Congress? Who really cares?

And there is now a group of people trying to take the Traficant language out of the defense bill that authorizes, but not mandates, the use of the troops on our borders.

Are they nuts? Are they inhaling or what? Wake up, Congress. What has to happen? Will one of these narcotics organizations have to kidnap our drug czar?

America has no program, none, zero, and our borders are wide open.

Let us start caring for American kids.

CONSERVATIVE MAJORITY TO DELIVER TAX CUTS FOR THE AMERICAN PEOPLE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it was good to be back home in the Sixth District of Arizona last week, being outside of the beltway and all of the speculation and all the imagined conversation, and to talk to honest to goodness Americans and Arizonans, people who are pleased at long last, Mr. Speaker, that this conservative majority will deliver on promises that should have been realized a long time ago: tax cuts for the American people, the first tax cuts in over a decade and a half.

Mr. Speaker, the people of the Sixth District viewed with alarm, concern and outright curiosity the claims by some about the notion of giving income tax cuts to people who do not pay income taxes. They said it in Show Low, Arizona, they said it in Eagar and Overgaard: How do we give an income tax cut to someone who does not pay income taxes? How indeed, Mr. Speaker?

The good news is, over 70 percent of our tax cuts go to middle income families, working Americans. We realize the value of work, we realize the value of individual initiative, and Mr. Speaker, we realize the value of having hard-working Americans keep more of their own money in their pockets and send less of it here to Washington.

URGING SUPPORT FOR RESTRICTIONS ON GUN TRAFFICKERS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, now that the U.S. Supreme Court has struck down the background check provision of the Brady law, it is imperative that we have Federal legislation so that States with strong gun laws cannot be undermined by those with weak gun laws.

Take my home State of Illinois, for example. Illinois has tough gun laws, including background checks. Other States, unfortunately, are not as tough on guns.

One of Chicago's major highways, Interstate 55, runs through four States with gun laws a recent study described as very weak. I–55 is otherwise known as the iron pipeline. These States are irresistible to Chicago's street gangs and drug dealers who need firearms to protect their turf. It brings a whole new meaning to the phrase, ''Have gun, will travel.''

We can take steps to shut the valve on the iron pipeline and on other interstate highways that have become virtual firearm freeways. Join me in supporting the bill of the gentleman from New York [Mr. SCHUMER] that would give out mandatory 3-year prison sentences to convicted gun smugglers and limit people to one handgun purchase per month.

ANY EXCUSE IS A GOOD EXCUSE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, any excuse is a good excuse if someone does not want to do something. The liberals do not want to vote for tax relief, so any excuse will do. The most frequent excuse is that tax relief will only go to the rich.

In today's Washington Post in the James K. Glassman column it says the Democratic Policy Committee recently sent an outraged fax to radio talk show hosts around the country. Under the current GOP proposal, this is a quote, ''The top 1 percent of Americans would receive more benefits than the combined bottom 60 percent in tax cuts.''

The IRS reports that the top 1 percent of Americans paid 29 percent of the Nation's income tax bill, and the bottom 60 percent paid just 9 percent. So to be fair, the top 1 percent should get triple the cuts as the bottom 60 percent.

But that is not the plan. The plan is targeted tax relief for the middle class. That is what we passed in this House.

But any excuse is a good excuse if someone does not want to vote for tax relief.

TRIBUTE TO CHARLES KURALT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to a North Carolina hero who made us all proud to be Americans. Yesterday Charles Kuralt was laid to rest in Chapel Hill, NC. His award winning-broadcast career celebrated not the lifestyle of the rich and famous, but regular ordinary Americans off the beaten path. He inspired us not with stories of glitzy stars or flashy celebrities, but the common men and women whose everyday lives and work made this country great.

It was North Carolina's values that sent Charles Kuralt on the road to discovery, and it was our good fortune that he took us along for the ride.

Born in Wilmington, raised in Charlotte and educated in Chapel Hill, Charles Kuralt lived and breathed North Carolina even as he reported to us from around the country and across the world. He took North Carolina values with him wherever he went, and his road was our road.

Yesterday under a scorching sky of Tarheel blue this North Carolina hero made his final trip.

Rest in peace, Charles Kuralt.

WHO REALLY BENEFITS FROM A CAPITAL GAINS TAX CUT?

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, who owns stock and who will benefit from the capital gains tax relief that the Republicans are attempting to provide? Well, it is time

for some surprising news, and this news flatly refutes the Democrat catch phrase: Tax cuts for the wealthy.

According to a recent stock market survey, stock ownership doubled over the past 7 years to 43 percent of the adult population. Forty-seven percent of all investors are women. Fifty-five percent are under the age of 50. Fifty percent are not college graduates.

So let us think about that and compare it to the absurd stereotypes perpetuated by the liberals. Almost half of all American adults own at least one share of stock. Slightly under half of all shareholders are women. More than half of all investors are not yet 50, and half of all those with a stake in investments are not college graduates.

Are the liberals really against helping these people? Are they sure that cutting taxes on savings and investments only helps the rich? Maybe it is about time the liberals updated their stereotypes.

REPUBLICAN BUDGET FAILS TO PROVIDE HEALTH COVERAGE FOR MOST CHILDREN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, over 10 million American children lack health insurance. They lack the ordinary means to gain access to the health care system.

Unfortunately, Texas leads the Nation with 46 percent of our children, almost one in two, lacking health insurance. These are the kids that do not see a doctor when they are sick, unless they get so sick they have to be rushed to the hospital emergency room. They are the children of the working parents who are struggling to make ends meet but get no health insurance at their job.

Some 5 million of these kids were supposed to be covered by this great Republican budget bill that we have heard ballyhooed here this morning.

Well, last week the Congressional Budget Office that this Republican crowd hired reported that they left off a zero in their great plan; they are only going to cover 500,000, not 5 million new kids in America.

In politics they say half a loaf is better than no loaf at all, but for those many kids who need health care and health insurance the Gingrich Republicans are only providing a heel.

A BRIGHT FUTURE FOR AMERICA

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise this morning to call attention to what is happening in Washington out here. We are about to conclude legislation that balances the budget, restores Medicare, and reduces taxes on the American people.

The front page of the Washington Post this morning says that the budget may be balanced as soon as 1998, and they credit a robust economy, but they forget to mention that in addition to a robust economy we have a new group of people in Washington that is curtailing the growth of Government spending. When the government spends less, that means they have a lower deficit, and that means they borrow less money out of the private sector. More money available in the private sector means the interest rates stay lower, and when the interest rates stay lower, people buy more houses and cars, and of course people have to go to work to build those houses and cars, and that means they leave the welfare rolls and they go into the work force and that creates a strong economy.

That is what is going on in this country today, a balanced budget, Medicare restored, lower taxes on the American people. That is a bright future for America. That is a bright future for our children and our grandchildren.

CHILD TAX CREDIT DENIED WORKING FAMILIES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, it is wrong to deny tax relief to America's working families, and what we are seeing here again is the Republicans and their rich and wealthy friends bashing working Americans and their families. Compared to the President's proposal, the Republicans' proposal, 4 million working families will be largely denied a child tax credit under their plan. These are people who make between $20,000 and $30,000 a year.

An example: Consider a family of four with two children, living in a medium-sized southern city. The father is a rookie police officer. He makes $23,000 a year. Mother takes a few years off to take care of the kids. What happens under their plan? Zero. Zero for that family. Under the President's plan, $767.

They take their credits and they give it to the wealthy in the form of tax relief on corporate minimum tax, a $22 billion giveaway. They give it to relief with respect to capital gains and indexing, $650 billion that explodes in the outyears.

They are bashing working people, and they are doing it to take care of their wealthy friends. It is wrong, it is outrageous, and we need to stop it.

TAX REDUCTION FOR THE MIDDLE CLASS

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I do not usually get up here and talk, but there is a lot of absences that we did not hear just a minute ago, a lot of things that were left out.

There are 4 million people today who are receiving Federal income money who earn no money. It is called the earned income tax credit. It is 36 percent of the claims for that are fraud. It is the most abused system that we have.

It is not about leaving those people out. It is about creating an opportunity for them to join the rest of America through a tax reduction that is for middle class America. They are already granted earned income tax credits.

What we are saying is, if they work and pay taxes, they ought to get a tax cut. If they do not work and we are already giving them a payment, maybe we should not give them more so we can encourage them to work.

SURVIVAL OF THE FITTEST?

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, in all due respect to the previous speaker, only people who work qualify for the earned income tax credit. This is not money going to people who do not work. If they do not work, they do not qualify.

Sadly, my colleagues on the other side of the aisle seem to embrace a survival of the fittest mentality. If people are wealthy, if they are healthy, they are deemed to be good and worthy. If they are old or sick or poor, somehow they do not deserve a part of the American dream. They do not deserve a tax break.

We are going to get a tax bill, but I hope the American people are watching us, because this tax bill must be a fair bill. Under the Republican bill, if a family has four children and makes $18,000 a year, they will get nothing, nothing under the child tax credit provision. But if a similar family makes $80,000 a year, they will get $2,000. Nothing for the poor family; $2,000 for the well-to-do family.

The Republican bill takes care of the well-to-do. We have got a responsibility to stand up for America's working families.

TAX CREDITS FOR TAXPAYERS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Well, Mr. Speaker, it is only 10:30 and the Democrats are already confused. No surprise, but usually they make it to 11 o'clock.

Here is the idea of nothing for the poor. Let us examine the case of a person who is poor who does not work. Their children get WIC, their children and they get food stamps, they get Medicaid, they get public transportation, they get college education, they get free housing.

Now on top of that the Clinton Democrat liberals want to take $500 per

child tax credit from a single working woman with a 14-year-old and 16-year-old, and instead of giving that single working woman a $1,000 tax credit for her 14-year-old and 16-year-old, they want to say no, she does not get any of it, and give it to somebody who is not working and who is not paying taxes.

There is no discussion here about the poor not getting anything. What we are discussing here is taking the money from middle class working people and giving it to those who are not paying taxes. This is a tax credit. Tax credit goes to those who pay taxes.

We are not debating taking away public assistance benefits which are secure, which will continue to go to the poor.

□ 1030

MIDDLE-INCOME AMERICANS SHOULD GET TAX CUTS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, in 1993, when President Clinton took over, the deficit was over $250 billion. In 1993, with the President and all the Democrats in the Congress, not one single Republican voted on a deficit reduction plan. Today that deficit is $45 billion. The deficit is indeed coming down.

This Congress voted for an $85 billion tax cut. That tax cut goes only to people who are working and who pay taxes. That is the Democratic plan. The question is, who will get those tax cuts? We believe that middle-income Americans ought to get those tax cuts; that they ought to receive deductions for education for their children, that they ought to receive child tax credits. The Democratic plan says that.

Do not be confused. The facts are simple. Who should get the tax cuts? Democrats and the President believe those tax cuts ought to go to middle-income people for deductions for their children's education and for child tax credits. Check the facts. Members should know what they have before them. We believe that $5 billion ought to go to hard-working Americans and yes, people must work to get the tax credit.

REPUBLICANS ARE COMMITTED TO TAX CUTS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, while liberal Democrats are busier than a White House shredder coming up with excuses why they are against tax cuts, Republicans in Congress remain committed to passing the first tax cuts in 16 years. Let us recall that Congress would not even be talking about tax cuts were it not for the Republicans in control. After all, prior to 1994 the Democrats were in power for decades. They had their chance to give average families tax relief. They chose instead to pass President Clinton's tax increase, the largest tax increase in U.S. history. Now I hear the other side making claims that they really are for tax relief, only they are not for the Republican tax package.

With all due respect, those claims are about as credible as the White House claims that no one can remember who hired Craig Livingstone. No, the sad truth is that Democrats have not stood for tax relief since President John F. Kennedy. The proof is in the pudding.

REPUBLICAN PLAN BENEFITS THE WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, according to all of the news services, the public understands very well what is going on. Sixty-one percent of the American people now understand that the Republican tax bill gives most of the benefits to wealthy corporations and to wealthy individuals.

What is the Republicans' response to this fact? The response is to go out and hire a new public relations firm to try to tell a new story about their tax bill. It is not to change their tax bill, to take care of working families, it is not to change their tax bill to take care of the children of working families, but it is to change the public relations firm.

What the Republicans ought to do is start sharing some of the benefits of that tax bill with people who wake up every morning and go to work and work hard but do not make a lot of money. They, too, would like to take care of their children. They, too, would like to be able to educate their children. But the Republicans do not do that. They decide in fact that corporations should no longer have to pay the alternative minimum tax. They decide in fact that people who clip coupons should pay 15 percent of taxes while people who go to work should pay 28 percent on their taxes.

DEMOCRATIC TAX PLAN IS WELFARE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, well, the liberals in this place have finally done it. After 40 years of building the welfare state, the liberals have finally come up with the ultimate welfare policy. They have discovered a way to try to turn a tax cut into a welfare program. Under the Republican plan, 75 percent of the tax cuts go to people who make less than $75,000. Liberals want to give welfare to people who are not paying any taxes at all and then call it a tax cut. Welcome to liberalism in the 1990's.

Taking money from the taxpayers and giving it to people who do not pay any taxes at all is not a tax cut at all. That is welfare. Let us call it what it really is. In fact, it is so ridiculous that I dare anyone on the other side to try to come and explain it to my constituents with a straight face. Good luck.

TAX CUTS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, while the gentleman is here who just spoke, the President's proposal would give a child credit only to those who work and pay Federal taxes, income or withholding, Social Security, period. So do not come here and distort the truth.

Second, in 1993 I voted for that package. I am proud of it. We have now a deficit that may be disappearing. Why? Because we Democrats had the guts in 1993 to stand up.

Third, this 75 percent figure going to those who earn under $71,000, it is a 5-year analysis at best. Give us a 10-year analysis. They do not give it to us because it will show that most of the tax cut would go to very wealthy families, and I would say here to Mr. Kies of the Joint Committee on Taxation, today come up with a 10-year analysis. He does not because he hides the fact who will benefit, and that it would explode the deficit after 5 years.

STRENGTHENING FEDERAL LAWS AGAINST CRIMINALS WHO COMMIT CRIMES AGAINST CHILDREN

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing the Joan's Law Act of 1997. This legislation will reflect the recently enacted New Jersey Joan's Law.

I introduced this bill on behalf of the family and friends of Joan D'Alesandro, a 7-year-old Hillsdale, NJ, girl who was raped and murdered in 1973. Joan's murderer, who lived across the street and participated in the family's search for their daughter, was sentenced to 20 years in prison. Now eligible for parole, he has twice sought release since his incarceration.

Mr. Speaker, my bill states that any person who is convicted of a Federal offense defined as a serious violent felony should be sentenced either to death or imprisonment for life when the victim of the crime is 14 years of age or younger and dies as a result of the offense. This bill sends the strongest possible message to anyone who would take the life of a child: If you do so, you will either forfeit your own life or live out all your remaining days in a Federal prison.

I urge my colleagues to cosponsor this legislation.

AS USUAL, REPUBLICAN TAX CUTS ARE FOR THE WEALTHY

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, life in America is always changing these days, but one thing that Americans know never changes. That is, when Republicans say cut taxes for the middle class, they really mean cut taxes for the wealthy. Of course, they want us to believe that their tax cut is fair and that it is for the middle class, but their plan says otherwise.

The fact of their plan is that one-third of all the tax cut goes to the top 5 percent of the American people. Two-thirds of their tax cut goes to the top 20 percent. By contrast, in the President's plan two-thirds of the tax cut goes to the middle class, of the 60 percent of Americans whose income lies between $15,000 and $75,000 a year. Under the Republican plan, the rich become very much richer. Under their plan, the crumbs from the plate go to the middle class, that broad middle class of 60 percent, and the poor lose their shirts. That is not fair. In fact, it is even class warfare.

CONFUSION AND DISHONESTY IN DISCUSSION ON TAX CUTS

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, there seems to be a lot of confusion in the Chamber this morning. To me it is really quite simple. If you pay Federal income taxes, you are going to get a lower tax burden. If you do not, you do not get lower taxes. I think that is a pretty clear distinction.

But we have a problem here because there is a lot of confusion and distortion about what the facts are. The Treasury Department states that there are 21.2 million families or people in America who are making more than $75,000 a year. That is double the census number.

I am going to tell the Members why. Because in their number they include not only adjusted gross income, but IRA's and Keogh, Social Security, life insurance, inside buildup pensions, employer-provided fringe benefits, and imputed rental income that you would get if you rented your house that you are currently living in.

Talk about doctoring the numbers. All we are talking about is adjusted gross income as adjusted gross income. We have to talk honestly if we are going to have an honest debate. There is a lot of dishonesty in this town right now. Frankly, anybody who buys into that kind of funky bookkeeping must be growing a very long nose.

DEMOCRATS HAVE THE FAIRER TAX PROPOSAL

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, this chart tells the whole story. This is the percentage of the tax cut benefit that goes to the middle 60 percent of the people in this country, 60 percent of the people who work every single day. They are not on welfare. They work.

Under the President's tax proposal, 67 percent of the benefit of his proposal would go to those people. Under the House version of the tax bill, 32 percent of the benefit would go to that 60 percent of the people. Under the Senate version of the bill, 34 percent of the benefit would go to that 60 percent of the people. Now, tell me which tax cut proposal is fairer? What happens to the benefit that is not shown here in the Republican's proposal? It goes to the top 20 percent of the people.

REPUBLICANS' TAX PLAN TARGETS TAX CUTS TO AMERICANS WHO PAY TAXES

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I just want to provide a few facts for this debate on tax cuts for the wealthy, quote unquote. I do not normally quote from Albert Hunt's column in the Wall Street Journal but I am going to today, because I think he has his numbers right.

If we take a family of four with two children that are earning $23,000 a year, they would pay approximately $700 in Federal income tax. That would be what they would owe the Government in Federal income tax. However, under current law they would qualify for an earned income tax credit of about $1,700. So if we deduct what they owe the Government from the amount that they get back from the Government, they are getting a check back from the Government for $1,000.

Our tax bill is focused and targeted on families who are still sending funds in to the Government for their taxes. That is why those families that are getting a check back from the Government do not qualify under the Republican plan. I think that is what the majority of people in my district want.

THE DEMOCRATIC TAX PACKAGE ACKNOWLEDGES WORKING AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought that we could civilly discuss this very important issue of taxes. Unfortunately, Al Hunt also in that article said that a police officer making $23,000 a year would get nothing under the House and Senate proposal.

But let me really focus the Members. A single mother lives with her 7-year-old daughter in Texas. She has been working as a bank teller for several years. She gets $20,000 a year. She tallies up her tax. She pays $1,200 in Federal income tax. She gets a $1,150 earned income tax credit. However, she pays $1,500 in payroll taxes, not to mention what her company pays for her.

How does the gentleman dare say this working woman making $20,000 should not get the $500 a year tax credit and claim that she is on welfare? How dare he insult those single working mothers who are every day taking care of their children? I am ashamed. The Democratic alternative, the President's bill, acknowledges working Americans.

Let me just simply say that the OTA, and that is the Treasury Office, its tax analysis, an independent body has said, provides a more comprehensive measure, more consistent with how economists would measure the bill's benefits to individuals, meaning the President's calculus is more accurate than the Republicans.

This is a ridiculous debate. Vote for working men and women and vote for the Democratic plan.

DEMOCRAT CLASS WARFARE WARRIORS ARE AT IT AGAIN

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the Democrat class warfare warriors are at it again. They want to talk about tax cuts for the rich. They seem to define the rich as anyone who pays income taxes. We do not need fancy charts from OMB or CBO or the Treasury to determine if one benefits under our Republican tax plan. It is rather easy.

No. 1, if you pay income taxes and you have children under 17, or you pay college tuition or you are trying to save for the future, or you are trying to sell your small business or your family farm, or you are trying to keep that small business or family farm in your family, you will benefit from tax relief provided under the Republican plan.

□ 1045

It is time to put class warfare aside. The class warfare warriors in the Democratic Party need to take a rest. Our Republican tax relief plan is for all Americans at all stages of their lives.

A REPUBLICAN TAX BILL THAT BENEFITS THE RICH

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this debate about the tax bill is about who benefits. My Republican colleagues once again are trying to pass a tax bill that benefits the wealthiest of Americans and forgets about average middle-class families. And once again, only people who work and pay taxes are eligible for a tax cut. Do not let them distort the facts.

I will tell my colleagues that 61 percent of the people in this country are not buying their distortions because they believe that the Republican Congress is out of touch with the American people. Do not take my word for it. Newsweek magazine, an article by Jonathan Alter, said the following: A new CNN/USA Today poll shows 61 percent believing the GOP Congress is out of touch. And that is before middle-class voters even learn that the GOP wants to give a chunk of their tax cut to Donald Trump.

Donald Trump, one of the richest men in the world. They would provide a tax cut for the richest corporations in this country, yielding some of those folks a zero tax break.

Class warfare? Yes, indeed, Mr. Speaker, the Republican Party, the Republican majority in this House has declared war on middle-class America. Let us not let them get away with it.

CLASS WARFARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, class warfare is exactly what it is, and they are engaging in it. It seems to me that as we listen to this vitriolic attack on the capital gains tax cut, which God forbid Donald Trump might benefit from, let us look at who really benefits from reducing that top rate on capital gains.

Over a 7-year period, the average family of four would see an increase in their take-home pay of $1,500 per year. We continue to hear talk about how $1,500 is going to be cut from the average family with this package. Baloney. We need to realize that a capital gains tax cut is what the American people need to help those who want to emerge from middle-class status and frankly become wealthier. So they are the ones who are trying to engage in this us-versus-them argument. We are the ones who recognize that we are all in this together; because the fact of the matter is, Paul Tsongas was absolutely right when he described his political party and said, you know, the Democrats unfortunately love employees but they hate employers. We are all in this together, Mr. Speaker. Let us support the Republican tax plan.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment shall be considered as read. Points of order against that amendment for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. No amendment to that amendment shall be in order except an amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, which may be offered only by Representative Miller of California or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH [Mr. HALL], and, pending that, I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997 under a modified closed rule. While I share the sentiments of the minority that bills of this nature should be considered under an open amendment process, I believe a modified closed rule in this instance is appropriate and justified.

The Quincy Library Group is a 41-member coalition of local environmental organizations, the timber industry and local officials that met in Quincy, CA. In 1993, the group developed an innovative consensus-based pilot program to permit local management of 2.5 million acres of three national forests in California. It is a responsible plan that emphasizes local cooperation and balances environmental protection with local economic needs.

H.R. 858 is intended to end the 4-year stalemate over the implementation of environmentally sound management practices for the Plumas, Lassen, and Tahoe National Forests that are aimed at preventing wildfires that are a serious threat to life and property.

The Committee on Resources has been negotiating for 8 weeks with environmental groups, the Clinton administration and even our California colleagues over in the Senate to address their substantive concerns.

The amendment in the nature of a substitute that is made in order by the rule addresses all of their concerns except the concern over local control, which is the primary purpose of this bill. In particular, the substitute amendment specifically states that the pilot project is subject to all existing environmental laws and reviews. Let me underscore that again, Mr. Speaker. The pilot project is subject to all existing Federal environmental laws and reviews.

The amendment in the nature of a substitute accurately reflects the plan that was painstakingly negotiated by this 41-member coalition. There is a legitimate concern that efforts to substantively revise that plan could cause that coalition to unravel.

The Quincy Library Group bill has bipartisan support. To strengthen that support, the rule affords the respected ranking minority member of the Committee on Resources, my colleague, the gentleman from California [Mr. MILLER], to offer a germane amendment to further address additional concerns that, in the unlikely event, may be overlooked in the substitute amendment.

The rule, Mr. Speaker, ensures ample debate by providing 1 hour of debate on the Miller amendment in addition to the 1 hour of general debate. So Mr. Speaker, this is a responsible rule that will ensure the integrity of the Quincy Library Group while allowing for an innovative and responsible forest management plan, a pilot plan to be developed by local consensus so that we can move forward.

For these reasons, Mr. Speaker, I urge adoption of the rule and of the bill itself.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from California, Mr. DREIER, for yielding to me this time.

This resolution 180 is a modified closed rule. It will allow for the consideration of H.R. 858. This is a bill that directs the Secretary of Agriculture to conduct a 5-year pilot project for the management of lands within three national forests in the Sierra Nevada Mountains in the State of California.

As my colleague has described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. This modified closed rule makes in order one amendment offered by the gentleman from California [Mr. MILLER], the ranking minority member of the Committee on Resources. No other amendments may be offered.

Reluctantly, I oppose the rule because it is an unnecessary restriction of the rights of House Members to offer amendments to this bill on the floor.

During the hearing of the Committee on Rules last night, the gentleman from California [Mr. MILLER] testified that this is a controversial bill. It is opposed by State and local California environmental groups, and furthermore he testified that his concerns could be taken care of with about a half a dozen amendments.

My principal opposition to the rule is not based on the procedure up to this point. During the Committee on Rules hearing, the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, testified that numerous changes had been made in the bill to accommodate the opposition. In general, the committee process has been followed. The controversy that has resulted is part of the normal process when basic disagreements continue to exist after fair debate at the subcommittee and committee level.

The next step, which this rule will not permit, is to carry those disagreements to the House floor. Members should have the right to continue the perfecting process before the House in full view of the American public. Instead, Members are offered the right to vote on only one amendment and then to consider the bill on a take-it-or-leave-it basis.

House tradition and custom encourage full and fair debate on the House floor whenever possible. That tradition is particularly strong in the Committee on Resources, which has rarely requested a restricted rule. Supporters of this restrictive, modified closed rule have failed to make the case that an exception should be made now, and as crowded as the floor schedule is for this month, surely room could have been found to take up the half dozen amendments that might be offered.

While the fire protections in the bill are needed soon by the people of California, this bill has already been in development for 4 years. The extra debate time to consider amendments will make little difference.

Mr. Speaker, this legislation is about the management of the national forests supported at taxpayers' expense to protect environmental resources that belong to all Americans. The representatives of the people should have the right to shape this legislation on the House floor. I oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Sanibel, FL [Mr. GOSS], chairman of the Subcommittee on Legislative and Budget Process and chairman of the House Permanent Select Committee on Intelligence.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California, vice chairman of the Committee on Rules, acting chairman today in the absence of the chairman, for yielding me this time.

I rise in support of what I think is a very fair rule for a very important subject that I think in some ways is a bellwether to be used again and again and again as a model in this controversy we have between private property rights and the preservation of our natural resources, which we generally speak of in terms of our environmental legislation.

Obviously we are never going to entirely have a winner on one side or the other of that debate. We are always going to have protection of our natural resources because our quality of life demands it, and we are always going to have private property rights because they are guaranteed, as they should be, in the Constitution of the United States.

Finding ways to work out solutions when they come in conflict is what this bill is about in one narrow specific area of the United States. I believe that the rule we have crafted works out quite well. It is a modified closed rule. It ensures that the minority opposed to some aspects of this bill, which I understand was reported out of the committee nearly unanimously; that nevertheless there was a minority and that that minority has the opportunity to improve the bill in their view through a single amendment and, of course, through the traditional motion to recommit. I am told, frankly, that this legislation is a result of 4 years of discussion by the interested party, the Quincy Library Group, which is a coalition of the environmental leaders, timber industry officials, local citizens and other interested parties in the area who would be immediately affected.

□ 1100

It would be unfortunate, I think, to allow the diligent work they have done to be compromised by misunderstanding here by those of us who were not there or, frankly, to be derailed by mischief making in Washington which, strangely enough, happens every now and then.

This rule does not shut off the amendment process but it does provide for expedited consideration of this long-awaited bill and is supported by local groups representing all ranges of the ideological spectrum. The Quincy Library Group, in my view, should be commended. They have been the conflict resolution forum for a compromise that has been tailored and shaped to resolve a longstanding specific controversy in their area.

In effect, H.R. 858 implements a locally conceived management plan for three national forests in northern California. It establishes a 5-year pilot program designed to conserve forest resources, protect wildlife habitat, and provide economic stability for the region; jobs and quality of life together. Most importantly, it represents a step away from the Washington knows best mentality that has plagued our environmental policy over the years.

This bill presents a long overdue cooperative, locally driven approach to protect our precious resources and our jobs and well-being. It is a fresh approach to land management. I applaud it. It is one that empowers local folks to make decisions and find solutions that work for them.

I urge my colleagues to support this rule, which I think preserves the package, allows for the amendment if the minority wishes to make it, and allows us to get on to reflect our own views on how we will vote on the final bill, which I also urge support for.

Mr. Speaker, I thank the gentleman from California for being so generous with his time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to the rule. The fact is that, I suppose in a sense, based on the past consideration of our timber policies in the last Congress and this Congress, that this represents a great liberalization of our opportunities to vote and debate on issues that affect our national forests. The fact is we have not had many votes on such national forest policies.

The last session, we had the discussion on the timber rider, as it became known, the infamous timber rider, the salvage timber rider which, under the auspices of timber salvage, basically opened up many of our national forests to really an unregulated adventure in terms of harvesting timber in the name of trying to suppress fires and so forth, all with good words of intent; but the consequence of it was that not just salvage operations, which are ongoing and an administrative function of the Forest Service, was in place, but in fact they ran counter to what would be sound forest health practices.

This measure that is before us and this rule, of course, does not provide for the open-ended open amendments. I

do not know of any effort to offer a significant number of amendments that would derail this particular bill, but it is an effort to overcontrol and overmanage what should be an open process on this floor. If there was a bill that could have an open amendment process, this would be it.

I do not know the outcome, but I would just suggest to the Members on the substance of this bill, because many Members have discussed the substance, this is not an argument over private property rights; this is a question of how we are going to manage three national forests all public lands, three national forests and a land mass of about 2½ million acres. So it comprises a significant portion of our national forests, the public domain not owned by private land holders.

Two-and-a-half million acres, and an area that has been of significant controversy in the Pacific Northwest with regard to the policy path for our timber harvest. The fact is that Congress has had heavy hands in this area in terms of mandating legislative timber cuts for a long time.

Finally, when the reality of an ecological crash really occurred with regard to species and diversity of wildlife and so forth in the Pacific Northwest, that resulted in lawsuits and a whole series of efforts that basically denied the problem during the Bush administration, this Clinton administration worked very hard to put in place a sound forest plan, a forest plan or planning process that has been difficult for everyone, concerned in terms of accepting the types of harvest and limits that were necessary because of new scientific information.

Now, with these key forests, a group got together, and I think all of us respect local input and respect the virtue of that, but this Quincy group has not formulated fully all of the ideas in terms of how this should be managed. The question is, should national forests be controlled strictly by local policies based upon generalized guidelines? A 22-page document that raises more questions than it answers.

If we are going to replace the NFS with such a local group, Quincy Library Group, in place of the Forest Service, which is significant national policy change, are the guidelines in place that will in fact best conserve and utilize the national forest resources, preserve the resources of these 2.5 million acres, three national forests? My answer to that is no. I think we need the Forest Service as a full partner at the table. I think we need the existing laws in place, not set aside.

The effort here to pass this law is to in fact superimpose this over the existing mosaic of Federal laws that guide the use of these national lands. Not private lands, national public lands. This effort, in my judgment, is an effort to hijack what is the Quincy Library Group, the local input, to try to superimpose it and to use it for other purposes. The end result here is to basically circumvent many of the existing environmental laws that we have, in fact, superimpose this particular policy path over such laws.

It is called a pilot project but, as I said, it involves 2½ million acres of land. It is not a pilot project. This is an effort to, in fact, circumvent the existing limits, court decisions, other factors that have provided a policy path today that in the Northwest is working, admittedly not with controversy.

Now, I think the Quincy Library effort is an admirable effort. I respect the people involved in it. I think they add significantly to the policies that are being pursued in these areas, but I think the idea is not fully developed. I think the Forest Service has not completed some of the negotiations, furthermore, trying to allocate nearly $100 million to the management of this plan for this particular group is expensive and it will take away from many of the other functions the National Forest Service is responsible for. While there is no new authorization in this bill, the expectation is that that hundred million dollars has to come out of the general budget of the forests involved and the hide of the Forest Service.

I would suggest the rule is inappropriate, not necessary, it should be opposed, as should this bill in its present form or with the amendments that are being proffered by the majority at this time.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California [Mr. DREIER] has 23½ minutes remaining and the gentleman from Ohio [Mr. HALL] has 22 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pleasantville, PA [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to thank the gentleman from California for the chance to speak on this rule. As a member of the Committee on Resources, I am proud to stand here today to support the Quincy Library Group Forest Recovery and Economic Stability Act, and to support the rule that has been designed to preserve the locally generated compromise.

For more than 4 years this group has been meeting to find common ground on the policy governing management of these forests. The title of this bill is an accurate description of the proposal's intent to recover forest health and to achieve economic stability.

Why would a Member from Pennsylvania be interested in this measure? I support this bill because it serves to move the environmental debate away from passion-driven arguments toward science-based and consensus-based approaches to forest health issues and to the management of all of our national forests.

In the Fifth District of Pennsylvania, where I serve, we have the Allegheny National Forest, 520,000 acres, a forest that in no way is similar to these forests in northern California, but the Allegheny National Forest in Pennsylvania is 520,000 acres of the highest quality hardwoods in the world. Unfortunately, in the past, the Forest Service and this Congress has often tried to manage our national forests in one-size-fits-all.

There is a great difference between the western forests and the eastern forests. I am not as familiar with the western forests as I would like to be, but I believe there is probably a difference in the California forests and maybe the Montana and Wyoming forests, but yet in the past we have tried to manage one-size-fits-all.

H.R. 858 steers us toward sound science and conflict resolution in order to provide habitat protection for the California spotted owl, preservation of the roadless areas for the length of the pilot project, reduction of the fire risks through construction of fuel breaks, and stability of the wood products industry.

My fellow colleagues, I know there has been a long-time debate on the national forests. There are those who want to lock them up. There are those who think we should just look at them. I believe these investments were made years ago for many reasons and for many multiple uses. I believe we should always support locally generated solutions when we can have them.

I think this proposal steers us in a new direction of managing our national forests in a way that suits the region upon which they are in, in a way that protects the taxpayers of the great investment we made and preserves the high quality of these forests. When local wisdom and cooperation offer a solution to complicated emotional issues, I am doubtful a federal government is better equipped to make these decisions.

This is a good issue that has been worked out locally in northern California and I, from Pennsylvania, urge all of those from the East to look seriously at this compromise and accept it as a new way, a new direction to go in managing our national forests.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, first of all let me speak to the rule. I think this rule is incredibly unfair given the complexity and the controversy surrounding this legislation that the Committee on Rules would deem that we can only have one amendment when in fact this is a multifaceted bill which now requires that we put all of the problems with this legislation in one amendment and accept it up or down, when in fact

there are parts of this bill that may very well be able to be fixed on individual votes but we are not allowed that opportunity.

I want to say that in the future, I think that when the ranking members of committees come before the Committee on Rules and ask for the opportunity to present differences in the form of amendments and those are not granted, I think we should just assume that the Committee on Rules then owes us time. If we need five amendments and they give us one, they owe us 4 hours of time. And we should take it out in terms of motions to rise or motions to adjourn or whatever it is to take up and get back that time, because this is unacceptable, an unacceptable practice of shutting down the voices of many Members of Congress that represent a different view on the reported legislation, and yet they are not entitled to offer those amendments or to seek to have the House record itself on those differences.

Now, to this legislation. This legislation is brought forth as a suggestion that somehow this embodies the Quincy Library Group, which was a group that was formed to try and see whether or not we could pull together the disparate forces and interests in our national forests, to see whether or not we could come up with a management plan for those forests. Somewhere between the Quincy Library Group and the floor of the House of Representatives today this process was hijacked. This process was hijacked by those who were interested in cutting trees, not in truly managing the forest.

That is why this legislation has very, very serious problems, problems that are highlighted by the administration in its statement of administrative positions, and that is why this legislation has terrible problems with not only many, many environmental organizations within the State of California but of the national environmental organizations.

Let us understand what we are talking about. One of the previous speakers got up and talked about private property or something. We are talking here about the public's resources. We are talking about the national forests of this Nation. These lands belong to the public. We want to encourage, and in fact the administration is already administratively doing a number of the things suggested in this legislation to work with local groups, but we must understand that as a Congress of the United States we are the stewards of those public lands and we cannot let people willy-nilly do what they want with those lands because they think, well, this would be good for me.

The fact of the matter is that this legislation exempts this pilot project of 2½ million acres of the public's lands from the environmental laws. It is not consistent with the environmental laws of this Nation that all other plans have to be governed by, and that is why the administration is opposed to this legislation at this time.

This legislation, in fact, contains the very same timber salvage rider that got this Congress into so much trouble with the American public when they saw that the cutting of trees took precedence over every other multiple use in the forest, whether it was fisheries or recreation or species protection or riparian protection, all of a sudden we found out that we could cut the trees without those considerations. This is a rerun of that language. If we read the language from the salvage rider and we read the language in this legislation, in fact, they are identical.

This legislation would exempt this pilot project if we complete the changes in the forest management plan for these particular forests, the Plumas and Lassen and Tahoe National Forests. It would exempt them from that if in fact they were done prior to the 5 years.

□ 1115

So if we find in all of the studies and all of the science that this is contrary to the best interest of these forests, they can continue to go forward; they can continue to go forward with this plan even if the new forest plans are put in place. Those are the kinds of terrible inconsistencies that shall threaten this forest.

Now, let us understand something about the Sierra Nevada Mountains. The Sierra Nevada Mountains in California are under incredible stress. There has been a huge infusion of population, of use, of very bad logging practices in the past. We have now been told in major study after major study that the entire forest system is at risk, that we have got to take care of it, that we have got to do it in a comprehensive fashion.

The President, I believe, is going out to Tahoe to look at the Tahoe National Forest which is part of this plan, to see whether or not there is a way in which we can secure the longevity of the Tahoe National Forest and the Sierras and not destroy the watersheds of Tahoe, one of the national jewels of this Nation, not destroy the watersheds of the rivers of these forests.

So my colleagues have to take it in that context when they look at this pilot project. But this pilot project, while well intentioned and hard worked on and federally financed, and it is going to probably spend about $80 million in Federal dollars to carry out the intent of this, we have got to make sure that this is, in fact, consistent with the environmental laws and with the other activities that are necessary in these forests.

A lot of those activities are driven now, in fact, by population. They are driven by people who want to use these forests for off-road vehicles, who want to use them for camping, for hiking, for biking, all of these other activities, and want to make sure that the watersheds are protected so that we, in fact, can continue to restore the fisheries and the recreational activities in the great rivers of northern California.

That is what is at stake in this legislation, and that is what this legislation does not address. I will be offering an amendment that will take the administration's objections and address them in this legislation and provide for the riparian protection. If that amendment is, in fact, adopted, I will support this legislation.

I believe, then, that this legislation is headed in the right direction and can achieve its goals. But absent that amendment, this legislation is seriously flawed with respect to the integrity of the environmental laws, to the forest plans, and to the multiple uses of these forests in the most populous State in this Nation.

These mountains and these forests are important to millions of Californians, and we will not delegate the right to destroy those forests to a handful of people who have decided that cutting trees is the only way that we can protect this forest. We can have clear-cuts under this legislation, we can decide that that is the most efficient way and, in fact, we can go ahead and just start clear-cutting some of the last of the big trees in California. That should not be allowed.

I would hope that the House would support my amendment. Then we can all go forward and support this legislation, because the process of the Quincy Library Group is, in fact, moral and right and should be encouraged. But this work product fails, fails to meet the needs of the State of California and of the people of this Nation.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman from California [Mr. MILLER] by saying that this measure enjoys very strong bipartisan support in this House.

My friend from West Sacramento, CA [Mr. FAZIO] is a strong supporter of this. The gentleman from Marysville, CA [Mr. HERGER] has done a spectacular job in putting this together. And it has been, frankly, in some ways over his protest said before the Committee on Rules last night, the gentleman from Fort Yukon, AK [Mr. YOUNG], the chairman of the Committee on Resources, has moved dramatically to end up supporting this measure.

Mr. Speaker, I yield such time as he may consume to the very, very compromising gentleman from Fort Yukon, AK [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I was not going to speak on the rule, but I do support this rule. There is a need for this quasi-modified rule to make sure we expedite this process. But I cannot stand by and listen to my good friend, the gentleman from California [Mr. MILLER] make the statements he has made, because we have worked on this legislation for four years.

As I told the chairman of the Committee on Rules the other day, I think they have gone too far as far as this negotiation process. But this is an attempt to listen to the local people, and we have done that. In fact, the Friends of the Plumas Wilderness Society, who have filed 15 lawsuits, 15 lawsuits to stop every logging operation in this area, now support my substitute.

I have a whole list of other people that support this legislation, and not the industry itself but the community that lives there. And, yes, this forest is endangered, not from logging but because of fire and mismanagement by the U.S. Forest Service.

It has finally dawned on people, we cannot manage this from Washington, D.C. This is a national asset, but we cannot manage it from those people who live here in Washington, D.C. or even the Congress that live outside. We ought to start listening to the people. This is what we are doing in this legislation. For the first time, we are bringing all parties together, not just this Congress but the parties that live there, the environmental community.

And may I just clear one up thing. There are no clear-cuts under my substitute at all, and no tree over 31 inches can be cut under my substitute, 31 inches in diameter. By the way, the substitute of the gentleman from California [Mr. MILLER], keep in mind now he says he is doing what the Administration wants, and I am shocked. Because under my substitute, we protect the roadless areas. We protect those areas. And under the substitute of the gentleman from California [Mr. MILLER], he does not protect the wilderness areas.

Then we have the environmental impact statements. This is one thing I cannot quite understand about this administration and the gentleman from California [Mr. MILLER]. My substitute gives one EIS and four smaller EIS statements. Take a look at page 8 or 10 of my substitute. Right there is a total of 5 environmental impact statements. Under the Miller substitute, the gentleman from California [Mr. MILLER] offers one environmental impact statement. One, that is all he offers.

I never thought I would see the day the gentleman from Alaska [Mr. YOUNG] was out-environmentaling the gentleman from California [Mr. MILLER]. That shocks me to death.

We keep talking about riparian restoration. The Miller substitute removes my provision of more funding for riparian rights, riparian recovery in this bill. May I suggest, we took the exact language from the administration, the exact language Jack Ward Thomas proposed. That is the language we used, the language the administration supports, so I do not know what the gentleman from California [Mr. MILLER] is talking about.

We have communicated with the administration. We have communicated with the environmental community. We communicated with the industry itself. We communicated with the local people. We sat down with the Quincy Library Group and put together a good piece of legislation.

And may I close by saying, yes, our national forests are in terrible, deplorable shape, not because they were logged, but because this administration and, yes, other administrations decided that every area could live naturally. That may have been so many, many years ago. But look at the fires. I ask my colleagues to read the papers on fires that are occurring in California today and the fires that occur all the way around the Northwest, in Idaho, Utah, yes, even Alaska. Look at the volatility of those fires and the destruction that occurs. What happens after the fire, the soil is basically dead for our trees.

Every science that talks to us about our forests tells us we must start managing the forests, we must start looking at all alternatives, and this is what this bill does. It is a good, sound environmental bill. Remember, I remind you, the local environmentalists support this legislation.

Yes, the national environmentalists oppose it. You know why? Because they lose their control, and this is what this is all about, control. The environmental so-called community around Washington, DC, it knows nothing about the environment.

Let us start listening to the local people. Let us start listening to those that live there. Let us start saving our forests and our wildlife and the heritage we should leave to future generations.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Boise, ID [Mrs. CHENOWETH], my very, very good friend.

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I, too, just wanted to clarify the record following the gentleman from Alaska [Mr. YOUNG] about some of the statements that were made by the gentleman from California [Mr. MILLER]. I just want to make it perfectly clear and back up what the gentleman from Alaska [Mr. YOUNG] said, that this issue has far less to do with the forest health and jobs.

What the debate from the gentleman from California [Mr. MILLER] was about was about control by a select environmental group here in Washington, DC, who do not understand silvicultural management, who do not really understand the dynamics of good forest management.

H.R. 858 is not at all like the salvage rider. I worked on that salvage rider, and I supported it. But this is not at all like the salvage rider that the gentleman from California [Mr. MILLER] claimed that it was. This pilot project, and let me reemphasize, it is a pilot project, is designed to reduce the risk of catastrophic fire and to prevent the need for salvage riders in the future because we will be taking care of the salvage in this particular area.

The legislation does not provide for clear-cuts. It is just the opposite. What it does call for is thinning of the forest and providing for shaded fuel breaks, in which the small trees are cut and the large trees are left to grow. That not only provides for healthy forests but healthy habitat and browse for wildlife.

In fact, the strategic fuel break system is that very system recommended in the SNEP report, the very scientific report that the gentleman from California [Mr. MILLER] wants the Forest Service to use in the Sierra Nevadas.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I simply close by saying that this is a very fair and balanced approach because of the uniqueness of this 41-member coalition that has been assembled, the Quincy Library Group. And I would like to again congratulate the chairman of the Committee on Resources who, under his self-description, has out-environmentaled the gentleman from California [Mr. MILLER].

I would also like to congratulate the gentleman from Marysville, CA [Mr. HERGER], who has done a superb job on this legislation over the past several years. And I would like to congratulate those Members on the other side of the aisle who have joined in this bipartisan coalition to ensure that we look at this issue in a very fair way.

I look forward to passage of this rule and passage of the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 180 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 858.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman

from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 858 is a good bill. It helps working people, it helps the environment, it saves the forest, and it helps wildlife. It certainly is not everything that I hoped for in terms of timber supply, and I will be the first one to say that again. But it is what the people in northern California want, and in northern California the people are directly affected, and I say all the people, and they deserve congressional help.

□ 1130

This is a pilot project. The bill is just as simple, just like the Quincy Library Group agreement. It directs the Forest Service to implement a science-based fire protection and forest health plan for three national forests in northern California. There are two cornerstones of the bill. Thinning, taking the volatility out of the forest, and fuelbreak work outside of roadless areas; and, second, a requirement to build fuelbreaks on 40,000 to 60,000 acres per year in roaded areas. This means thinning smaller trees, leaving larger trees, and generally improving the habitat and the condition of forests.

I want to stress again, everyone wins with this bill: Local environmental groups, timber workers, again the wildlife, school children, and communities throughout the region. That is why this bill has the support of heavy duty environmentalists like the Friends of Plumas Wilderness and the Plumas Audubon Society. These groups have sued to stop nearly every timber sale in northern California, but they support this bill.

Six labor organizations, like the United Brotherhood of Carpenters and the United Paperworkers, also support the bill. The California Farm Bureau, the Society of American Foresters, Governor Pete Wilson, State assembly members, California county education offices, county boards of supervisors all support the bill. I could go on and on with a list of those who support the legislation.

Frankly, Mr. Chairman, I did not think I would see the day when the staunchest people in the environmental movement, their timber company foes, the union work force, and government officials would actually agree on the timber issues in their own backyard.

That day came almost 1,500 days ago in the public library in Quincy, CA, when neighbors from all walks of life actually agreed on a forest health, land allocation, and economic stability plan. But the plan has not been implemented now for 4 years. People have tried. The Quincy Group is still trying. That is why we are here on the floor with this bill that directs the implementation of their plan.

It is a sad day, Mr. Chairman, that this Forest Service under this administration cannot do what we are directing them to do today in this plan. The management of our forests under this administration is deplorable. It is, in fact, a crime and a sin in what they have done to our forests, because there is no management.

I must say, Mr. Chairman, that the gentlewoman from Idaho [Mrs. CHENOWETH], the gentleman from California [Mr. HERGER], and I have been very, very reasonable in this bill, reasonable to the point that I am wondering whether we have made too many accommodations as I said when I spoke on the rule. It is really not what I would like. But again I want to stress it is up to the Congress to start listening to the people of America, especially those directly affected by actions of this Congress.

We have gone through 27 drafts of this bill between the 104th Congress and today. That bothers me to some extent because we are going to hear later on, ''We weren't told, we weren't notified, we weren't asked, we didn't participate.'' Twenty-seven different drafts were worked on.

No less than 50 modifications that the gentlewoman from Idaho [Mrs. CHENOWETH] shepherded through her subcommittee and then through the full committee. My substitute has 16 changes plus 11 new subsections or paragraphs. Each address one or more of the concerns about the bill.

When national environmentalists complained that the bill might allow some timber harvesting in spotted owl habitat, the gentlewoman from Idaho [Mrs. CHENOWETH] removed two entire pages of the bill that gave rise to the concern.

When some said the Quincy bill did not protect water and riparian areas, the gentlewoman from Idaho [Mrs. CHENOWETH] offered an amendment that ensured that riparian areas would be protected with the same standards in the President's Northwest Forest Plan.

Recently, riparian restoration was raised. On page 4 of my substitute, the issue is addressed with an incentive-based, cost-effective way to restore riparian areas.

Some complained that the Quincy Library Group plan has never been the subject of an environmental impact statement. If Members would look on page 9 of my substitute, we require an environmental impact statement. The library group and I drafted it together. The same environmental leaders in northern California who have sued to block hundreds of timber sales sat with the gentleman from California [Mr. HERGER] and myself to write language giving the Quincy plan an environmental impact statement.

A member of my committee said the Quincy plan would not even get a public hearing or other procedural safeguards. People are important. So in my substitute I included an assurance that there would be a 45-day public comment period.

Others said we were trying to exempt the bill from the National Environmental Policy Act. That was never true, but we included the environmental impact statement requirements and we included a subsection (m) which states, ''Nothing herein exempts this pilot project from any Federal environmental law.'' I do not think we could be any more clear than we want to follow the environmental laws.

Some said they were unsure whether the bill was consistent with the California Spotted Owl process. I am certain it is, but my substitute says that the California Owl Guidelines and any final owl guidelines will apply.

Frankly, this is an exercise in reasonableness on the part of the gentleman from California [Mr. HERGER], the gentleman from New Jersey [Mr. SAXTON], the gentleman from Maryland [Mr. GILCHREST], the other members of the Committee on Resources and Members off the committee that support the bill. The gentleman from California [Mr. CAMPBELL] has been very helpful on the environmental impact statement portion.

With all these changes, it is no wonder so many groups support the Herger bill. Only the groups on the very fringe oppose the bill and they have no rational basis to do so. We tried to get them to the table, but they refused. There are groups that will never be satisfied. That is the way they make their living. Frankly I do not understand their thinking because I thought they were environmentalists.

I know from his past statements that the Secretary of Agriculture supports the Quincy plan. I asked him 6 weeks ago to assist us in crafting any changes to accommodate his concerns, but I have not heard back from him. We have been very bipartisan and bicameral in our approach. I also asked the junior Senator from California for her suggestions, and we have accommodated the concerns that she raised.

I urge Members to support my substitute and, by the way, reject the Miller substitute because as I mentioned in debate on the rule, his does not protect the riparian part of my bill. He in fact invades the roadless areas. As I said, I never thought I would see the day when I would be out-environmentaling the gentleman from California [Mr. MILLER], but I am doing this in my substitute. Again, I say to those who might have some questions, listen to the people of America. Listen to those that are directly affected. Yes, this is a national forest, but there are people that live in, around, and with the national forest that every day they wake up, they are faced with a problem of mismanagement under this administration. It is time that this Congress listen to those people and let us try this pilot project. What is the fear of trying a pilot project when we are failing today? Let us see if this works. If it works, it will be an example and a molding of how we can for the first time in many, many years address the

forest as a total entity, not as something far away, or from Roswell, NM. That is how they are managing it today, a bunch of aliens who have no concept about the potential of the fire damage, no concept of the homes that are lost, and the destruction not only of the forest but of the wildlife. If Members do not believe me, read the newspapers today, tomorrow, and the day after. What do they say about every Western State of the fires that are occurring? Because of the lack of management. This bill takes care of that problem and recognizes the need and necessity of cooperation.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset that there is no question that the gentlewoman from Idaho and the gentleman from Alaska, the chairman of our committee, have worked very hard on this legislation, as have the people of the Quincy Library Group worked very hard on this legislation. But we are down to the point now where we have to vote and we have to decide whether or not this legislation meets the test of providing for the comprehensive protection of these forests or whether it does not.

The suggestion that somehow that these forests are in trouble because of this administration is just ludicrous. The fact of the matter is what has happened is this administration has had to go around and clean up after the previous administrations that decided they would not administer the forests at all, and we saw almost the entire Northwest and a good portion of California starting to be shut down economically because of the spotted owl. We now see that in fact resources are again being opened up under this administration, that cooperative agreements are being entered into with some of the largest timber companies in the country, and supplies are being returned to the market.

But where are we with respect to the Quincy Library Group? The Quincy Library Group, in their name this legislation is being put forth, and it is unfortunate to have to report to the Congress of the United States that this legislation simply does not meet the test to provide for the protection of the Sierra Nevada Forest, of the three forests that are involved in this pilot project of 2.5 million acres, that it does not comply with the environmental laws of this Nation.

I wish it did, because we have been strong supporters, many people on both sides of the aisle, of this process to try to improve and increase the voices of those people who live in the direct area. But we also have to make the bottom line decision that these forests belong to all of the people of the United States, just as Yellowstone National Park does, as Grand Canyon does, as the Appalachian forests do, of the great forests of the Midwest, of the public lands. These forests belong to the people of this Nation, and we have the stewardship obligations to make sure that these forests will be healthy, that these forests are sustainable so that future generations will have the same enjoyment, both economically, from a recreational point of view, for the use of their families, and from an environmental point of view that our generation has had.

That is the test, and that is why the Quincy Library Group exists, to see whether or not we can manage these forests on a sustained basis now, sustaining them economically and sustaining them for multiple uses. That was not the policy for the past 50 years, of both administrations, Democratic and Republican. It was that the forests were simply a crop, just cut them down and go on about your merry business. Now we find ourselves in terrible shape.

For the people of California, 33 million people, that use the Sierra Nevadas as a major recreational resource, for the millions of people who come from around the world to use the Sierra Nevada for a recreational resource, this resource is in trouble. That is why we are willing to try something like Quincy Library. But Quincy Library has got to be prepared to do it within the environmental laws of this country.

That is why the Clinton administration has sent a letter to this Congress telling us that this legislation, while they support the process, while they funded, they put $4 million into Quincy Library, that this product as it is presented to this Congress at this time is a flawed product. It is a flawed product basically because it fails and it is inconsistent with the environmental law compliance on current environmental procedures. This project is not designed so the project will be carried out consistent with the environmental laws. They state that time and again in this legislation.

My amendment is addressed to the points raised by the administration to bring this project into compliance, so that in fact when we do amend the forest plans in Plumas, the forest plans in Tahoe, this project will be brought in compliance. It will not be run if the science tells us that we are taking too many trees or we do not have the correct firebreaks or we are not protecting the streams in the right fashion. This legislation should not be able to operate outside those scientific findings, but that is what this bill allows this project to do.

I appreciate that the process is subject to environmental impact studies, but the project itself is exempted in many ways. The 2.5 million acres, the 300,000 acres of timber harvest, the riparian protections are exempted. In fact, if we go back and read Public Law 104–19, we will find language in here that saddens this Nation, that this Congress and this President at one moment said you could cut trees without consideration of the environmental laws, without the multiple use, without taking into consideration the impact of that activity on the rest of the forest.

We learned our lesson. We learned our lesson when the public told us that was unacceptable. Yet when we go to this legislation that is before us here today, we find out that the same language is present in this legislation. One of the horrible black marks on our environmental record of this Congress and this Government is now being brought back to us in this legislation.

What does that say? That language says that you can cut these trees and you never have to take into consideration the cumulative impact: Are you destroying the great rivers of northern California with siltation and debris and the fisheries? Are you having an adverse impact on Lake Tahoe? Are you having an adverse impact on the surrounding forests? Are you destroying the ability of diverse species to live in these forests? Are you causing erosion that is beyond your control and will destroy the ability of these forests to come back? Under this legislation you do not have to take that into consideration. ''The Secretary concerned shall not rely on salvage timber sales as a basis for administrative action limiting other multiple use activities.''

□ 1145

That is where we are today. It is not that we disagree with what the people of Quincy Library have tried to do and how hard they have worked. It is not that we disagree with what the chairman of this committee is trying to do and the gentlewoman from Idaho has spent so much time on this legislation. It is that this legislation needs about four or five small technical fixes which would bring it into compliance with the environmental laws and modern practices so that we do not repeat the horrendous mistakes that almost destroyed the Sierra Nevada forests of California, that have in fact destroyed the fisheries, the great fisheries, of many of the streams and rivers in northern California where we are spending hundreds of millions of dollars to try and recover those fisheries so that people can use them with their families.

And now this legislation puts 2½ million acres into a pilot project. Nothing wrong with that pilot project except that it does not comply with the laws of this Nation; it does not comply, it will not have to comply, with the amendments and the changes and the forest plans for these three forests. And unfortunately because of many, many years of neglect, we do not have a lot of trees to waste, we cannot be wrong for the next generation, or our grandchildren. Where we once enjoyed great, great forests of the West, our grandchildren will enjoy scrub bush, Manzanilla, and eroded soils.

Have my colleagues ever tried pitching a tent in that kind of area? Ever

try to enjoy that when it is 105 degrees in the foothills of California? That is not why people live in California.

This is about the future of these resources, and Quincy Library has all of the possibilities and the abilities to make a positive contribution to the protection of the Sierra Nevada forests. But that is not what this legislation does. It can be easily corrected with my amendment, and then we can all support this legislation.

I am sure there will be those who are unhappy with my amendment, that it does not go far enough, but I think it maintains the integrity of our national environmental laws, and it maintains the integrity of the Quincy Resource Group.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for yielding this time to me.

Let me just say I rise in strong support of this bill, and I want to commend particularly the gentleman from California [Mr. HERGER] who has spent so much time and has dedicated so much of himself to bringing us here, to bringing us here today.

Let me say to my good friend from California, Mr. MILLER, with whom I have shared so many common positions on environmental issues, I am not going to go down the litanies of things that the gentleman pointed out in terms of where this bill may differ with other national policy that we have passed here, but I would say to the gentleman that we in this House have got to stop looking at environmental issues from a white and black point of view. There has got to be some middle ground, and I believe this bill finds that middle ground.

In fact, for the past 2½ years I have been advocating State and local participation as a means to rationally implement laws like the Endangered Species Act. Only those closest to home of endangered species can understand the impact of protecting them and the impact on local people and on local businesses, and that is why in my opinion the future of environmental protection is on State and local partnerships with the Federal Government.

Mr. Chairman, that is what this bill brings to us. H.R. 858 is a bill that puts this theory of State and local in a Federal partnership into place. H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997, implements a 5-year pilot project, a locally conceived solution to a forest health crisis in California. This program is aimed at maintaining community stability, improving forest health and preventing wildfires and making fuelbreaks in our national forests in the district of the gentleman from California [Mr. HERGER] which are so important.

What is so unique about this bill is its origins. In direct response to President Clinton's directive at the Forest Summit in April 1993, the Quincy Library Group was formed. It was comprised of local environmental organizations, the wood products industry, citizens and local officials. They took seriously the President's charge at that April meeting when he said, ''When you leave here today, I ask you to keep working for a balanced policy that promotes economy, preserves jobs and protects the environment.'' He said, ''I hope we can stay in the conference room and out of the courtroom.''

The Quincy Library Group plan emerged, and it is based on the Sierra Nevada ecosystem project and vastly improves the odds of saving endangered species habitat from fire damage.

My colleagues may hear from some environmental groups that my friend from California was advocating, whose position he was advocating, that they are not thrilled with the bill. Some of their criticism stems from the perception that the administration did not have enough negotiating time to draft an alternative solution. I do not agree. The bill was not even drafted until the plan remained unimplemented by the Forest Service for 1,400 days. That is 4 years. And H.R. 858 was then introduced on February 22, 1997, with bipartisan support.

In conclusion, H.R. 858 shows that locally conceived environmental solutions are possible and should be encouraged by Congress, and I urge my colleagues on both sides of the aisle to support the bill.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER], the author of the bill, from the area which is directly affected.

Mr. HERGER. Mr. Chairman, for more than 15 years, environmentalists and members of the forest products industry have waged war over managing western forests, and like all wars this conflict has had its share of victims. The victims of the forest management debate include schools left with dramatically reduced funding.

Twenty-five percent of all timber sales receipts are promised by mandate to fund local education and country road programs. When sales decline, so does education. Other victims are communities faced with extreme unemployment rates and an environment clogged with unhealthy forests.

In 1993 Bill Coats, Plumas County supervisor from Quincy, CA, took up the challenge of breaking the gridlock over forest management. He did so by arranging a meeting with environmental attorney Michael Jackson and Sierra Pacific Industries forester Tom Nelson. They met in the library because they knew that there they would not be yelling at each other.

The Quincy Library Group is now a coalition of 41 local environmentalists, forest product industry representatives, public officials, and concerned citizens who met each month at the Quincy Library to discuss ways to improve local forest health.

This program has been endorsed by local environmental organizations including the Plumas Audubon Society, the Friends of the Plumas Wilderness, the Sierra Nevada Alliance, and the Shasta-Tehama Bi-regional Council. At the heart of their discussions is the overriding threat that fire will destroy the forest before any action can be taken.

Nationwide last year more than 5.8 million acres burned with total fire suppression costs of close to $1 billion of taxpayer dollars. The group turned to the best science available, including the recently released Sierra Nevada Ecosystem Project [SNEP] report which defines, among other things, the elements of a healthy forest.

H.R. 858, the Quincy Library Forest Group and Economic Stability Act of 1997, takes the first vital step toward conflict resolution of environmental issues across the United States. This legislation is all about compromise and consensus building on the local level. H.R. 858 is not about local control of national forests but about local input on forest management through implementation of a 5-year pilot project on portions of the Plumas, Lassen, and Tahoe National Forests in northern California. In short, this is all about local wisdom gaining a voice in our forests. The Federal Government still retains complete control over implementation.

The Quincy Library Group implements most of these elements through the following goals: First, reduce the risk of catastrophic wildfire; second, protect environmentally sensitive areas; third, implement critical watershed stream and water quality restoration; and fourth, provide economic stability for communities dependent on the wood products industry. These goals are accomplished through implementation of a 5-year pilot project on three of California's threatened forests. My legislation implements a strategic system of defensible fuel profile zones including shaded fuelbreaks that contain fires in the more manageable forest understory.

Again, the Quincy Library Group bill is clearly science based. It improves forest health by implementing the SNEP fuelbreak program to reduce fire risk. Its riparian protection guidelines were written by scientists led by Dr. Jack Ward Thomas, former chief of the Forest Service under the Clinton administration and architect of the science work underlying the northern spotted owl debate.

Through these elements of the program, fire suppression personnel will have the ability to contain fires before they get out of hand. The proposal also implements uneven-aged forest management prescriptions utilizing individual tree selection, and thinnings and group selection to achieve optimal forest health by creating an all-age multistory, fire-resilient forest.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon, Mr. BOB SMITH, the chairman of the Committee on Agriculture, my good friend.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman from Alaska for yielding this time to me.

This is finally a compromise that I have been looking for for at least 10 years. In my experience we have not hit balance in the practice of forestry in this country, and certainly that is evident by what has happened in the Pacific Northwest where we find in region 6, the States of Oregon and Washington, 85 percent of the public forests are shut down to any kind of management. For the first time in after 4 years, and of course it plays a very important part here, after 4 years the Quincy Library Group has finally found balance, I believe, and here again, if there are those of my colleagues who are concerned about the environmental impact here, there are four environmental impact studies in this legislation, four.

So do not let anybody fool us about how the environment is going to be taken advantage of here.

The issue here very simply is what happens when we lose the resource, and that is catastrophic fire. We rely upon science now. We rely upon science as the evidence of what will happen in the future if we do not manage forests. That is what Quincy Library Group did. Evidence here by Dr. Chad Oliver, including nine scientists across the country who have testified before our committee twice now, and one of the options they present is no management. What do we get when you have no management? I will tell my colleagues what is received. Received finally loss of specie, receive loss of water quality and quantity, and finally receive loss of the resource because finally it will burn, finally it will burn.

Mr. Dombeck, Chief of the Forest Service, testified before our committee that there are 40 million acres of land under stress of catastrophic fire or the possibility of catastrophic fire in this country.

□ 1200

Most of them are in the West. He testified that we are going to service only 1 million acres. I ask, 40 years later, what do we have? We have lost our forests. That is unacceptable. The Quincy Library Group addresses the issue because they manage the forests in a balanced fashion, which will manage the threat to ecosystem health crisis and catastrophic fires.

The bill obviously, as we have heard, is the wisdom of local stakeholders. We all know that that is better opportunity and better judgment than we can find even here in these hallowed halls, because the people in California understand the issue better than any of us do. They came forward, environmentalists, labor leaders, forest people, and they came with the idea that we ought to have this kind of management process.

Also, this bill is a clear issue of measurement. We must measure what happens. That is very important to the Congress and to those folks in California as well. There is an old saying, when performance is measured performance improves, and when performance is measured and reported back, the rate of improvement accelerates. We must measure what happens with Quincy Library.

Finally, the fundamental principle here is that we need to manage our forests to save them. We need to manage them to save them. If we are going to help 40 million acres in this country, this is just the beginning. This may be a pilot project, but this may be the beginning of an opening of pilot projects around the country to prove again that we should manage our forests, manage them scientifically, and manage them for every resource.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise today in strong support of H.R. 858, the Quincy Library Group Health and Economic Stability Act of 1997. I would like to commend my colleague, the gentleman from California [Mr. HERGER], for his work on this legislation.

This bill would implement a community-based solution to improve the ecological and economic health of three northern California communities. Catastrophic wildfire is a chief threat to the ecological integrity of the forest system. By treating the landscape through a system of strategic fuelbreaks, this plan effectively implements the principles of ecosystem management, thereby providing forest conditions for wildlife, fish, and human beings. In addition, this bill provides interim protection of all roadless areas in the three forests.

I would like to applaud the Quincy Library Group for their efforts in developing this plan. Representatives of local environmental groups, labor unions, wood product organizations, and local government officials sat down and hammered out a plan to address the challenges facing their community. I would like to encourage more local communities to work together to find practical solutions to address their problems.

I am greatly encouraged to know that folks with such different interests can sit down and reasonably work out a solution based on sound science, bipartisan cooperation, and local expertise even on a sometimes controversial issue like forest management.

Finally, H.R. 858 is not exempt from environmental laws. It simply provides for a 5-year pilot project in which the Forest Service retains complete control of its implementation. Let us give this type of community-based bipartisan scientific approach a chance to work.

I strongly urge my colleagues to vote in support of H.R. 858, the Quincy Library Group Forest Health and Economic Stability Act of 1997.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise today in support of the manager's amendment to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act.

In April 1993 at the Northwest Forest Summit, President Clinton put forth a challenge to a community in northern California in the midst of timber wars and litigation brought about by the listing of the northern spotted owl and a reduction of logging levels in the forests of northern California.

President Clinton said to the people in the local area of Quincy, CA: ''When you leave here today, I ask you to keep working for a balanced policy that promotes the economy, preserves jobs, and protects the environment. I hope we can stay in the conference room and out of the courtroom.''

So a group of local citizens around Quincy, CA, including the local county supervisor, timber employees, and members of the local environmental community, and they are strong environmentalists, I might say, seized the President's challenge. The group had their first meeting at the public library in Quincy because it was the only location which assured quiet, civil discussion about many difficult and contentious issues and concerns that divided the regional community.

The manager's amendment before us today is the result of 4 years of consensus building on issues that do not easily lend themselves to a consensus. We can see that here on the floor today, because we could resolve this here. I hope we will.

The bill provides a framework for managing the forests of the Sierra Nevada through fire suppression, watershed protection and riparian restoration and seeks to direct these activities toward meeting the local needs of communities dependent on these forests for economic livelihood.

Since my colleague, the gentleman from California, Mr. WALLY HERGER, introduced this bill early in this Congress, H.R. 858 has come a long way. I testified before the committee in March as a cosponsor of this bill in support of the process of local people getting together to work out problems in their community. But I also acknowledged that the bill still had a long way to go. In any attempt to put an agreement into legislative language the devil remained in the details. What followed in northern California after the committee hearing was perhaps one of the most remarkable steps forward we have seen in this country since the two sides embattled in a debate over our Nation's forests first butted their heads together.

Members of the QLG, the Forest Service, Congress and the national environmental community came together in an attempt to work out further differences. Much progress was made in the several meetings which were held during the past few months. But as is always true with consensus, not all the glitches were ironed out.

Provisions have been added which ensure compliance with environmental laws as well as interim and final California spotted owl guidelines, and there is an authorization for additional appropriations for the Forest Service to implement the Quincy Library Group proposal. But I know the administration still had a some concerns.

I am sympathetic with the amendment being offered by my colleague, the gentleman from California, Mr. GEORGE MILLER which addresses some of the issues raised and ensures a straightforward interpretation of the bill's environmental protection provisions. But here we are arguing about interpretation of language and not legislative intent, which I believe is the same, if not very similar. We can reach closure, and I hope we will, before the amendment is offered and hopefully broadly supported.

Senator FEINSTEIN has also been working with the QLG, the administration, and members of the environmental community on Senate legislation which I believe will move us closer to a bill which has something in it for just about everyone.

As I have said all along, this bill is a work in progress. But I feel certain if we continue to work together, not only on the floor today but as the bill proceeds to the Senate, we will be able to send a bill to the White House that the President will not only sign, but do so gladly.

So I urge my colleagues to enable this work in progress to move forward today by voting ''yes'' on this bill, hopefully on an amendment that has been agreed to by both sides to further clarify intent, but even without, if no agreement is reachable today. This bill deserves to be sent forward so the process of refinement can continue.

Let me simply say, I think we have to put more faith in communities that are at odds with each other but are willing to work together to come to solutions. We cannot solve every problem in Washington. We cannot solve every problem in the Forest Service without input from local people. I think what the gentleman from California, Mr. WALLY HERGER, has attempted to do and which I have joined him in the effort to accomplish is to validate that process that these local community activists have so long and thoroughly engaged in.

This is not a bill that is perfect, but it is getting close, and it deserves to be supported by a broad bipartisan coalition on this floor.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 4 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank my chairman, the gentleman from Alaska, for yielding time to me.

Mr. Chairman, we have heard a lot of comment here today about, what about cumulative impacts as a result of the Quincy Library Group proposal succeeding; what about cumulative impacts on rivers and streams and on wildlife; what about sedimentation and soil erosion?

Mr. Chairman, it just does not take a rocket scientist to realize that when you have uncontrollable fires in the forests, it destroys the wildlife, the little critters and the big critters. That is a horrible way to die, let us face it. It does not take a rocket scientist to understand that when we have uncontrolled forest fires that it destroys the sedimentation and we have massive erosion. That is what is causing the pollutant load in our streams and our rivers.

I am so impressed with the work of the gentleman from California [Mr. HERGER] and the work of the Quincy Library Group. I have been impressed by the way in which this unlikely coalition of individuals, each with strongly held beliefs, have worked together to achieve a common goal. That is to preserve the ecology of the forests where they work, where they live, and where they play, and to protect the jobs, economy, and the social fabric of their community. They have that right in America, and we should back them up.

For the economy, the Quincy Library Group bill means jobs. The fuelbreaks and selection harvests will generate 2,250 family-wage jobs each year, and 12,250 jobs over the life of this pilot project. This counts only the direct jobs that are produced, but the indirect jobs that are generated will more than double those figures. Mr. Chairman, that amounts to 25,000 jobs. These family-wage jobs are sorely needed in a community where we have seen at least 32 mills that have closed in just the recent years.

If now we can break the gridlock over environmental issues by implementing a locally developed solution that also puts people back to work, then we are doing the right thing. I believe if jobs are the only issue, the Quincy Library Group would not have reached the agreement on a legislative proposal, but they also agreed that something must be done to ensure a clean, safe, and healthy environment for the short- and the long-term future.

Their plan will improve the environment in the following important ways: It improves the health of the forests by thinning smaller trees and allowing better forest habitat to develop; it quickly begins to reduce the extreme fire risk in the Sierras, using a strategy described and recommended in the recent scientific report known as the SNEP report, or the Sierra Nevada Ecosystem Project report; it protects streamside areas and fisheries with the provision I added to the bill in my committee, which applies the same riparian measures that are included in the President's forest plan; and it preserves roadless areas, while focusing on thinning and forest health activities in areas that are already roaded.

It ensures that spotted owl habitat will not be entered for timber harvesting, since in committee we removed a provision that would have allowed limited harvesting after catastrophic events, and it ensures, through the manager's amendment, that the project will receive an EIS, so environmental laws apply.

While I do not necessarily believe there should be more wilderness, and I question the need for the riparian guidelines used in the President's forest plan, I recognize that the QLG plan is part of a balanced compromise based on commonsense solutions. The Quincy Library Group has convinced me that their plan will address ecological concerns, sustain a viable community, and allow people to make a living. We must now support their goal and ''just say no'' to those in the national conflict industry who oppose this bill.

As the Quincy Library Group told my subcommittee, they heeded the President's call to leave the courtroom and meet at the conference table. The result, H.R. 858, will break the timber gridlock, at least in one part of northern California. Environmental leaders, timber companies and the many others who make up the Quincy Library Group have agreed that it is not a sin to cut a tree, and it is important to move forward with a plan to protect the forests that they love.

Now it is important that we support their effort and provide the means to implement that plan by passing H.R. 858.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I thank the distinguished minority member for yielding this time to me.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the committee. I want to thank Chairman YOUNG for working with me and others who had concerns about this bill. I think we now have a bill which allows an important experiment to move forward, while ensuring that it proceeds within the framework of existing environmental law. That is very important to me and many of my colleagues in this House.

I would like to engage the chairman in a colloquy to clarify a few points.

First, under the Young substitute, I would ask the gentleman from Alaska, would an environmental impact statement have to be completed before the pilot project got underway?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Yes, it would.

Mr. BOEHLERT. In the event that an environmental review found that the project was in some way at odds with environmental law or the spotted owl

guidelines, then the project would have to be altered accordingly?

□ 1215

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, that is correct. The bill does not exempt the project from any environmental law and it explicitly references the spotted owl guidelines.

Mr. BOEHLERT. One final question, Mr. Chairman. Is there anything in this bill that would prevent the Forest Service from undertaking site-specific analysis as part of an environmental impact statement?

Mr. YOUNG of Alaska. No, there is not.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for those assurances. I think that my colleagues can now see how this bill provides adequate environmental protection. This valuable locally developed experiment will be able to go forward to the extent that it passes muster under existing environmental law. We have provided no special dispensations but we have ensured that the initial stages of environmental review cannot be dragged on indefinitely.

I think this Congress needs to do everything possible to advance locally developed solutions to environmental issues, but those solutions must be in compliance with environmental, Federal environmental law. This bill satisfies both of those goals. This bill would advance a locally negotiated, created, worthy 5-year experiment while ensuring that the experiment moves forward only to the extent that it complies with Federal environmental law. It is exactly the right approach to the stewardship of Federal lands that belong to us all. Creative management, full-fledged protection.

In forest management in particular, this strategy has been lacking. On one side we have those who want to ban all logging in Federal forests; on the other, those who want to limit the role of environmental concerns in managing those forests. But those extremes must be rejected. This bill rejects them.

I am pleased this bill has been revised to represent a true middle ground. I want to thank all of those on both sides of the aisle who have worked so cooperatively with the Quincy Library Group. This is how the system should work. I want to commend both the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. HERGER] in particular with whom I have had the privilege of working closely. I want to thank the gentleman from California [Mr. MILLER] and my colleagues on the other side of the aisle for working cooperatively with us.

With that, I urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, as vice chairman of the Western Caucus, I rise to express my strong support for H.R. 858 and my opposition to the substitute offered by my colleague, the gentleman from California [Mr. MILLER]. In November of 1992, representatives from local environmental organizations, local foresters, local elected officials, and interested citizens began meeting at the library in Quincy, CA. The result of this effort is the legislation we have before us today, H.R. 858, a proposal that is good for forests, good for people, and good for the environment.

Using the best and most current science available, the Quincy Library Group has brought before us a 5-year forest management pilot program that strengthens the health of the forest in the Quincy region by reducing the catastrophic wildfires, restoring streams and watersheds, prohibiting timber harvesting in all designated roadless areas, and saving endangered species.

H.R. 858 represents a bold new approach to solving today's environmental problems, an approach that is long overdue. The legislation put forward by the gentleman from California [Mr. HERGER] marks the new beginning of an era of environmentalism in America, one that emphasizes local wisdom, local cooperation, and incentives not in conflict and controversy.

For too long we have placed our trust into the hands of nameless, faceless Washington bureaucrats to decide what is best for our environment and our well-being in local communities like Quincy. In order to better protect the environment, we must move beyond the outdated approaches of the past. We must replace the old Federal command and control approach to environmental protection with one that rewards local stewardship and private property incentives. H.R. 858 achieves these important objectives.

Mr. Chairman, do not let the eco-thugs destroy the environment of northern California. Vote no on the Miller amendment and yes on H.R. 858, the Quincy Library bill.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me as I rise in opposition to H.R. 858, the Quincy Library legislation and in support of the Miller amendment to H.R. 858.

Mr. Chairman, I rise in opposition because this committee bill, despite the valiant efforts of the distinguished chairman of the committee, whom I hold in the highest esteem, this bill is not what it appears to be. It does not provide forestry stream protection. It does not promote adequate public input. It does not provide environmental controls on logging. Indeed, in spite of the efforts of our distinguished chairman, H.R. 858 is a facade. The legislation is not even necessary.

The goals stated in this bill could easily be accomplished at less cost and with less controversy by administrative action. What may have started out as a laudable plan by a small group of concerned citizens has not resulted in fulfilling the original concept of forest protection. If Congress intends to go forward with this legislation, it should at a minimum, at a minimum, Mr. Chairman, include the Miller amendment to bring H.R. 858 into compliance with Federal environmental laws governing forest protection and particularly the protection of the spotted owl and its habitat in the region.

The Miller amendment stipulates that environmental impact statements under the legislation must be prepared in accordance with existing Federal law. The management of these vast tracts of California forest should be based on sound science and environmental policy. We should not proceed with anything less than the Miller amendment.

While the original goal of the Quincy Library Group, and indeed the distinguished chairman, was to reduce catastrophic wildfires, that is an important goal for the Quincy communities and surrounding forest, it has been lost in this debate. H.R. 858 is a drastic departure from the intended goal. Instead H.R. 858 sets a poor example for citizen involvement by allowing Federal laws to be circumvented and sends the message that the activities of local communities can be made immune from Federal laws governing Federal forests.

The echo from this message will reverberate in future forest management decisions, signalling that environmental laws can be disregarded. Let us not set a bad precedent today. I urge my colleagues to support the Miller amendment when it is offered later and to oppose final passage of this bill, if the Miller amendment is not adopted.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think what is becoming clear in this debate is there is clearly an agreement in terms of purpose and intent, I believe, essentially among all parties to this legislation; that is, that we ought to try and see as to whether or not local communities can be involved to a greater extent, can help the Federal Government design forest practices and forest management that is consistent with the interest of those communities. When I say those communities, I mean it in the broadest regard, as is reflected in the Quincy Library where we have included the environmental community, the business communities, the forest industries community, those interested in recreation, small businesses and all of the rest, that those communities get a great deal of consideration and participation in the design of the management and the practices on our forests.

Where I think this debate departs is that in designing this pilot project, we have run into some glitches that I think are minor in terms of intent but important in terms of the law and important in terms of trying to reduce

the potential for litigation on this pilot project. My amendment seeks to address those concerns that have been raised by this administration. It has been funded, it has been championed, it has been motivating, the Quincy Library Group. I am sure that we are disappointed that we are at this stage, but they have come forth and I admit they only came forth this morning or late yesterday afternoon with the statement of administrative position clearly outlining these important changes that they sought. But we should not argue about whether or not the administration came forward on a timely basis. What we ought to do is to see whether or not, in fact, we can clear up those concerns so that we can have, in fact, here a unified position on this legislation. We will have the ability to expedite it through the Senate and have it in fact become the law so that we can get on with this process.

A number of speakers have alluded to the fact that the Quincy Library Group has been meeting for a very, very long time, that this work product, their desire, has been around a considerable period of time. It would be a shame that if after we get consideration of this in the House, then, in fact, we find out that we cannot get consideration because of these remaining controversies, we cannot get consideration of it in the Senate where it languishes and I think it is fair to say that that would be a very real problem.

I think with the acceptance of these amendments, we basically have legislation where we have the kind of agreement that allows for the expediting of this within the other body. I would hope that as I get prepared to offer my amendment, that all parties who have worked so very, very hard on this legislation would understand that I think in some cases we are talking about a difference in language, maybe not a difference of intent. It is clear that the gentlewoman from Idaho, the chairman, the gentleman from California [Mr. HERGER] and others have gone a long distance in trying to address those concerns. But now we have a clearly stated list of concerns from the administration that in fact are going to have to be addressed, whether they are addressed here or addressed later. We ought to address them here and dramatically improve the chances of this legislation becoming law so that people in Quincy Library can get on with this pilot project.

Ordinarily you would not think that this would be terribly important, when we are talking about a pilot project, but as I tried to say in my opening remarks, we are talking about a forest system in our State of California that is under a great deal of stress, a forest system that a lot of changes have to be made in, and there is not a lot of room for error, whether you are from the forest industries side of the equation or whether you are from the environmental side of the equation or whether you are a small business trying to sell gasoline and food and recreational supplies to people who come there to use it. If we do not from this date forward manage these forests correctly, we run the risk of losing these forests for many, many generations. We cannot afford to do that.

I think that is the purpose of the administration's amendments, which, again, comes from an administration that created the Quincy Library Group, has funded the Quincy Library Group, and now finds itself in a position where it has, I believe, four or five recommendations to make this bill consistent with the environmental laws of their concern. I would hope that we would be able to address those when I offer my amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me the time.

I have followed this process as a person who comes from a district where the forest wars have raged during my entire tenure in Congress. I have followed the Quincy Library project with great hope as a way to move away from embittered and polarized interests to some solutions that make sense. I am very concerned that we have ended up with a bill on the floor that the administration has raised strong objections to a few points of language and concerns within the bill. I am hoping that we work that out, because I would like to see this project go forward to implementation.

□ 1230

Because it is finally moving away from the forestry we have been practicing in this country since NFMA and before that, which is the approach of save and sacrifice. That is, over here we will have huge clearcuts, and over here we will put some land aside. The President's plan was an improvement, but what it did was saved more and sacrificed less. It did not look at alternative management.

This project would, over a wide and large land base, first, reserve roadless areas, reserve wilderness areas, enhance riparian protections, follow all the recommendations for the spotted owl recovery program in terms of canopy closure, but it would engage in what is called light touch, uneven aged stand management, light touch forestry, over about a quarter of this land base. Now, that, to me, is a step forward in recovering the health of this ecosystem and in beginning to turn down the temperature on these conflicts.

There are some who have vested interests in continuing the conflict, and they are going to object even if we come to a reasonable conclusion here, those at the poles of this debate. But I believe the vast majority of the people want to see us work out an agreement here that can be signed into law by the President, that will allow us to look at a different type of forest management to recover forest health and leave those areas that are already healthy alone.

That is what the Quincy Library project is about. Those were the conclusions that were reached by this local group, rather amazingly. I was very skeptical when we put forward funding for the Quincy Library project. I said we will never get strong environmentalist and strong industry advocates to sit down in a room together and agree on much of anything. Well, there has been substantial agreement, but now the disagreement has gone beyond the walls of the Quincy Library to here on the floor, where we still have a few fine points to work out so that we can ensure that we have a bill that is acceptable to the administration and that we can go forward.

Again, reserve the roadless areas, reserve the wilderness areas, enhance the protections, follow the spotted owl guidelines, but go to light touch uneven aged stand management on those lands outside of those critical areas that are not in a very healthy condition. It would definitely be a step forward in our understanding of how we might recover some of the damage that has been caused by mismanagement of Federal forestlands over the last half century here in this country.

So I am hopeful that it will be possible to come to that sort of an agreement here on the floor today. I will support the gentleman's amendment when it is offered later and am hopeful that we can work out any other differences.

Mr. FAZIO of California. Mr. Chairman, I rise today in support of the manager's amendment to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act.

In April 1993, at the Northwest Forest Summit, President Clinton put forth a challenge to a community in northern California in the midst of timber wars and litigation brought about by the listing of the northern spotted owl and a reduction in logging levels in the forests of northern California.

President Clinton said to the people local to the area of Quincy, CA, "When you leave here today, I ask you to keep working for a balanced policy that promotes the economy, preserves jobs and protects the environment, I hope we can stay in the conference room and out of the courtroom."

A group of local citizens around Quincy, CA—including public officials, timber employees, and members of the environmental community—seized the President's challenge.

The group had their first meeting at the public library in Quincy—the only location which assured quiet, civil discussion about many difficult and contentious issues and concerns.

The manager's amendment before us today is the result of 4 years of consensus building on issues that do not easily lend themselves to a consensus.

The bill provides a framework for managing the forests of the Sierra Nevada through fire suppression, watershed protection and riparian restoration, and seeks to direct these activities toward meeting the local needs of communities dependent on these forests for economic livelihood.

Since my colleague, WALLY HERGER, introduced this bill early in the 105th Congress, H.R. 858 has come a long way.

I testified before the committee in March as a cosponsor of this bill, in support of the process of local people getting together to work out problems in the community. But I also acknowledged that the bill still had a long way to go.

In any attempt to put an agreement into legislative language, the devil remained in the details.

What followed in northern California after the committee hearing was perhaps one of the most remarkable steps forward we have seen in this country since the two sides embattled in the debate over our Nation's forests first butted their heads together—members of the QLG, the Forest Service, Congress, and the national environmental community came together in an attempt to work out further differences.

Much progress was made in the several meetings which were held during the past few months, but as is always true with consensus, not all the glitches were ironed out.

Provisions have been added which ensure compliance with environmental laws as well as interim and final California spotted owl guidelines, and there is an authorization for additional appropriations for the Forest Service to implement the Qunicy Library Group proposal.

But I know that the administration still has some concerns, and I am supportive of the amendment being offered by my colleague GEORGE MILLER, which addresses some of the issues raised and ensures a straightforward interpretation of the bill's environmental protection provisions.

Senator FEINSTEIN has also been working with the QLG, the administration, and members of the environmental community on Senate legislation, which I believe will move us closer to a bill which has something in it for just about everyone.

As I have said all along, this bill is a work in progress.

But I feel certain that if we continue to work together, the House and the Senate will be able to send a bill to the White House that the President will sign.

I urge my colleagues to enable this work in progress to move forward today by voting yes on H.R. 858.

Mr. STARK. Mr. Chairman, I rise in support of the amendment to H.R. 858 offered by Representative MILLER which would ensure the environmental integrity of an otherwise bad bill. Based on its own merit, H.R. 858 is a bill that would have serious environmental and fiscal impacts.

Proponents of H.R. 858 have sold the bill as a consensus between environmentalists and the timber industry. In reality, no such consensus exists. Environmental organizations from the affected forests oppose this bill. To date, not a single environmental organization has endorsed the bill. Further, when the Clinton administration hosted meetings between the Quincy Library Group and environmental organizations, the Quincy Library Group ended those negotiations. So much for collaboration.

There are a number of serious concerns with the legislation. If enacted, this bill would double the amount of logging that is currently being practiced on the Lassen and Plumas National Forests and the Sierraville Ranger District of the Tahoe National Forest. Further, there are no assurances that the logging will not violate environmental law. The massive experiment consisting of up to 350,000 acres of logging over a 5-year period, would be done prior to environmental review. This is fundamentally contrary to the provisions of the National Environmental Policy Act and National Forest Management Act. The experiment could cause tremendous harm on the ground.

Finally, the bill is bad for the taxpayers. The Congressional Budget Office has stated that the implementation of the increased logging levels that would be allowed by H.R. 858 would cost taxpayers $83 million over the next 5 years. This money will come from other programs on the Lassen and Plumas National Forests. It is fiscally irresponsible to continue to spend taxpayer dollars to subsidize an increased logging program that already costs taxpayers millions of dollars each year.

Representative MILLER allows the pilot project to go forward, but simply makes sure that no environmental laws are waived or superseded. What could possibly be wrong with that?

Let's do the right thing for the environment. The environmental analysis should determine the levels of logging, not a handful of local residents who would ask the rest of the taxpayers to pay the $83 million price tag for a project that makes an end run around our country's environmental laws.

I urge my colleagues to support the Miller amendment, and if accepted, to support H.R. 858.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment numbered 1 in the CONGRESSIONAL RECORD is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute numbered 1 is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quincy Library Group Forest Recovery and Economic Stability Act of 1997''.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term ''Quincy Library Group-Community Stability Proposal'' means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the ''Secretary''), acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as ''Available for Group Selection'' on the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993 (in this section referred to as the ''pilot project area''). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled ''Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest'', a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) RIPARIAN RESTORATION.—During any fiscal year in which the resource management activities required by subsection (d) result in net revenues, the Secretary shall recommend to the authorization and appropriation committees that up to 25 percent of such net revenues be made available in the subsequent fiscal year for riparian restoration projects that are consistent with the Quincy Library Group-Community Stability Proposal within the Plumas National Forest, the Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest. For purposes of this paragraph, net revenues are the revenues derived from activities required by subsection (d), less expenses incurred to undertake such activities (including 25 percent payment to the State of California under the Act of May 23, 1908 (Chapter 192; 35 Stat. 259; 16 U.S.C. 500, 553, 556d).

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community

Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) EFFECT ON MULTIPLE USE ACTIVITIES.—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administrative action limiting other multiple use activities in the Plumas National Forest, the Lassen National Forest, and the Tahoe National Forest.

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) EXPEDITIOUS IMPLEMENTATION AND ENVIRONMENTAL LAW COMPLIANCE.—

(1) ENVIRONMENTAL LAW REQUIREMENT.—All environmental impact statements for which a final record of decision is required to be prepared in accordance with this subsection, and all records of decision adopted under this subsection, shall comply with applicable environmental laws and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Province Interim Guidelines issued by the Forest Service, and subsequently issued final standards and guidelines that modify such interim guidelines when such final standards and guidelines become effective.

(2) ENVIRONMENTAL IMPACT STATEMENT FOR PILOT PROJECT AND FIRST INCREMENT.—Not later than the expiration of the 150-day period beginning on the date of the enactment of this Act, the Regional Forester for Region 5 shall, after a 45-day period for public comment on the draft environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for all of the pilot project area specified in subsection (b)(2) that covers the resource management activities required by subsection (d) for the 5-year duration of the pilot project—

(A) adopt a final record of decision for that statement; and

(B) include as part of that statement a project level analysis of the specific resource management activities required by subsection (d) that will be carried out in an area within the pilot project area during the increment of the pilot project that begins on the day that is 150 days after enactment of this Act and ends December 31, 1998.

(3) SUBSEQUENT YEARLY ENVIRONMENTAL DOCUMENTS.—Not later than January 1 of 1999 and of each year thereafter throughout the term of the pilot project, the Regional Forester for Region 5 shall, after a 45-day public comment period, adopt a final record of decision for the environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 consisting of a project level analysis of the specific resource management activities required by subsection (d) that will be carried out during that year. A statement prepared under this paragraph shall be tiered where appropriate to the environmental impact statement referred to in paragraph (2), in accordance with regulations issued by the Council on Environmental Quality.

(4) CONSULTATION.—Each statement and analysis required by paragraphs (2) and (3) shall be prepared in consultation with the Quincy Library Group.

(5) FOREST SERVICE FOCUS.—

(A) IN GENERAL.—The Regional Forester for Region 5 shall direct that, during the period described in subparagraph (B)—

(i) any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that are designated as either ''Off Base'' or ''Deferred'' on the map referred to in subsection (a); and

(ii) excess financial and human resources available to National Forests and Ranger Districts that are participating in the pilot project shall be applied to achieve the resource management activities required by subsection (d) and the other requirements of this section within the pilot project area specified in subsection (b)(2).

(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is when the resource management activities required by subsection (d) are being carried out, or are eligible to be carried out, on the ground on a schedule that will meet the yearly acreage requirements of subsection (d) and under environmental documentation that is timely prepared under the schedule established by paragraphs (2) and (3).

(6) PROTECTION OF EXISTING WILDERNESS.—This section shall not be construed to authorize any resource management activity in any area required to be managed as part of the National Wilderness Preservation System.

(7) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

The CHAIRMAN. No further amendment is in order except the amendment numbered 2 in the CONGRESSIONAL RECORD, which may be offered by the gentleman from California [Mr. MILLER] or his designee, shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 858), to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, had come to no resolution thereon.

PROVIDING FOR OFFERING OF AMENDMENT IN LIEU OF MILLER OF CALIFORNIA AMENDMENT TO H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the order of business in House Resolution 180 be modified so that it shall be in order for Mr. YOUNG of Alaska to offer the amendment now at the desk in lieu of the amendment numbered 2 in the CONGRESSIONAL RECORD by Mr. MILLER of California, and that the amendment be considered under the same terms as would otherwise be applied to amendment No. 2.

The SPEAKER pro tempore (Mr. BOEHNER). Is there objection to the request of the gentleman from Alaska?

There was no objection.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 180 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 858.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, all time for debate had expired.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Alaska [Mr. YOUNG] is recognized for 5 minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I apologize to Members that there is a little confusion going on right now, but there has been some discussion in trying to reach an agreement with the administration. I have letters from the administration saying that they basically support the implication of this legislation, from Mr. Glickman, the Department of Environmental Quality. What we have been trying to do for the last hour is to work out some mutual agreement where I personally believe that we can, in fact, send this bill to the Senate and have the Senate take it up without any amendments and send it to the President.

Now, there may be some that may not agree with what has been done on both sides, but it is my belief it is the best way to try to solve these problems. Because I am a realist, and I recognize there are those that oppose this bill, especially the national environmental community, I understand that and I understand that there are those in the Senate who have the power, because their rules put holds on bills and nothing occurs, I think it is very important to get this pilot project on its way to become a law.

I have worked with the gentleman from California [Mr. MILLER] for the last hour, and we have been saying things to one another and discussing this, what we can accomplish. I am resentful of the administration, because I just got their letters about 10 minutes, 15 minutes ago. I think this is inappropriate on the part of the administration when this is their brainchild, when they thought this would be the way to go.

We have done everything possible to make this work. It is my belief, the way that this has been made up, that we have an opportunity now to really solve what was in my substitute but was a definition that appeases not only the administration but the gentleman from California [Mr. MILLER] and others that are involved.

Now, I will not say that we did not have the votes. I believe we had the votes to pass it in the House big time, and I understand that, but there is also a chance in the way this works, if we want to get this program in place, on time, working for the people, the Quincy Library Group and the people in that arena, we must try to solve the problems here on the floor of the House to give them that opportunity.

If these amendments destroy the intent of the bill and if it does not work, then we can always review it. We can come back and find out what is happening. But it is an attempt to make sure that we have a fledgling duckling turn into a beautiful swan. It is an opportunity to make this work.

I know there is some question about what we are doing here, and I apologize to those people, but this is the way this program works. This is a democracy. This is a legislative process, putting a package together that becomes a reality.

So with that, I would like to thank the gentleman from California and those involved. I would like to suggest respectfully, for those that are unaware of what we are doing, that this is really, I think, our opportunity to fulfill not only an obligation, although we can win on this floor, but we can go forward and have an opportunity on the Senate side and get this to the President of the United States and make sure that these local people are heard and done correctly.

If it does not work, we can come back and revisit it again. I do believe it will work.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

There was no objection.

Mr. MILLER of California. Mr. Chairman, I want to thank the chairman for offering this amendment. I think, in fact, as I said, there is very little disagreement about the intent and the purpose of this legislation and what all of us would like to see carried out. The gentlewoman from Idaho, the subcommittee chair, has worked long and

hard on this legislation, has accepted many changes by the various concerned parties to this legislation, as has the gentleman from Alaska, the chairman of the committee.

The gentleman from California [Mr. HERGER] who represents this area and has championed this legislation, this approach, I think also has accepted many changes to this legislation that I believe is consistent with the idea that we would try to empower local communities to have a say in the planning of forest practices and forest managements that are consistent with the best interests of those communities while, at the same time, being consistent with the overall system of general forest health.

I think the suggestions put forth now by the chairman, the gentleman from Alaska, now ensure that we have legislation here that can be considered on a very timely basis in the Senate and be sent to the President's desk so, in fact, the Quincy Library Group pilot project on this 2½ million acres can go forward and it can go forward with every Member being assured that it is in compliance with the laws and it is in compliance with the intent and the purposes of the Quincy Library Group.

It is not easy to fashion these kinds of amendments when we are dealing with resource issues. When I used to be chairman of the committee, I used to tell people that wanted to get on the committee that we do not deal with anything abstract in this committee. We are either moving a boundary 10 feet north or 10 feet south, and trees either end up vertical or they end up horizontal. This is not an abstract committee.

So I want to commend the gentleman and the other Members on the other side for their effort in offering this amendment, and it is my intention to support the amendment, to support the legislation, and to work hard to see that it becomes the law of the land.

The CHAIRMAN. Pursuant to the rule, amendment numbered 1 in the CONGRESSIONAL RECORD is considered as an original bill for the purpose of amendment and is considered read.

No further amendment is in order, except the amendment enabled by the recent order by unanimous consent which may be offered by the gentleman from Alaska [Mr. YOUNG] or his designee, shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quincy Library Group Forest Recovery and Economic Stability Act of 1997''.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term ''Quincy Library Group-Community Stability Proposal'' means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the ''Secretary''), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 200 days); shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as ''Available for Group Selection'' on the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993 (in this section referred to as the ''pilot project area''). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled ''Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest'', a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal laws and the standards and guidelines for the Conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines or the subsequently issued final guidelines whichever is in effect.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline functioning levels.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i)(1) CONSULTATION.—Each statement required by subsection (b)(1) shall be prepared in consultation with the Quincy Library Group.

(2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

The CHAIRMAN. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume. Again may I stress the importance of this legislation and the amendment which I offer to the original amendment by the gentleman from California [Mr. MILLER].

This is an interpretation which was disputed between the gentleman from California [Mr. MILLER] and myself and from the administration and what they requested. We still believe we did what we should have done in the original bill, or the substitute which I offered, but there is a disputing of definitions. We now believe that we have an opportunity with my amendment to take and resolve that dispute between the gentleman from California, myself, and the administration.

I have had the commitment of the gentleman from California that he is going to support this legislation if my amendment is adopted. Now, the total package will be voted on. And I have also had indications that the Senate would work appropriately with this legislation and the administration would sign this legislation if it gets out of this House in this form.

If this does not occur, that means that we would have to go back to conference; but I am confident that if we went to conference, I have the support of the ranking member and other members involved whereby we can in fact solve this problem and get the community input as necessary.

May I suggest, Mr. Chairman, there has been much said about the preservation of this forest. One of the biggest fears I have and have always had is the burning of our forests today and the lack of management.

□ 1245

Fires are natural, yes. We have not been involved with Smokey the Bear, but we have put out fires for many, many years. The volatility of these acres now is about 100 barrels of gasoline per acre in some of our forests. Some of the most magnificent trees today are threatened because of the lack of fire control or fire suppression or, in fact, the continued growth and undergrowth that makes it impossible to put a fire out, and it kills the soil when it burns.

So we talk about the future generations walking through the forests. There will be no forests to walk through if we do not have the proper management. Yes, we can leave some trees aside. We can leave the old growth where it is in some places. We can also take and have the management thinning in the appropriate classification. But we must have what I call the appropriate management, and who better can do that than those in the area in which it lives? I think it is so crucially important that we continue to try this pilot project.

I want to stress again and again, pilot project, five-year project, all environmental laws, all registrations now. But it allows the taking of timber. It allows the proper fire suppression. So I urge the adoption of my amendment. I think it is crucially important that we have the opportunity to continue this.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CALVERT], on the legislation itself and not necessarily directed to the amendment.

Mr. CALVERT. Mr. Chairman, I rise in support of the Quincy Library Group and the manager's amendment. The Quincy Library Group was not created in a vacuum. The national urban environmental organizations have been involved and aware of the Quincy Library Group since its inception in 1993.

National urban organizations have also been involved and endorsed at one time or another each element of the Quincy Library proposal. For example, the 5-year pilot program which is established by this legislation calls for an annual range of between 40,000 and 60,000 acres to be treated with strategic fuel breaks. This acreage was proposed directly by the national urban organizations.

The Quincy Library proposal is a positive bill that is good for the forest, good for the people, good for the environment, and receives a wide range of

support. Therefore, I ask Members for their support in passage of H.R. 858 and the manager's amendment.

The CHAIRMAN. Without objection, the gentleman from California [Mr. MILLER] may control the time otherwise reserved for an opponent of the amendment.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. MILLER], for yielding. I want to thank both the gentleman from Alaska [Mr. YOUNG], the chairman, and the gentleman from California [Mr. MILLER], the ranking member, for coming together here on the floor to reach common ground on a very significant piece of legislation.

I think our bipartisan effort, and I am confident this bill will be agreed to after this amendment is agreed to by an overwhelming margin, has really set the tone for what I hope can be a new era in the way in which we resolve our differences on forest practices.

We have been at war with each other. We have not been able to resolve our differences. We have stopped progress. We have not created any new initiatives or new incentives to move on. I think this Quincy Library Group language, the original premise for it and the amended version that will pass today, is evidence that we can lay down our swords and actually work together to accomplish something.

We do not know that this is the solution. But the 5 years that we have given ourselves to try to put this local agreement into effect without violating national laws, I think is a window of opportunity. Should we succeed in these three national forests, dealing with the riparian restoration issues and the thinning issues and fire suppression, all the other issues that I think are part of contemporary management of our national forests, we will have perhaps set for the future a standard by which other forests can be managed with all the players coming together, environmentalists and local officials and local business people, people who work in the forests and people who employ them, coming together to find a common approach to getting off dead center. For that I am very thankful, as I am sure many of my colleagues and many of my constituents are.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from California [Mr. FAZIO], who has been very busy here the last hour and a half on the floor trying to help us hammer out this agreement, and for taking part in these discussions and serving as a go-between. I want to thank him for that effort.

Both the gentleman from California [Mr. FAZIO] and the gentleman from California [Mr. HERGER] are the closest representatives to this area and clearly, as the gentleman from Alaska [Mr. YOUNG] tries to remind us all the time, have the concern with the greatest impact. I think that this is a balanced approach that the gentleman has worked on, and I appreciate and thank him for your efforts.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I thank the gentleman from California [Mr. MILLER] for his comments, and I simply want to congratulate the gentleman from California [Mr. HERGER] for his initiative and his successful steering of this measure through, I hope, to the Senate and to the President.

It is a breakthrough. I think this would not have been accomplished without the willingness of the staff of the Committee on Resources and its leadership to resolve their differences here today on the floor so that we can offer an united front and, hopefully, see implementation of this concept.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for yielding me the time. I also want to thank all those people on both sides of the aisle that have been involved in working through this legislation to reach a compromise that will benefit not only the people in the community that are directly involved in this issue, but it will have a positive impact on the rest of the country and on logging in general.

Are we smart enough, Mr. Chairman, to sustain logging, mimic nature, and protect biological diversity? I think we are, and I think this legislation will begin the process for us to understand how to do that.

Does this Nation need wood? The answer is yes. Must we sustain logging, or should we sustain logging? The answer is we must sustain logging. Does this Nation need the kind of health that biological diversity offers species, including human beings? Biological diversity ensures that we are going to sustain the kind of things we need in order to survive on this planet. Not only can we protect and sustain biological diversity, we must sustain biological diversity.

So are we smart enough, in this society that we call the United States of America, with a democracy, with a free market economy out there, with people with varying interests, can we get together and resolve these issues? The answer is yes.

And if we look at the legislation, does it protect the habitat for species? This legislation protects habitat for species. Does it protect and do further research on riparian areas? The answer is yes.

On page 8, line 18: ''All environmental laws apply to this pilot project.'' On page 10: ''An annual review of the project is ordered by the Secretary of Agriculture,'' an annual review.

If my colleagues look on page 15, line 6, this has something else to do with ensuring that we are going to do the right thing: ''The Secretary shall compile a science-based assessment of the effectiveness of this pilot project.''

The legislation is sound. Are we smart enough, as people in this democracy, to sustain logging, mimic nature, and protect biological diversity? Can we do that? The answer is yes. I strongly encourage my colleagues to vote for this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, our forests are really in deplorable condition. My colleagues can see and anyone who flies over the Sierra Nevadas can see just what a terrible state they are in, how years of drought and insect infestation have killed in some cases more than one-third of all the standing trees, a number of brown trees they can see flying over the Sierra Nevadas. We have had some devastating forest fires. And the prognosis is, unless we manage these forests, we are going to have fires on an even greater scale than we have seen so far, that will absolutely wreak havoc for years upon the environment and destroy the livelihood of all the people that live in timber-based communities.

Mr. Chairman, the Quincy Library Group represents remarkable consensus amongst local residents, local timber experts, local businessmen, local environmentalists, all local people who have produced this consensus to properly manage the forests. The only group opposed to this legislation is the arrogant, left wing, taxpayer subsidized environmental lobby, because if we have consensus to manage our forests at the local level, they might not be necessary.

Mr. Chairman, this is a good bill. We should approve this bill and finally send a message to the world that local people can govern themselves, so I urge the approval of this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in favor of this bill with the amendment, accept that because it is essentially a bottom-up process and we all got here from local government, and this is where people who live on the land take care of it, both sides of the issue, environmentalists and non-environmentalists, have come to consensus. I think it is a good bill and we ought to support it.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Chairman, I came over here to oppose this bill initially, and I am now met with the fact that the chairman and ranking member have come to an agreement that has been difficult to achieve concerning this issue. I commend them, and I intend to support that agreement because of the confidence I have in both of my colleagues and the staff who are engaged in this issue with me.

I must say I am somewhat uneasy with it. I am uneasy, Mr. Chairman, because it is implied that somehow the National Forest Service or some of our other land management planning agencies, the Park Service, BLM and the Fish and Wildlife Service, really did not have the information they need or did not have the know-how; and the fact is that these land management agencies are revered around the world for their knowledge with regards to the cutting edge understanding land management and the ability to manage the national forests, our temperate rain forests, our arboreal forests, the NFS is at the cutting edge of this particular study and application on the ground.

We ought to look at what has happened to the ability of the Forest Service and other land management agencies to develop the type of rapport that we need with local communities. I believe what has happened, as we examine the record, is that there have been significant reductions in professional staff throughout the 1980's and into the 1990's.

If we look at our budget for the next 5 years, I think we are going to find more problems along those lines. As budget are curtailed fewer personnel will be available for on the ground communication. And most of the plans we have actually go through extensive work, far above the Administrative Procedures Act, for example, such land management plans go through extensive work to try and share with local communities what the plans are for a forest, what the plans are for a park or for other public domain lands.

This modified substitute is a good idea in the sense that if we can develop consensus at the local level and it is consistent with scientific principles and sound national land management practices, that these national lands, which in this case happen to be in California and Oregon, would in fact be effectively managed and we will with a better rapport have less misunderstandings and less acrimony.

As new scientific information is developed and new knowledge is acquired, we have to bring this to bear in terms of land management plans in our forests, parks and other public lands. That is what Congress has asked the Forest Service to do in the many laws and policies that exist. That is what Congress is requiring the Park Service or BLM or other land management agencies to do, and that is a tough job, a very tough job, because that new information portends changes regards the use of our forests, park and public domain lands.

□ 1300

However, I think engaging people locally in this formal way may prove to be quite expensive. I think we need to look at the total bill in dollars. This is more than just a pilot plan. I think it is a significant commitment by this Congress in terms of local engagement which must be matched with a fiscal commitment. I would just suggest that if my colleagues want this, if it is to work, then hopefully the same will stand up and start putting the money into the Forest Service to do the job in terms of forest health, to do the job in terms of developing this type of local input, and the ability to fully carry out the process of not just decisionmaking but implementation.

This is a very difficult task. It is an expensive task. I think it is one that is worth the effort if in fact the process accomplishes the promised objectives and goals. As I said earlier in my statement when we were talking on the rule for this measure's consideration, I do not disagree with the Quincy Library Group concept, but I do not think that I wanted to see this idea hijacked for other purposes, to get around the environmental and other laws that today present a challenge to some, the cost of local input should not be dispensing with the body of land use environmental laws.

That is why, Mr. Chairman, I rose in opposition to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. As reported to the House the bill is unacceptable. Often in Congress we are faced with legislation in its best wrappings that attempts to appeal to our most common and good instincts, but unwrapped it reveals just another effort to benefit a special interest group. What could make more sense than a local group getting together to settle its differences in the confines of a library? What could be better than an agreement that satisfies everyone involved, preserves a community's economic stability, and protects the environment? You would think, upon reading the information provided by the supporters of this bill, that this was a slice of American pie, the most perfect proposal that Congress should rubber stamp.

Well I say to my colleagues that this bill from the Resources Committee is far from perfect. This isn't the Quincy Proposal. This is an attempt by these interests to force feed the American taxpayer and the U.S. Forest Service a policy path which side steps most major environmental laws and scientific principles. This bill could be yet just another attempt to cut more trees by sidestepping environmental law and existing rules and policy governing our national forests. This initial bill, H.R. 858, is a consensus proposal without a consensus on this floor. Is it a stalking horse for special exploitive interests? This bill takes a positive development and tries to cash it in before it becomes fully defined, much less developed. Cash it in for whom?

This measure which affects over 2.5 million acres of 3 national forests and could become a 1997 version of the infamous 1995 salvage rider, the risks in the initial measure are just too great.

I opposed this initial bill because it disregards important environmental safeguards. It does not require real compliance with the National Environmental Policy Act [NEPA] or the National Forest Management Act. Instead, it substitutes a questionable and sloppy review process for true environmental stewardship without the safeguards. We've had enough trouble with the timber industry already—and this measure must not be just another special exception from some of the most important protected industries in America.

I want to make it clear that I am not critical of the Quincy Library Process. I am objecting to writing into law a half-baked concept and excepting it from the professional management practices that have helped guide the timber policy. This bill as law would superimpose a policy which is in glowing generalities a 22-page document that will lend itself to risk.

I question this bill further because it will cost $83 million over the next 5 years. That's $83 million the U.S. Forest Service will not be able to spend on creating more recreational opportunities for our kids, restoring old roads, or protecting the environment. In a time when we are finally tightening our belts, I ask my colleagues: can we really afford $83 million to fund an uncertain and incomplete policy?

I oppose this original bill because it calls itself a pilot program, while it in fact deals with 2.5 million acres and 3 national forests. This is not characteristic of a pilot program. This could well result in a semantic exercise that is being sold with a goal to jettison important environmental protections.

I oppose this bill because it continues the majority's strategy of attempting to quietly ram through anti-environmental time bombs. Members of the Quincy Library Group themselves have expressed optimism that they are nearing an administrative solution with the Department of Agriculture. My friend from California, Mr. FAZIO, who originally supported this bill, contacted the Subcommittee on Forests asking us to give the administrative route more time. He was ignored, of course, because this bill is no longer about the Quincy Library Agreement—when unwrapped in living color this bill is about more logging and fewer environmental restrictions.

Finally, and most importantly, I oppose this bill because it sets a dangerous precedent. Clearly, communities have a vital role in determining our national forest policies. This bill, however, goes too far down that road. Simply because citizens live next to Federal land does not entitle them to manage that land. Those who live close to such land are important partners, often stewards, who offer real strength and accountability. Our national forests and public lands, however, are the property of all Americans. Every single American—not just the residents and interests of Quincy, CA—has a stake in ensuring that they are adequately protected from irresponsible management practices now and for future generations.

Finally, the majority and minority Members are offering the long-sought changes that have been agreed to. I urge my colleagues to support this Young/Miller substitute. It's an improvement over the very imperfect measure reported; it limits some of the risks, but is a bill really necessary? Couldn't this be done without a new law? It is a major concern. This

measure should be carefully watched in the legislative process and close oversight if it is enacted into law the next 5 years to ensure that the commitments to sound science and environmental sensitive land use planning are effective and achieved.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman raised a very serious concern earlier about one particular section of the bill which resembled language from the infamous timber salvage rider which I opposed. The language in concern was that the Secretary concerned shall not rely on salvage timber sales as a basis for administrative action limiting other multiple use activities, et cetera.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. As part of the amendment, that language has been stricken from the legislation.

Mr. DEFAZIO. I thank the gentleman.

The gentleman now feels that this bill fully complies with all existing environmental laws, and reserves rights of appeal, litigation, and other things to the public and other concerned individuals?

Mr. MILLER of California. That is my understanding.

Mr. DEFAZIO. I thank the gentleman.

Mr. Chairman, I rise in support of this legislation. I appreciate the willingness of the proponents on the other side of the aisle to work with the minority to address the significant concerns raised by the administration. It is my hope now that we will be able to move this process forward with some dispatch and, as I said earlier, to begin to look at a different way of managing our forests; reserving the roadless areas, the few that are left, reserving and preserving the wilderness areas that are statutorily defined by Congress, meeting the needs of the spotted owl and other endangered species in the area, clean water concerns, but also engaging in some forestry activities in what would be called a lighter touch, uneven age stand management regime, one that came after hours and hours and hours of discussion between traditional antagonists in this part of the country. I only hope that a similar process can be modeled on the Quincy Library project for my own district and other areas where for so long we have been engaged in pitched battles.

Early on in the forest debates I got the carpenters union to go with some environmental activists up to look at management similar to what is being proposed here today, uneven age stand management, principally thinning, along with a forester who works on alternative management. There was substantial agreement that that would be something that had promise. I got the carpenters to then go to an ancient forest conference and say they would look at an alternative that preserved all the remaining old growth if we could look at alternative management on the remaining lands. Yet the administration out of hand rejected that as did Lord Thomas reject that in going through the plan, to develop the President's forest plan. I think this is a crack in the armor of the old save and sacrifice forestry. This threatens people that are polarized at either ends of the debate. I applaud this process to move away from save and sacrifice to uneven age stand management, selective management and forestry that is sensitive to all environmental laws and truly perhaps for the first time to multiple uses.

Mr. MILLER of California. I thank the gentleman for his remarks in support.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HERGER], the author of this legislation, to speak not only on the amendment but to the bill itself.

Mr. HERGER. Mr. Chairman, I think it is very appropriate that this bill just moments before it comes before a vote here on the House floor in the U.S. House of Representatives ends, or concludes the way that it started. The way that it started was some 4 years ago in a small community of a couple of hundred citizens in Quincy, CA, within the Plumas National Forest in the Sierra Nevada Mountains, a community which for 15 years had been racked with wars of the environmental community, warring with those that were trying to support the wood products industry. The fact that their economy had come to a standstill, the environmental health of the community and of these forests had come not just to a standstill but was actually to a state that we were seeing these forests burning up through fires. Just last year alone some 870,000 acres of forest burned in the State of California alone. Other environmental issues were not being addressed. And so at that time we saw the environmental community, the wood products community, the schools, the locally elected officials come together at a place that they felt they would not yell at each other, and that was the library. They started a long process of meeting together night after night, more than some 46 representatives, leaders in all the different areas of the community, working together to finally come up with a plan that was using the most recent environmental science, science that had been developed in this very area itself of the Sierra Nevada Mountains, to come up with a plan which was a win-win for everyone: A win for the environment, a win for the California spotted owl, a win for riparian problems that we have there, a win also for the economy of this community as well, a community which throughout that area some 32 mills had closed in just the last couple of years.

And to see at this time all the working together there, working with the administration, working with our two U.S. Senators, literally thousands of meetings, and then to see it culminate here before our very eyes in which we see very much the same type of scenario taking place, I really did not think, I have been here six terms, I was not sure if I would see the time when my very good friend and distinguished leader, the gentleman from California [Mr. MILLER] and myself and the gentleman from Alaska [Mr. YOUNG] and others, the gentleman from Oregon [Mr. DEFAZIO], the gentleman from California [Mr. FARR] and the gentleman from California [Mr. FAZIO] and others could come together in agreement. I think it is certainly, I feel is either the highlight, or certainly one of the highlights of my political career.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, yesterday was luncheon, today it is legislation, tomorrow it is frightening to think of what it could mean. I appreciate the gentleman's cooperation, and I want to thank him for how hard he has worked on this legislation. As he has pointed out, more times than I care to count, this is not a new idea with respect to Quincy Library. These people have worked very, very hard on this, and this is not an idea that somehow does not have a lot of support. It has a lot of support, and I think with changes of the gentleman from Alaska [Mr. YOUNG], we now have what I would assume is almost going to be unanimous support in the House. I thank the gentleman for all of his perseverance and his hard work on this.

Mr. HERGER. I thank the gentleman.

Then just to conclude, to see it come together is encouraging, is something that I feel can be a beginning, hopefully, of a number of other very controversial issues that we have, that we have shown, are showing, are in the process of showing here this afternoon that both sides can come together, Conservatives, Liberals, Democrats, Republicans, and make the system work.

Again, I want to thank everyone involved. I certainly want to thank all those from our communities in northern California who never gave up, who hung in there. I want to again say that I am very supportive of this amendment, our legislation, and I want to emphasize this for those people who are watching, that this legislation remains basically, the intent is basically exactly the same as it was before. We think that this helps improve the bill and it helps for, I believe, the support we are going to need in the Senate and I believe the support that we will have from the President.

Again I want to thank everyone. I support this, I urge Members' support

on this amendment, and I urge their overwhelming support on the bill itself.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the pending amendment be modified by the form I have at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

On page 6, line 11, after ''use'', insert '', subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations''.

On page 11, line 15, insert before ''excess'', the following: ''subject to the advance approval of the House and Senate Committees on Appropriations reprogramming process,''.

The CHAIRMAN. Without objection, the amendment in the nature of a substitute is modified.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I can only urge a ''yes'' on my amendment and a ''yes'' on final passage of the legislation.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG], as modified.

The amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, pursuant to House Resolution 180, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 429, nays 1, not voting 4, as follows:

[Roll No. 251]

YEAS—429

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAY—1

Paul

NOT VOTING—4

Boucher
Cox
Edwards
Schiff

□ 1334

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 858, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action the House has just taken.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Alaska?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

ANNOUNCEMENT REGARDING SATELLITE INDUSTRY TECHNOLOGY DISPLAY IN CANNON CAUCUS ROOM

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, today in the Cannon Caucus Room, the third floor of the Cannon Building, all of the various technologies of the satellite industry are on display. These demonstrations will give Members a great look at the world of communications, of satellite technologies in the developing world and in the developed world, and will give a great insight as to what is coming in terms of technology for our own country in communications.

I urge Members to stop by before 3 o'clock and just take a look at the future in the Cannon Caucus Room on the third floor.

PROVIDING FOR CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) or clause 5(b) of rule XXI are waived. No amendments to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only on this issue.

(Mr. GOSS asked and was given permission to extend his remarks and include extraneous matter.)

Mr. GOSS. Mr. Speaker, I am honored to be in the somewhat unique position of serving the House and my constituents as a member of the Committee on Rules and as chairman of the House Permanent Select Committee on Intelligence. I certainly feel in very good company, following the footsteps of our former colleague, Tony Beilenson, who in the 101st Congress served in both capacities, and did so in great distinction from the other side of the aisle.

I am proud to be able to fulfill obligations to both committees in bringing forward to the House Resolution 179, making in order H.R. 1775, the Intelligence Authorization Act for fiscal year 1998. I believe this rule is without controversy.

With the approval of this rule by the House later today during a debate on the bill itself I will be describing in more detail the specific provisions of the unclassified portions of H.R. 1775. All Members have been advised that the bill's classified provisions are and have been available for review in the Committee on Intelligence spaces.

For the purpose of this rules debate, I would simply like to point out to the House that this measure reflects several months of very hard work and bipartisan cooperation by the Members of the Committee on Intelligence and its staff. It is a bill which I think is solid, professional, and necessary, and a bill which I believe faithfully fulfills our obligation to the American people to conduct vigorous oversight of our Nation's intelligence programs and activities. We are the line of defense in that area for the people of this country. We take our job seriously.

Mr. Speaker, as to this rule, House Resolution 179 is a fairly traditional rule for this type of legislation. As in past years, the rule is a modified open rule providing for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Intelligence. My friend, the gentleman from Washington [Mr. DICKS], will take care of that part for the minority.

The rule makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute now printed in the bill which shall be considered by title and as read.

In addition, based on consultation with the parliamentarian, the rule waives points of order against the committee amendment for failure to comply with clause 7 of rule XVI, which is the germaneness section, and clauses 5(a) and 5(b) of rule XXI prohibiting appropriations on an authorization bill and prohibiting the consideration of tax or tariff measures which have not been reported by the Committee on Ways and Means.

These waivers are quite technical, but I would like to briefly explain them so Members understand what we are doing. The germaneness waiver is necessary because the committee mark which comes in the form of an amendment in the nature of a substitute is broader in scope than the bill as originally introduced.

This will come as no surprise to most Members. The rule XXI clause 5(a) waivers pertain to three specific sections of H.R. 1775: sections 401, 402, and 603. On those specific sections, as on many of the issues in this legislation, the Committee on Intelligence staff has been in close contact with the staff of the Subcommittee on National Security of the Committee on Appropriations which has not, to my knowledge, objected to these waivers. In fact, we have worked closely with the appropriations staff on this point.

□ 1345

Regarding the 5(b) waiver that pertains to the Committee on Ways and Means, I submit for the RECORD correspondence between the Permanent Select Committee on Intelligence, the Committee on Ways and Means, and the Committee on Rules.

The provision in question, which is section 305 of H.R. 1775, is a 1-year extension of the deferral of sanctions provision in current law. Section 305 continues, until January 6, 1999, the President's current statutory authority under the National Security Act to delay imposing a sanction upon his determination that proceeding with the sanction could compromise an ongoing criminal investigation or an intelligence source or method. This subject matter falls within the jurisdiction of the Committee on Ways and Means and within the scope of the prohibition outlined in clause 5(b) of rule XXI.

So by way of history, this deferral authority was in fact first included in the fiscal year 1996 Intelligence Authorization Act, was extended for 1 year in the fiscal year 1997 intelligence authorization bill and here we have it again. Through the exchange of correspondence, the Committee on Ways and Means and the Permanent Select Committee on Intelligence have reached an accommodation to allow the 1-year extension provided by section 305 to remain in H.R. 1775, as reported, and to coordinate future activity on this subject.

I understand, therefore, that there is no objection to granting the waiver and I understand further that there will probably be some colloquy during the debate time on the rule on this point.

Mr. Speaker, the rule allows for consideration of all germane amendments, but in the interest of ensuring that sensitive classified information is protected, the rule has required that Members have their amendments preprinted in the CONGRESSIONAL RECORD prior to consideration of the bill. This has proved to be a prudent and helpful and nononerous requirement in past important intelligence authorization bills, and we have made every effort to ensure that Members have had ample time to consider and to file their amendment and to receive appropriate staff assistance from our committee, if desired.

Finally, Mr. Speaker, the rule provides for the traditional motion to recommit with or without instructions. Thus I believe this unanimously supported rule in the Committee on Rules is fair, appropriate, and noncontroversial. Accordingly, I urge support for the rule.

Mr. Speaker, I include for the RECORD the following correspondence:

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, July 8, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR BILL: I am writing to you concerning your objection to the inclusion of section 305 in this Committee's Intelligence Authorization Act for Fiscal Year 1998 (H.R. 1775). I understand that staff have consulted on this issue and resolved the matter to our satisfaction.

To that end, it is important that for future purposes we set out our agreement that this provision falls squarely within the scope of Clause 5(b) of House Rule XXI, which provides that no tax or tariff provision may be considered by the House that has not been considered by the Committee on Ways and Means. We appreciate your authority over tax and revenue provisions and in no way seek to undermine that jurisdiction. I will work to defeat any additional tax or revenue increasing provision that any other Member may seek to attach to this bill, both during floor consideration of this bill by the House and during Conference Committee meetings with the Senate.

This provision is of critical importance to the protection of intelligence sources and methods whenever a proliferation violation has been identified and sanctions are deemed to be the appropriate method of discipline. This provision supplies the President with the necessary flexibility to address the competing interests of punishing the violators and protecting our national security interests at the same time. I appreciate your recognition of this important aspect of this section of our bill.

I will also offer any modification of this provision in future Intelligence Authorization bills, beyond a mere reauthorization for additional periods of time, will be subject to consultation between our Committees, and subject to points of order pursuant to Clause 5(b) of House Rule XXI.

Based upon this understanding, I would ask that you withdraw your request to the Committee on Rules to strike section 305 from H.R. 1775 prior to consideration by the full House.

Thank you for your cooperation in this regard and I look forward to your support for H.R. 1775.

With all best wishes, I remain

Sincerely yours,

PORTER GOSS,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 7, 1997.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR GERRY: I am writing to you regarding further consideration of an import sanction provision included in H.R. 1775, the Intelligence Authorization Act for Fiscal Year 1998, as reported by the Committee on Intelligence.

As previously indicated, section 305 of H.R. 1775 would amend section 905 of the National Security Act of 1947 (50 U.S.C. 441d) to extend through January 6, 1999 the authority of the President to stay the application of import sanctions contained in certain laws outlined in 50 U.S.C. 441c. The chairman of the House Intelligence Committee has now acknowledged that this provision falls within the jurisdiction of the Committee on Ways and Means, and he has agreed to oppose the inclusion of any other provisions within the jurisdiction of the Committee on Ways and Means during further consideration of this legislation. Based on this understanding, and in order to expedite consideration of this important legislation, I will not object to consideration by the House of H.R. 1775 in its present form. However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives on this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. I reserve the right to request that the Committee on Ways and Means be named as conferees on any provisions of jurisdictional interest should the need arise during further consideration of the bill.

Thank you for your consideration in this matter.

Sincerely,

BILL ARCHER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Democratic members of the Committee on Rules support this rule. We do, however, share a concern about the provisions of the rule, and it is the same concern we had last year. The rule allows only for consideration of those amendments to the bill which have been preprinted in the CONGRESSIONAL RECORD prior to consideration of this legislation.

Mr. Speaker, our concern with this requirement to preprint amendment centers around the fact that this is not a particularly controversial bill. Consequently, we are not convinced that the preprinting requirement is necessary. We understand that preprinting may ensure that debate on this legislation does not inadvertently disclose classified materials. The ranking minority member of the Permanent Select Committee on Intelligence has no objection to the inclusion of the requirement in the rule. But the Democratic members of the Committee on Rules are concerned that a precedent has now been established with regard to the construction of the rule for the consideration of this legislation. I want to take this opportunity to voice our concern.

The rule also contains a number of waivers against the committee amendment including germaneness, appropriations on an authorization bill, and consideration of tax or tariff matters not reported by the Committee on Ways and Means.

While the Democratic members of the Committee on Rules do not oppose these waivers, we would simply like to point out to the House that these waivers are included in the rule.

Mr. Speaker, the funding levels for intelligence activities authorized in H.R. 1775 are contained in the classified annex to the report issued by the Permanent Select Committee on Intelligence. The committee reported the bill by a vote of 15 to nothing, and there are no areas of major controversy in the bill.

Mr. Speaker, as I stated at the outset, I do not oppose this rule. I would urge my colleagues to support the rule so that the House may proceed to the consideration of this vitally important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Texas for his wise words and support on this matter.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS], a member of the House Permanent Select Committee on Intelligence.

Mr. LEWIS of California. Mr. Speaker, I thank very much my chairman for yielding me this time.

I rise to express my support not only for the rule itself but also for the bill that will be before the House shortly.

Mr. Speaker, as a member of the House Permanent Select Committee on Intelligence now for some 4 years and presently having the privilege of serving as chairman of the Subcommittee on Technical and Tactical Intelligence, I can say that this is a very, very finely crafted bill. I am speaking to the bill briefly at this moment before I have to go to the full Committee on Appropriations during the time of general debate, but I wanted to share with the Members my thought that in crafting this bill, it is most impressive to see that the chairman and our ranking member, the gentleman from Washington [Mr. DICKS], have very carefully gone about scrubbing the numbers here to make certain that we are spending as little as possible for very, very important interests of the American public and our national strategic interests as well.

I would point out that in the final analysis, there are some very significant cuts to a number of unmanned aerial vehicle programs and other technical programs in spite of the high priority given by my subcommittee. At the same time the funding that does go for technical assistance is critical to our future and I think the committee overall has done a very fine job.

Finally, Mr. Speaker, I would be remiss if I did not point out to my colleagues that the President's request for some of those tactical intelligence systems and operations supporting our men and women in both activities and reserve military components is significantly less than the Congress authorized last year.

Mr. Speaker, this bill increases the President's request for intelligence support to the military by only 1.3 percent, and despite this increase, the bill's authorization in this area is 4 percent below last year's.

The men and women who serve and who indeed have to fight and sometimes die for this country when in difficult circumstances deserve the best weapons we can provide but they also deserve the best intelligence systems that can be made available. It is our effort to meet that challenge as well as we can provide. This bill is a very well developed and finely balanced bill.

I urge support for the rule as well as for the bill's final passage.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

I speak in strong support of the rule which allows for a number of serious amendments. I think the main point that I would make, as we proceed in this discussion, is that it is imperative for the U.S. Congress to get its priorities straight.

There are proposals that we are going to be debating here within the next couple of weeks which call for massive cuts in Medicare, massive cuts in veterans programs; we have experienced major cuts in housing, programs for our kids. And it seems to me that those Members who are concerned about national priorities, those Members who are concerned about deficit reduction have also got to take a hard look at the intelligence budget.

It is wrong to say to the elderly, we are going to cut home care service to you; say to low income people, we are going to cut back on Medicaid for you; allow a situation to continue by which we have the highest rate of childhood poverty in the industrialized world; and then say, well, despite the fact that the cold war is over, despite the fact that the Soviet Union does not exist, that international communism is basically dead, that despite all of that, we can allocate more money to the intelligence community despite the fact that the record shows that in area after area after area, the intelligence community has been extraordinarily wasteful and not costeffective.

I would remind Members that last year the New York Times reported, and I quote, May 16, 1996,

> In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledged today.

And the article continues:

> To put the $4 billion in perspective, the National Reconnaissance Office, what the National Reconnaissance Office did was to lose a sum of money roughly equal to the annual budgets for the FBI and the State Department combined.

John Nelson, appointed last year as the reconnaissance office's's top financial manager and given the task of cleaning up the program, said in an interview published today in a special edition of Defense Week that the secret agency had undergone, and I quote, a fundamental financial meltdown. End of quote.

Let us get our priorities straight. We cannot cut for the kids. We cannot cut for the elderly. We cannot cut for the homeless, and in fact even make over the years significant cuts in military spending and then say to the intelligence community, hey, we treat you differently than any other aspect of government.

I rise in support of the rule because it enables us to have a serious debate on a major issue.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the rule and also urge my colleagues to support this bill.

Our good friend, the gentleman from Vermont [Mr. SANDERS], has made a few comments in the well. I want my colleagues to know it was the Democratic staff of the Committee that uncovered the problem at the NRO. I want you also to know that both the authorizers and the appropriators have taken the money, the excess money that was there and utilized it for other programs. So we have dealt with that problem. In fact, I worry a little bit that we may have been a little too harsh on the NRO, but I will report to the House in my judgment we have solved the financial problems.

Mr. Deutch, before he left, brought in new financial people at the NRO. I think they are doing a very fine job. I think the problems that were there have been corrected. It is part of the process of oversight. We found the problem. We corrected it. We made sure that whatever reserves are there are only those that are necessary to keep the program going.

Now, this committee operates on a very bipartisan basis and I think this bill is a good bill. The gentleman is correct, we are going to have some very serious debate here on amendments. I urge my colleagues to support the rule. But I also would remind every one that we have cut defense by over $100 billion between 1985 and 1995. Of course, the intelligence budget is part of the defense budget. And it has received cuts as well. So to say that this area has not received reductions simply is inaccurate. Anyone who wants to come up and see the numbers in the committee is welcome to do so.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I hope my colleagues will support the rule and support the underlying legislation.

The intelligence community is in a very difficult position. Because of the classified nature of their work, it is difficult for them to respond to some of the public criticisms. I hope that this House will not only support the underlying legislation but will oppose the amendment that would make it difficult for the intelligence community to be able to carry out their work. They do outstanding public service. I have had an opportunity to visit some of the facilities. I hope more of my colleagues would take the opportunity to visit and see firsthand the type of work that we are doing. We had the best intelligence operation in the world. It is in our national interest to make sure that it is adequately authorized and funded.

I want to congratulate the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] for their work. They have worked in a bipartisan manner to bring this legislation forward. It deserves the support of this body. I thank my colleague from Texas for yielding me the time.

Mr. FROST. Mr. Speaker, I have no further requests for time. I urge adoption of the rule, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. ROGAN]. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

[Roll No. 252]

YEAS—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Bonior
DeFazio

NOT VOTING—7

Cox
Edwards
Hall (OH)
Hastert
Neumann
Roukema
Schiff

☐ 1419

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING AS PRINTED TRAFICANT AMENDMENT INADVERTENTLY OMITTED FROM PRINTING IN THE RECORD

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that an amendment that I have placed at the desk that was submitted and inadvertently omitted from the RECORD be considered as though it had been printed in the RECORD.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, it was necessary for me to be out of the country yesterday, preventing me from voting on rollcall numbers 246, 247, 248, 249, and 250. Had I been able to vote, I would have voted ''aye'' on each of those measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1060

Mr. BURR of North Carolina. Mr. Speaker, due to a clerical error, I ask unanimous consent to remove the name of the gentlewoman from New York [Mrs. MALONEY] from my bill, H.R. 1060. Her name was mistakenly entered as a cosponsor instead of the gentleman from Connecticut [Mr. MALONEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1775.

☐ 1421

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] will each control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the members of the House Intelligence Committee who have worked so hard in putting this bill together. In particular, I appreciate the very fine work of the gentleman from California [Mr. LEWIS] and the gentleman from Florida [Mr. MCCOLLUM], our subcommittee chairmen.

But I also have to point out that the gentleman from Washington [Mr. DICKS], the committee's ranking Democrat, and other Democratic members of the committee have played an extraordinarily constructive and helpful role in the formulation of this legislation. It is truly bipartisan.

Finally, I would like to say to the staff on both sides of the aisle, ''Thank you for a job well done.'' They are a dedicated, talented, and professional group who have very special knowledge that serves the United States of America extremely well.

This bill, which the committee reported out unanimously, is the product of a lot of work, intensive deliberation, and cooperation. The committee held seven full committee and two subcommittee budget hearings. In addition, there were over 100 staff and member briefings on programs, specific activities, and budget requests.

H.R. 1775 authorizes the funds for fiscal year 1998 for all of the intelligence and intelligence-related activities of the U.S. Government. The National Security Act requires that spending for intelligence be specifically authorized. This is the only route we have.

The intelligence budget has three major components: the national foreign intelligence program, known as NFIP; the tactical intelligence and related activities program, known as TIARA; and the joint military intelligence program, known as JMIP.

NFIP funds activities providing intelligence to national policymakers and includes programs administered by such agencies as the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency. TIARA, or Tactical Intelligence Activities, reside exclusively in the Department of Defense. They consist in large part of numerous reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information in support of military operations. The Joint Military Intelligence Program provides military intelligence principally to defensewide or theater-level consumers.

Although our committee has jurisdiction over these three intelligence programs, we must work closely with the Committee on National Security, particularly in the oversight and authorization of the TIARA and JMIP programs where we share jurisdiction. I would like to publicly acknowledge and personally thank the gentleman from South Carolina [Mr. SPENCE] for the extraordinary cooperation that we received from him, the members of his committee and the members of his committee staff.

I would be remiss if I did not also mention the cooperation we have received from the Committee on Appropriations, particularly and most importantly from my colleague on this committee, the gentleman from Florida [Mr. YOUNG], who also chairs the Subcommittee on Defense Appropriations and sits, of course, on HIPCE.

Due to the classified nature of much of the work of the Committee on Intelligence, I cannot discuss many of the specifics of the bill before the House except in the broadest terms. In order to understand those specifics, I strongly urge those Members who have not already done so to read the classified annex to this bill. The annex is available in the committee office in the Capitol. It is about a 2-minute walk from here, for those who are interested, and I hope all are interested.

Despite classification restrictions, there are several major elements of the bill that I can discuss here today. In this year's budget review, the committee continued to place heavy emphasis on understanding and addressing the future needs of the intelligence community, preparing for those needs and the several distinct roles that intelligence is going to play in our national security in what is, in fact, a different world situation today.

Based on the threats we believe the United States will confront in the future, the committee's budget review focused on two specific areas. First, we looked at which intelligence programs are properly structured and sufficiently prepared to meet future needs and requirements. Second, we looked at the intelligence community's collection and analytical shortfalls.

Unfortunately, the committee review revealed few areas where the intelligence community is well situated for the future, and an overabundance of shortfalls were found. These shortfalls are due, in part, to the fact that intelligence resources are stretched too thin while handling an ever-increasing multitude of issues.

I would like to point out that this is not any kind of a shock to the intelligence community. It is realizing the fact that we are stretched thin and need to deal with it. Nonetheless, the committee is concerned that the intelligence community is not moving fast enough in some of the areas to address the threats of the future.

Given these concerns, the committee has begun to address the shortfalls we see in the intelligence community's budgeting and responsibilities. In this year's mark the committee has specifically addressed the following issues:

First, we have taken actions to help the intelligence community improve its analytic depth and breadth through improved training, targeted hiring, and the use of analytic tools. There is no point to have information if you cannot value enhance with the proper analysis.

Second, the intelligence community places too much emphasis on intelligence collection at the expense of downstream activities. Downstream activities are processing the information we get, analyzing, disseminating, and so forth. We have to get a better balance. If we spend all our money collecting and none for analyzing, we will be awash in information that is not going to do us much good.

Third, our espionage capabilities are limited and dependent on ad hoc funding. We have taken steps to tie funding for clandestine operations to the long-term needs of analysts, policymakers, and the military. That is putting it where we need it. I think that is almost the most critical part of this whole bill, from my personal perspective.

Fourth, we have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets.

Finally, we have continued our efforts from the last Congress to make the intelligence community work corporately across traditional bureaucratic boundaries and to enhance flexibility. The committee believes that such efforts are absolutely essential if the intelligence community is to succeed in dealing with increasingly complex threats to U.S. national interests.

Very clearly, turf wars have no place in national security. Again, I congratulate the gentleman from California [Mr. THOMAS], the former chairman, and the gentleman from Washington [Mr. DICKS] for the work they did to bring this matter forward in the previous Congress, and we are following forward on that.

□ 1430

Those threats and concerns are broader and more diverse to our national security than they ever have been. Among them are those issues that have been called the transnational threats. Those include terrorism, the proliferation of advanced weapons and weapons of mass destruction, narcotics trafficking and global criminal racketeering. Such problems demand that the intelligence community have a worldwide view and a highly flexible set of resources. Given the nature of these threats, our intelligence eyes and ears and brains are more important than they ever have been.

As an example, in the realm of counterterrorism, we are aware of the recent success our intelligence community has had in locating international terrorists so as to allow law enforcement agencies to apprehend them and bring them to justice. Less well known, however, because we must guard against revealing intelligence methods, are the numerous successes intelligence has had in recent months in detecting terrorist activities in advance

and foiling them, so Members did not read about them in the paper. U.S. facilities that would have been destroyed are intact today. American lives that could have been lost have been saved.

As another example, in the area of counterproliferation, I would direct my colleagues' attention to this unclassified report which has been prepared by the CIA which describes the role of various countries in providing technologies and material for the development of weapons of mass destruction and their delivery systems by various rogue regimes around the world. This report, entitled ''The Acquisition of Technology Relating to Weapons of Mass Destruction Advanced Conventional Munitions,'' put out by the Director of Central Intelligence, covers the time between July and December 1996 at the request of this committee. It is a very important report. The media has picked it up. It is unclassified. It tells us the world is real, the world is dangerous and there are people involved in serious mischief. It has received a great deal of attention in the press because of its rather extraordinary findings. When we read the classified evidence that is behind that report, we find it is even more extraordinary. That includes a great deal of specific and reliable intelligence that has given our policymakers and our military excellent insights into the activities of various countries and what we must do in response. Anyone who does not see the immense value to our national security to such work by the intelligence community I think is probably living in blissful ignorance of the dangers growing around us from rogue regimes that are getting closer and closer to being able to threaten Americans anywhere in the world with terrible weapons of extraordinary power.

In closing, I strongly urge all Members to support this authorization. It is the unanimously accepted product of a bipartisan committee. It makes significant improvements, measured by over 200 cuts, yes, I said cuts, and some additions to the President's budget request, and yet it comes in at less than 1 percent above the President's request when all is said and done. I am convinced that in supporting it, we are supporting the development of critically important intelligence capabilities that will make us all safer and will surely save the lives of many Americans, whether they be soldiers in the field, tourists on their vacation abroad, common Americans at home going about their business and their lives, all of this for today and for the years ahead.

Mr. Chairman, before I close, I would like to take one more moment to acknowledge an individual who is, I am sure, celebrating his last authorization process on the Permanent Select Committee on Intelligence. I said we had extraordinarily good staff. We do. But this year an individual, Mr. Ken Kodama, the senior substantive expert on the minority side, is retiring later this year after 9 years on the committee. Mr. Kodama represents the finest level of professionalism that other staff should emulate. His service to the full committee has been invaluable as well as to the subcommittee. In fact, Mr. Chairman, the reason that I could make some of the comments that I did at the beginning of this statement was in large part due to our ability to interact with Mr. Kodama in a truly bipartisan nature. To put it simply, he will be sorely missed. We wish him the best in his future endeavors, and I personally want to thank him for his assistance.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the pending legislation.

Mr. Chairman, first of all, let me say that I really agree with what the chairman has just mentioned. Ken Kodama has served this committee extraordinarily well. He has been a part of our senior Democratic staff and just one of the most professional people we have. We wish him and his family well in his future endeavors and compliment him again on his outstanding work.

I want to congratulate the gentleman from Florida [Mr. GOSS], the chairman, for the effort he has made to ensure that the committee functions in a bipartisan fashion as much as possible. This bill reflects this effort. He is to be commended for it. Few legislative products can achieve total harmony, and we do have some differences with the majority on this measure. Those differences, while relatively few in number, do concern some important matters. But I very much appreciate the determination of the gentleman from Florida [Mr. GOSS] that the issues on which we could not reach agreement within the committee would have a substantive rather than a political basis. I also want to applaud the committee staff for their outstanding work and professionalism on this bill and on the other work of the committee.

H.R. 1775 provides for a slight increase in funding over the amounts authorized by the Congress for intelligence and intelligence-related activities in fiscal year 1997 and the amounts requested by the President for fiscal year 1998. Although these increases are small, 1.7 percent above the amount authorized by Congress last year, and 0.7 percent above the amount requested by the President this year, I recognize that there are some who believe that we are already spending too much money on intelligence. I would say to those holding that view that the provision of accurate and timely intelligence to policymakers and military commanders is absolutely critical to our national security. The collection, processing, analysis and dissemination of intelligence is in many cases reliant on technologies which are both rapidly changing and quite expensive. The alternative to making the investments necessary to maintain superiority in these areas is to accept an increased risk of not obtaining that critical information which might make a difference in a trade negotiation, disrupt the plans of a terrorist or permit the tracking of chemical warfare agents.

In my judgment, the authorization levels in this bill are adequate to ensure that the intelligence agencies continue to provide the kind of information essential to sound policy determinations and successful military operations. I do not believe that a reduction in those amounts would be wise.

Although it is important that intelligence activities be adequately funded, it is equally important that the available funds be used in ways which maximize their impact. Spreading resources too thinly by trying to cover everything is a good way of ensuring a general level of inadequate performance.

We should remember that, although intelligence is information, not all information used by policymakers or military commanders is provided appropriately by intelligence agencies. In my judgment, the intelligence community best performs its function when it concentrates on providing information unobtainable by other means. It is essential that intelligence agencies not be tasked either by others or by themselves to acquire information which is more readily available from other parts of Government or is of little utility.

The gentleman from Florida [Mr. GOSS], the chairman, has described the bill, but I want to note my concern with section 608, which would terminate the Defense Airborne Reconnaissance Office [DARO]. I believe it is clear that changes are coming to the Office of the Secretary of Defense and support offices generally in the Pentagon. These offices can and should be streamlined. But that result should be the product of decisions made after all available evidence is gathered rather than before. In the case of section 608, the committee took action without a single hearing. In fact, the only evidence formally presented to the committee was laudatory of DARO and strongly advocated its continuation. I expect that we will use some of the time before conference to better explore DARO's role and its future. I also expect that we will review some of the other actions taken in the bill on certain National Reconnaissance Office programs. Changes in the direction of highly complex activities should be undertaken with a clear understanding of their likely consequences.

Mr. Chairman, despite these areas of reservation and disagreement, this is on balance a good bill, which I intend to support. It can be made better in conference, and I shall work with the gentleman from Florida [Mr. GOSS], the chairman, toward that end. The bill deserves the support of the House today, however, and I urge that it be approved.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI] for the purpose of a colloquy with the chairman because of her responsibilities as the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. I thank the distinguished ranking member for yielding me this time and for his leadership on this important committee.

Mr. Chairman, I rise to engage the gentleman from Florida, chairman of the committee, in a colloquy concerning section 305 of the bill.

As the chairman knows, this section of the bill extends for 1 year the authority of the President to delay the imposition of a sanction upon a determination that to proceed with the sanction would risk a compromise of an ongoing criminal investigation or an intelligence source or method. My first question, Mr. Chairman, is whether the legislative history of this provision, enacted in 1995, would be applicable to this extension of the authority for 1 more year?

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. GOSS. I would assure the gentlewoman from California that it is the intent of the committee that the legislative history of this provision as it was developed in the debate in 1995 is applicable to the exercise of this authority. Indeed, the report to accompany H.R. 1775 reiterates the joint explanatory statement of the committee of conference on the Intelligence Authorization Act for Fiscal Year 1996 to make completely clear that the original legislative history of this provision continues to govern its implementation.

Ms. PELOSI. Mr. Chairman, is it then the case that the committee intends this provision will be narrowly construed and only used in the most serious of circumstances, when a specific sensitive intelligence source or method or criminal investigation is at risk?

Mr. GOSS. That is certainly the intent of the committee.

Ms. PELOSI. Is it also the case that the law requires the intelligence source or method or law enforcement matter in question must be related to the activities giving rise to the sanction, and the provision is not to be used to protect generic or speculative intelligence or law enforcement concerns?

Mr. GOSS. That is also the case.

Ms. PELOSI. Finally, Mr. Chairman, does the committee expect that reports concerning a decision to stay the imposition of a sanction shall include a determination that the delay in the imposition of a sanction will not be seriously prejudicial to the achievement of the United States' nonproliferation objectives or significantly increase the threat or risk to U.S. military forces?

Mr. GOSS. Yes, it does.

Ms. PELOSI. Mr. Chairman, I thank the chairman of the committee for engaging in this colloquy, and for his confirmation of the understanding that we had when this provision was first enacted.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Washington.

Mr. DICKS. I wanted to just say that I concur in all the statements made by the chairman. This is also the understanding that I have of this provision.

Ms. PELOSI. I appreciate the ranking member's cooperation in that.

Mr. Chairman, I rise in support of an amendment to be offered by the gentleman from Florida [Mr. MCCOLLUM]. I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China, including those in the United States. The McCollum amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur. I urge its adoption and commend his leadership for bringing it to the floor.

Mr. Chairman, I strongly support the amendment.

I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China. The United States presents a tempting target for any nation seeking economic, diplomatic, or technological advantage. One of the chief responsibilities of our intelligence agencies is to counter efforts by foreign intelligence services to improperly acquire information in these areas. The extent to which foreign governments are engaged in such practices ought to be evaluated by our Government and business leaders in determining the type of relationship the United States should have with those governments. Those determinations can not be made, and the effectiveness of the efforts by the intelligence community to provide the information necessary to support them can not be judged, unless they are periodically reviewed in a comprehensive fashion.

The reports required by this amendment will help in that review. They will assist the Congress and the public in evaluating the extent of the threat posed by the intelligence activities of the People's Republic of China and will better ensure that the United States is positioned properly to respond to it. By requiring the reports to be submitted jointly by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, the amendment recognizes the division of responsibility which exists between those intelligence activities of the United States primarily conducted overseas and those primarily conducted within our borders. I do not favor a blurring of those areas of responsibility and expect that the wording of the amendment is clear enough to ensure that does not occur.

Mr. Chairman, countries spy on one another. That has been a fact of life on this planet since people began to live behind national boundaries. The bill we consider today is a reflection of that fact. It seeks to ensure that the United States is effective at spying on others and preventing others from spying on us. This amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur, and I urge its adoption.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Chairman, we should not be beguiled into thinking that because the cold war is over that we face a safer world in which we live, because in many respects it is just as dangerous or even more dangerous. Two threats that I want to focus on are the twin evils of illegal drugs and terrorism and the relationship to our intelligence activities. When I had the privilege of serving as the ranking member of the Permanent Select Committee on Intelligence, I was deeply involved in the creation of the counternarcotics center out at the Central Intelligence Agency. Today that center is known as the crime and counternarcotics center. It indeed has matured into one of the most effective of the DCI centers. In fact, some of its successes have been published but many of its successes still must remain classified.

□ 1445

Some of us are concerned, however, about the number and functions of Federal counternarcotics intelligence programs, and therefore in this year's authorization we have asked that the intelligence community, in coordination with the Office of National Drug Control Policy, develop a new drug intelligence architecture based on an assessment of the effectiveness of the national security and law enforcement drug intelligence systems, the drug intelligence architecture.

Indeed, Mr. Chairman, this year's Intelligence Authorization Act also authorizes the National Drug Intelligence Center. It was chartered in 1991. It became a reality largely because of the strong support envisioned of the gentleman from Pennsylvania [Mr. MURTHA]. The National Drug Intelligence Center was included in the intelligence budget last year, and I am pleased to report that this year's intelligence authorization continues to provide support for the program. This center provides strategic drug analysis to policymakers.

With regard to terrorism, Mr. Chairman, it is a growing concern because of the growing access which terrorists have to weapons of mass destruction, and in fighting terrorism the capability of our human intelligence assets is of extraordinary importance; and indeed I am fearful that our clandestine service is in danger of being destroyed,

in danger of being destroyed by an atmosphere of risk aversion, an atmosphere which permeates from the highest levels and filters down into the Central Intelligence Agency and other intelligence agencies.

Indeed, the case officers in our intelligence service who handle the agents around the world are involved in very risky business. It is risky business, and it is dangerous business, and it takes years to develop a productive agent, particularly in hostile places of the world.

So I would urge my colleagues to support this legislation, to recognize the successes of our intelligence service and to also recognize the problems we face.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DIXON] who has been one of the most attentive, hardworking members of our committee.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time, and, Mr. Chairman, I would like to take this time to make a report to the body on the CIA contra crack cocaine investigation being conducted by the Permanent Select Committee on Intelligence.

As all of my colleagues may recall beginning last August 18, the San Jose Mercury News published a three-part series alleging that Nicaraguan drug traffickers introduced, financed, and distributed crack cocaine into the African-American community of Los Angeles. The article further stated that the profits from the drug sales were used to provide lethal and nonlethal assistance to the Nicaraguan contras to support their struggle against the Sandinista government. Lastly the article implied, and very seriously implied, that the CIA either backed or condoned the drug activities.

In September 1996, the House Permanent Select Committee on Intelligence initiated a formal investigation into the charges levied in the San Jose Mercury articles. The scope of our investigation is as follows:

First, we are asking the question and investigating whether there were any CIA operatives or assets involved in the supply of sales or drugs in the Los Angeles area; second, if CIA operatives or assets were involved, did the CIA have knowledge of the supply or sale of drugs in the Los Angeles area by anyone associated with the agency; third, did any other U.S. Government agency or employee within the intelligence community have knowledge of the supply or sale of drugs in the Los Angeles area between 1979 and 1996; fourth, were any CIA officers involved in the supply or sale of drugs in the Los Angeles area since 1979; fifth, did the Nicaraguan contras receive any financial support through the sale of drugs in the United States during the period when the CIA was supporting the contra effort? If so, were any CIA officials aware of this activity? And finally, sixth, what is the validity of the allegations in the San Jose Mercury News?

The Justice Department Inspector General and the CIA Inspector General have both launched probes into the allegations contained in these newspaper articles. At the beginning of their investigation, both inspector generals expected to have their investigations completed by the fall of this year. The committee has received periodic updates on the status of the two reviews and at this point it is expected that the inspector generals will complete their task this fall and will issue reports.

The House Permanent Select Committee on Intelligence has a practice of not completing its investigation of a matter until the committee has had the opportunity to review the work of the inspector general. We will not complete our investigation until we have an opportunity to review the results of the inspector generals' reports as part of the committee's inquiry into this very important and relevant matter.

Reviewing the conclusions of the inspector generals' reports as part of the committee's investigation should not be construed by anyone as though we are relying on the results of the inspector general. Quite the contrary. Since the beginning of the committee's investigation, the committee has made trips to Los Angeles and Managua, Nicaragua to interview individuals allegedly possessing information on these allegations. Additionally, the committee has had one witness brought to Washington for the purpose of conducting an interview. Committee staff is in the process of reviewing over 6 feet of documents compiled by the CIA pertaining to this issue. Additionally, the Drug Enforcement Agency has briefed staff and provided information on certain aspects of this investigation.

The Congressional Research Service, pursuant to the request of the committee, is compiling background data on the Iran-contra investigations, and Iran-contra documents have been retrieved from the National Archives and reviewed to determine what light they may shed on this matter.

Finally, the committee attended and participated in two town hall meetings in south central Los Angeles where citizens expressed their concerns and views of this case. Last year when the fiscal year 1997 Intelligence Authorization Act was being considered on the floor, members of the committee pledged to our colleagues and to the American public that a full and thorough investigation into these allegations would be conducted. On March 12 of this year, the committee reviewed and ratified its ongoing inquiry into the San Jose Mercury News allegations. This year for the 105th Congress, the committee ratified the scope of this investigation.

While many may have differences of opinions and draw different conclusions from our committee's report when it is finally made, I hope that we will all agree on its thoroughness, its professionalism, and the bipartisanship that has surrounded the investigation.

I want to once again assure the American public and all of my colleagues that this investigation is moving in a detailed and thorough manner.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today because of the concerns that I have, given the bill that is on the floor before us, and certainly one that I intend to vote on. I have several questions especially pertaining to the report that the gentleman from California [Mr. DIXON] has just articulated, and I am sorry I came in on the tail end.

As my colleagues very well know, my district was the hardest hit with reference to the drug proliferation and the drug trafficking and the allegations that the CIA was involved in that. As my colleagues know, my district represents that of Watts in south central California as well as Compton. Since that time, I have called for investigations, that of the Department of Justice as well as the Central Intelligence Agency, and I have been in conversations with the gentleman from California [Mr. DIXON] on what the Select Committee on Intelligence is all about and what they are doing.

The questions that I have for either the chairman, the ranking member, or the gentleman from California [Mr. DIXON] is what is going on in terms of the hearings, or are there hearings in terms of a select committee on intelligence?

Is the intelligence community cooperating with this committee by any means?

And what is the timetable for getting a report to us so that I can articulate that to my community with reference to the ongoing investigation, if in fact they have begun to do that?

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, first of all I would like to compliment the gentlewoman for her participation. As I indicated in my remarks, there have been two hearings in Los Angeles, both of them coordinated by her and her office, one with the director of the Central Intelligence Agency and one with the inspector general from the Justice Department. Both, hearings, gave an opportunity to see the people that would be conducting the investigations from Justice and the CIA and give the community a chance to have some input.

As it relates to hearings, no decision has been made but I do think that there will be a discussion about the appropriate hearings that could be conducted. But it really will be based on the conclusions that the committee comes to.

Certainly I think that the committee will have called before it and examined the reports of the CIA respectively and the Justice Department as to the findings that the inspector generals make.

And as it relates to a timetable, I would think that no earlier than October-November would we be prepared to make a report to the House. Perhaps even longer. I think it is more important, rather than being on a timetable, but to be thorough and cover each base of these serious allegations.

Ms. MILLENDER-MCDONALD. And upon the report that the gentleman is talking about, will he then return back to my community, as was suggested at the hearing when the director came to south central? Will he then bring that report to the community that has been devastated by the drugs when that report is completed?

Mr. DIXON. It is my personal view, and I cannot speak for the committee, but there must be some public document on this issue that is released to the community. Whether or not there will be another hearing in Los Angeles I think will be a committee decision that the chairman and ranking member certainly will have input into.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would respond, if the gentlewoman will yield, that it is very much my intention to make sure that where taxpayers' dollars are used there is an appropriate accounting; if there is anything classified that justifies classification, we will have to deal with that. But it is not my intent to do that. It is my intent to report back what we find. That is the purpose of the investigation, and we will be dealing with the work of not only our own investigation but the investigation, as the gentleman from California [Mr. DIXON] has said, with the other IG's that are doing work, and frankly there is another committee in the other body working also.

So I believe we do not know all of the answers yet, but I think the gentlewoman can go forward in good faith, understanding we are going to do our best to be fully accountable.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I look forward to the gentleman's continuous dialog with me.

Mr. GOSS. Assuredly.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM] my colleague who serves us well on the committee and serves well on the Committee on the Judiciary as well.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for fiscal year 1998. As chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am pleased to report that this year's authorization bill identifies and corrects some of the fundamental shortfalls in the investments we must make to ensure that this Nation will have an intelligence community that can take the national security challenges of this country into the 21st century.

□ 1500

Particularly, this authorization bill makes the investments in human intelligence, in analysis, and in counterintelligence that will be necessary to future efforts against narcotics, terrorism, proliferation, and other transnational threats, areas that require human interaction on the ground to answer some of our most vexing questions.

I think complacency is probably much greater today than it should be in the minds of most Americans. Since the fall of the Berlin Wall and the dismantling of the Soviet Union, most Americans think we are a more secure world. I, quite frankly, having viewed matters daily from the purview of the Committee on Intelligence, question that we are in a more secure world. We are in a less stable world. We are in a world where intelligence is more necessary than ever.

We have in Russia KGB, former KGB members, who are engaged in organized crime. We have the potential threat of proliferation and movement of nuclear, biological, and chemical weapons that once were fairly secure. At least we knew where they were going to be, over in Russia. They may go anywhere now: into the Middle East, into the hands of terrorists, into the seven terrorist states that we have to be involved with and concerned with, from Iran and Iraq, North Korea, Libya, Sudan, Syria, all of those; Cuba. Then there is China, the question of what happens in the future. We have continuing, ongoing concerns in drug trafficking, and so on goes the list.

Mr. Chairman, no technology can replace the critical role of the human collector of intelligence on the plans and intentions of our adversaries and terrorists, traffickers, and proliferators. I am happy to report that the collectors of human intelligence, or human as we call them in the CIA and elsewhere in the intelligence community, are hard-working, and they are working hard against the high priority targets we have set.

In the budget request, however, the committee found a significant shortfall in technical and other supports these collectors will need in future years to continue their fine efforts to gather human intelligence to these threats. We cannot expect the collectors to overcome high technology employed by drug traffickers, for example, without technology of their own.

The committee also found a lack of long-term planning in the focus and funding of collection operations. We cannot expect human collectors to perform well when funded on an ad hoc basis year to year. I am pleased to report that this authorization bill does indeed provide adequate support for the eyes and ears of the intelligence community upon which so much of the knowledge about national and transnational threats depend.

We have directed the community to develop a system for projecting the long-term funding needs of these vital collection efforts so we may continue to provide these efforts with adequate support. The all-source analyst stands at the center of the planning of this committee and the intelligence community for the needs of the policymakers of the next century.

We will look at the all-source analyst to anticipate future needs for intelligence, and to provide support to the policymakers and to the military: Where will the next Iraq or Somalia be? What are the terrorist threats in a specific country? What successes is a rogue regime having in developing chemical or biological weapons?

We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection. In that light, Mr. Chairman, the authorization bill directs and begins to fund the restoration of an analyst cadre pared too lean over the past couple of years to cover the projected needs of policymakers.

As our report makes clear, this committee will remain engaged in that restoration and will look to the all-source analyst to guide the intelligence community.

Finally, Mr. Chairman, I note with grim satisfaction that during the past 2 months we have seen the final sentencing phase of the successful prosecutions of an FBI agent and a CIA officer arrested for spying on behalf of the Soviet Union and Russia. The success of both prosecutions depended first of all upon the counterintelligence officers within the FBI and the CIA who were able to do and to think the unthinkable; that is, that an American agent, an officer, could engage in such treachery, and to pursue investigations to such a conclusion. Success depended as well upon the willingness on the part of the leadership of the FBI and the CIA to make the sacrifices that would have been necessary to prosecute these cases through a course to full trial.

Mr. Chairman, I am pleased to report that the authorization bill as reported reflects recognition of this committee of the efforts of the counterintelligence officers, and supports the means by which their vigilance may be continued.

In sum, this authorization bill acknowledges and supports the focused efforts of the human intelligence collector, the crucial role of the analyst, and the difficult but necessary role of the counterintelligence officer. The bill makes surgical cuts and strategic adds that are necessary to the effectiveness of the intelligence community in providing the support to policymakers we need well into the next century.

I want to thank Chairman GOSS for the direction and guidance he has given to both this committee and to the subcommittee, and I conclude my remarks by saying I certainly support this bill.

Mr. DICKS. Mr. Chairman, I yield 5½ minutes to the gentlewoman from California, Ms. JANE HARMAN, a very outstanding member of our committee and a member of the Committee on Armed Services.

Ms. HARMAN. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, it is an honor to serve as a new member of the Committee on Intelligence. I commend our chairman and the ranking member and the staff for their bipartisanship and professionalism.

I sought appointment to this committee during two terms of Congress because I have a keen interest in issues relating to technology and satellite architecture. I often boast that I represent the aerospace center of the universe, the 36th district in California. Surely it is the satellite center of the universe. Also, as the ranking member said, I serve on the Committee on National Security, which gives me some additional insight into the defense functions served by our intelligence agencies.

I rise in support of this bill, although I would like to share with our colleagues several reservations. My reservations concern a comment made by our chairman as part of his opening remarks. He said, in part, and I quote, ''We have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets.''

I certainly agree that we should push technology and that we should do collection on the highest priority targets, but I would also suggest that the consequences of doing this could lead to some bad results: First, program instability, and, second, proceeding with change without a full understanding of its consequences. This is a point made by the gentleman from Washington [Mr. DICKS] in his opening remarks. It seems to me that our goal here is to make the right choices and the right changes among competing technologies.

As to levels of funding, I support the level in this bill, the product of a thoughtful and professional exercise. Could we spend some dollars better? Sure, and we should. But let us do that, rather than mandate across-the-board cuts which may result in limiting our technological options.

As I said in debate on this bill in the last Congress, intelligence funding is intelligent funding. Better information earlier is better offense and better defense. Our judgments about our worldwide geopolitical options and our defense strategic options on a particular battlefield depend in substantial part on good intelligence. To shortchange intelligence funding is to shortchange U.S. national security.

Finally, I just want to comment on the colloquy we just had between the gentleman from California [Mr. DIXON], the gentlewoman from California [Ms. MILLENDER-MCDONALD] and our chairman. I support what the committee is doing to thoroughly understand and study whether or not the CIA played any role in drug trafficking in California.

I would tell our colleagues that this issue is of intense interest in the Los Angeles community, and I hope that we share whatever we can appropriately share with the affected communities as soon as we can appropriately do so.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentlewoman on her statement. One of the things that I hope as we go through the rest of this process is that we can blend together our great respect for the all-source analyst, but also recognize that we have the finest national technical means in the world in terms of gathering intelligence. That should not be undervalued. In fact, I think what we need to do is blend these capabilities of human intelligence and our national technical means, and remember the gulf war, where we had a very major problem in the dissemination of imagery.

I just made a visit to Molesworth in England and saw the improvements in dissemination of imagery to the people who are serving us so well in Bosnia. I have been to the CAOC, the all-source center in Italy, have seen the combination of all these intelligence sources, from satellites to UAV's, human, everything coming into one room, and then being made immediately available to the battlefield commander in Bosnia.

So I just want the House to know that a lot of very important improvements have been made. I just want to make certain that we do not, in the rush to cut various programs, cut some of these things that are crucial both in signals and in imagery to giving us the kind of advantage that our military commanders need. This is very, very important to keep a balanced approach.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for his comments. I think all of us on the committee would agree that the revolution in military affairs for the future contains a huge technology component.

I was just urging that as we proceed to push the envelope, we not throw out technologies that function well in pursuit of some future technology.

Mr. Chairman, I also want to complete my comment about the importance of disseminating information to Los Angeles residents. As I think everyone on our committee knows, certainly the gentleman from Washington [Mr. DIXON] knows, and other Members from Los Angeles know, this issue has garnered intense interest.

If this committee can put it to rest finally by virtue of a very careful and thorough study, we need to communicate the results of that study to the residents of Los Angeles. I would urge us to do that as soon as possible.

Mr. GOSS. Mr. Chairman, I yield myself 15 seconds to assure the gentlewoman from California that I am interested in the truth. All of the resources and assets that we have and are bringing to bear on this are designed to bring the truth to the people of the United States of America, and particularly to those who are affected in Los Angeles.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], a member of the committee who is not only my great friend, but has shown me the way forward on some of these issues. I think we are going to hear about that.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, the bill before us today provides the necessary, and I emphasize necessary, funding for the operations of our Nation's intelligence functions. It also provides continuing support, in keeping with the committee's work over the previous 2 years in building the intelligence community for the 21st century.

This bill makes major improvements to the President's budget request by taking some critically needed steps forward, particularly in the areas of building up human intelligence capabilities and analysis and improving technical collection abilities. It puts some needed logic in the area of unmanned aerial vehicle management, and it builds on some existing directions forged last year in such areas as the national reconnaissance program.

Mr. Chairman, to do all of this the bill increases the President's budget by only about seven-tenths of a percent, so I want to congratulate the chairman of the committee and the ranking member for the outstanding work and guidance they have provided.

The worldwide scene and many of our national interests have changed, Mr. Chairman, since the dissolution of the Soviet empire. However, the world is not necessarily a significantly safer place since the end of the cold war. This bill recognizes the fact that despite the very real lessening of a threat to our national being, several rogue states, radical movements, and transnational threats such as terrorism, organized crime, and the proliferation of weapons of mass destruction continue to clearly present a danger to our Nation and our people.

It is important to understand that the focus of our intelligence community in peacetime is to maintain a knowledge level of the world that allows us to maintain that peace we so dearly cherish. Our intelligence services are, for example, fully employed now around the world helping to ensure that we are not caught by some surprise in places such as Bosnia or the

Persian Gulf or the Korean Peninsula. This bill focuses on right-sizing and right-equipping our intelligence services, both civilian and military, to perform their critical functions to preserve that peace.

Mr. Chairman, it should be noted that during the preparation of this bill each budgetary line item in the President's request was valued on its individual merits in relation to the whole of the U.S. intelligence efforts. The committee did not work to a specific or artificially developed top line number. Instead, the committee added funding as necessary to critical programs and made some cuts to programs that it considered overfunded. The resulting authorization is therefore highly defensible in the aggregate and in a line-by-line analysis. This is a view I am sure is shared by those Members of the House who have examined the classified annex wherein each budgetary line is explained in detail.

Mr. Chairman, this is a good product brought forward by a committee that has worked cooperatively, and it is a pleasure for me and a privilege to be a new member of the committee and watch the high degree of professionalism that exists in all its deliberations, not only high degree of professionalism, but a high degree of bipartisanship.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Georgia, MR. SANFORD BISHOP, a new member of the committee and a person who has spent considerable time and effort on intelligence matters.

Mr. BISHOP. Mr. Chairman, I rise in strong support of H.R. 1775, the Intelligence Authorization Act for fiscal year 1998. I also stand before the Members today to commend and congratulate Chairman GOSS and the ranking Democratic member, the gentleman from Washington [Mr. DICKS], for their efforts in producing a bipartisan measure that enhances our Nation's intelligence collection, analytical, and dissemination processes.

□ 1515

Mr. Chairman, one only has to look at any one of our Nation's major newspapers on any given day to learn of the unstable and unpredictable world in which we now live. Just last weekend Cambodia erupted in violence as forces loyal to Cambodia's two prime ministers took to the streets of Phnom Penh and engaged in armed clashes. This year alone we have witnessed the spread of civil strife in a number of countries, including Albania, Kenya, Congo, Sierra Leone, Rwanda, to name just a few.

When violence erupts in these countries, it is the intelligence community that is called upon to sort out what the threat is to U.S. persons, what the facts are, who the players are, what the likely outcome is, and what ramifications such actions may have for the region and most importantly for our Nation's security.

We need to consider whether a shortage of qualified intelligence analysts exists in many regions of the world that have been inflicted with unexpected violence that threatens the stability of that region. H.R. 1775 addresses this problem by providing additional resources to be directed and enhancing and expanding the analytical talent pool throughout the intelligence community. This is especially important to our military personnel who are often called upon to perform noncombatant evacuations of U.S. citizens from regions that are beset with violence.

Prior to the military conducting an evacuation, intelligence must be collected and analyzed so as to protect our military forces who perform these important and valuable missions. Additionally, the military has in the past and will in the future be called upon as part of the U.N. peacekeeping force. The Department of Defense needs qualified analysts for force protection, counterterrorism and to assess the plans and intentions of hostile forces. Let us not forget that the military has drawn down more than any other Federal agency, and the reduction in personnel in dollars continues today.

Intelligence acts as a force multiplier. And if we are to continue on a downward path in funding our Nation's armed services, which concerns me greatly, then we certainly need to take every step to ensure that our intelligence capabilities are sufficient to provide policymakers with the necessary information they need to make key decisions affecting our national security.

In addition to the ever-increasing number of contingencies that await us in the future, old enemies combined with the explosion of technology create new challenges for our intelligence communities. Russia, China, Iran, Iraq, the Korean peninsula, Bosnia, terrorism and proliferation of weapons of mass destruction continues to pose a threat to the national security of the United States.

The measure before us this afternoon provides funding for our country to aggressively collect intelligence against those important targets. One of the best methods used to collect intelligence on these targets is human intelligence.

I am pleased to report that this measure before us enhances the human intelligence collection capabilities throughout our intelligence community. Technology provides us a window into areas that are often hidden and protected against physical intrusion. While technical means of collecting intelligence may shed light on a number of programs, including proliferation activities, human intelligence is one sure-fire way of gathering information on plans and intentions as well as timetables. We must retool our human officer cadre to provide them with the skills and the tools necessary to accomplish their mission in the next century. This bill provides the requisite tools and enhances training to meet these future challenges.

Mr. Chairman, let me again thank the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] for their leadership in fashioning a bill that provides critical support to our intelligence community.

I urge my colleagues to support this measure and in doing so to support the men and women of the U.S. intelligence community, our military forces and our diplomatic corps around the globe. They are the people who sacrifice often in far-away places that we who live in America can always enjoy a safe, secure, and high quality of life. We owe them and the people of our Nation no less.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nevada [Mr. GIBBONS], a new member of our committee who has brought a wealth of value and experience.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I also rise today in support of the Intelligence Authorization Act. As a new member of this intelligence committee, I have had the unique privilege to participate in the development of this act. The gentleman from Florida [Mr. GOSS], chairman, and the ranking minority member, the gentleman from Washington [Mr. DICKS], are both to be commended for their incredibly hard work and leadership. Their efforts and stewardship of the committee as a whole and especially the fine work of the committee staff have resulted in an act which provides the United States an intelligence community which is properly equipped, properly funded and properly supervised for the difficult intelligence tasks confronting this Nation well into the future.

This is no easy task, Mr. Chairman. Many people think the United States no longer faces the worldwide threat that we once did during the cold war era. However, it would be foolhardy to say that the threats to this Nation have gone away. In fact, one could say that the number of threats has actually increased. The post-cold war proliferation of relatively cheap weapons of mass destruction, the increase of fanatical terrorism and the rise of transnational threats such as drug cartels dictate that we have a stronger, not weaker intelligence capability.

It could easily be debated that such threats are more diverse and more difficult to monitor and defend against than was the single major threat we faced during the cold war years.

Mr. Chairman, this act works toward an intelligence capability and community that is better postured to deal with these new and diverse threats. There are those who say we spend too much for the Nation's intelligence

services and capabilities. Because of security interests, I cannot speak for the specific dollar amount this authorization act recommends for intelligence activities; however, I can say that the security of the Nation does not come cheap.

Intelligence is the foundation for maintaining that security, and it has often been said that an ounce of prevention is worth a pound of cure.

I would submit that a relatively small investment in our intelligence, understanding of the threats to our country, is what is worth much more than the cost of recovering from the damage.

Knowledge of our potential foes is without question worth the investment. Is that investment large in terms of real dollars? Yes, of course it is. But again, an ounce of prevention, the same old adage.

Mr. Chairman, I would like to close with a thought about the future. Specifically with respect to intelligence technology development that this act supports, the Nation's policymakers require valid, useful and up-to-date intelligence on national and transnational threat issues, as I have mentioned. In order to maintain such information in an increasingly complex world, the intelligence community must invest in modern and equally complex technology.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. TRAFICANT], my friend and distinguished colleague who was mentioned on the Imus show this morning.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes and 30 seconds.

Mr. TRAFICANT. Mr. Chairman, I do not have as much confidence as everybody else who is here. I may give it a chance. I have respect for the gentleman from Florida [Mr. GOSS] and for the gentleman from Washington [Mr. DICKS]. But quite frankly, we heard about the collapse of the Soviet Union on CNN. We learned about the fall of the Berlin Wall on CNN. We learned about the invasion of Kuwait on CNN. I honest to God believe we might save a lot of money by getting rid of our intelligence community and giving the money to CNN.

There is an issue that concerns me, and I know it will be ruled nongermane, but during the Vietnam war we had 450 commandos, South Vietnamese, to perform espionage services. They were captured by the North Vietnamese. The CIA lived up and the DIA and our intelligence community kept their payments and compensation to their families up until 1965, until they were listed as missing. Then they cut off those payments. Even though the Congress of the United States passed $20 million in compensation for those commandos who helped us during Vietnam, the CIA has said, no, and they cite the Totten doctrine, an 1876 Supreme Court ruling, Totten versus the United States, as the grounds for not in fact meeting that compensation level. The Totten doctrine simply bars enforcement of secret contracts making them nonenforceable and not eligible to be adjudicated in a court of law. The Traficant amendment would simply create a three-member panel appointed by the Supreme Court that would rule whether or not these secret cases may be eligible for adjudication and could set them up in camera.

Let me say one last thing. The quality of our field operatives is evidently very bad when we are hearing about all these revolutions on CNN. Word is getting out that if our intelligence community is not going to toe the line and take care of their field operatives, what type of an intelligence community do you have without good street people? In America we call them snitches in the police departments. To the intelligence community we call them spies. Evidently from the amount of spying we have going on, we can use a little more fairness in this whole situation.

I understand this has a bearing and naturally it is more within the purview and jurisdiction of the Committee on the Judiciary.

But listen very carefully, a three-member panel appointed by the Supreme Court that would simply review these cases for cause and then have the option of making them eligible for adjudication and if they did it could be in camera. I think this has much to do with the camaraderie, much to do with the ability of our field operatives or we will have no field operatives. So when that debate comes up, I ask my colleagues to listen, especially Committee on the Judiciary members.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New Hampshire [Mr. BASS] a member of the committee.

Mr. BASS. Mr. Chairman, I thank the gentleman from Florida for yielding me the time. I rise in support of the intelligence committee authorization. I would make a couple of points.

First of all, this is not a fat budget. This is a lean budget. It represents a less than 1 percent increase over what the President's request was. I would point out that as we heard the chairman of the Committee on National Security talk last week, the defense budget in this country has gone down for 13 successive years and the intelligence budget as well has suffered from these declines.

I would point out that the Intelligence Committee has spent a considerable amount of time in the last 4 to 5 months examining the priorities in the Intelligence Committee. You have heard other speakers this morning talk about the need for better exploitation of all the information that we are receiving from our various collectors.

Second, the need to pay more attention to the issue of human intelligence and the need to develop better human intelligence around the world, I believe that intelligence is important to this country. It has been important to this country ever since it was founded.

Let me remind my colleagues that when Paul Revere road out of Boston to warn the patriots that the British were coming, he did not do it because the British told him they were coming. It was because he had a spy at the top of the Old North Church.

Intelligence was important in the Civil War. Intelligence was important in the First and Second World Wars. Indeed, the Air Force was founded as a result of the need to get behind enemy lines to understand what was going on.

Indeed, Mr. Chairman, intelligence in this country saves lives. It makes it possible for leaders in this country to make informed decisions about what needs to be done. It protects the national security of this Nation. It saves money in the rest of the defense budget and it strengthens this country as we move forward into the 21st century. I am pleased to be a member of this important committee. I am pleased to support this authorization.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

I think Members who are watching well understand that we have a very rich and diverse committee that has worked very hard with the other appropriate committees, the Committee on National Security and the Committee on Appropriations. We take our job very seriously. Everybody has something thoughtful to say and to add. The cold war is over but the danger is not gone. We are doing our best to make sure every intelligence dollar is spent well. Obviously that is a never-ending task.

□ 1530

Quite seriously, those who read the newspaper are not getting the full story, and those who wish to speak, I would hope, would go and read the classified annex so they are dealing with the same support level of fact that we are on the committee.

And, finally, I would simply say I agree with my distinguished colleague, the ranking member, and the gentlewoman from California [Ms. HARMAN], who spoke about the need for balance, the proper balance between collection, technology, and all of that. We strive for that proper balance. It is a moving target, it is a moving world, and we will be doing this in a moving way for many years to come. I hope we have it right for now. If we do not, we have a conference ahead of us where we will have a chance to do things again. I urge full support of this bill, Mr. Chairman.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, Mr. TRAFICANT has offered a similar provision in years past with a goal of ensuring that the intelligence community maximizes its purchase of American-made products. That is a goal I support.

We have worked with the gentleman from Ohio on other occasions to preserve the spirit of his amendment in conference even though the committee is aware that the record of the intelligence community on the procurement of U.S. products is exemplary. We will do so again this year and we are pleased to accept the amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read. No amendment to the committee amendment in the nature of a substitute is in order unless printed in the CONGRESSIONAL RECORD.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1998''.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1775 of the 105th Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $147,588,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 313 fulltime personnel as of September 30, 1998. Such personnel may be permanent employees of the Community Management Account elements or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—In addition to amounts authorized to be appropriated by subsection (a) and the personnel authorized by subsection (b)—

(1) there is authorized to be appropriated for fiscal year 1998 such amounts, and

(2) there is authorized such personnel as of September 30, 1998,

for the Community Management Account, as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 304 of this Act), during fiscal year 1998 any officer or employee of the United States or member of the Armed Forces who is detailed to an element of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis; except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and engineering purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ADMINISTRATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Subsection (e) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following new paragraph:

''(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

SEC. 304. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

''SEC. 113 (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

''(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed 1 year when the heads of the parent and host agencies determine that such extension is in the public interest.

''(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which they are being detailed.

''(c) ANNUAL REPORT.—(1) Not later than March 1 of each year, the Director of the Central Intelligence Agency shall submit to the permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community

personnel pursuant to subsection (a) for the previous 12-month period, including the number of employees detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the program.

''(2) The Director shall submit the first of such reports not later than March 1, 1999.

''(d) TERMINATION.—The authority to make details under this section terminates on September 30, 2002.''.

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by striking the items relating to sections 120, 121, and 110 and inserting the following:

''Sec. 110. National mission of National Imagery and Mapping Agency.
''Sec. 111. Collection tasking authority.
''Sec. 112. Restrictions on intelligence sharing with the United Nations.
''Sec. 113. Detail of intelligence community personnel—intelligence community assignment programs.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to an employee on detail on or after January 1, 1997.

SEC. 305. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking ''1998'' and inserting ''1999''.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to title III that deals with the Totten doctrine.

The Clerk read as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION, OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) ASSIGNMENT AND TERMS.—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each; the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignemt of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term ''secret Government contract'' means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term ''member of the intelligence community'' means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

Mr. GOSS. Mr. Chairman, I will reserve a point of order, if this is the amendment I think it is, that the gentleman's amendment is not germane.

The CHAIRMAN. The point of order is reserved and the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I had cited earlier this whole issue dealing with the Totten doctrine. Totten versus United States, the Supreme Court ruling in 1876, dealt with a secret contract where Abraham Lincoln, President Lincoln, had an individual working in an underground capacity. Upon the death of this individual, there was a lawsuit that emanated from those services, and from there came the decision that secret contracts are unenforceable and not eligible for adjudication.

So the Totten doctrine, in essence, bars the judiciary from adjudicating disputes arising out of secret government contracts. Now, that is in 1876. Now we have come to an intelligence community where we have many intelligence operatives that believe they have been wronged. If they attempt to adjudicate these matters or seek relief through the courts, the Totten doctrine is simply cited and they are barred from any further adjudicative action.

What the Traficant amendment would do, and I understand the point of germaneness here, but there must be some commitment coming from the leadership of intelligence if we are to do anything about the camaraderie and the ability to have good field operatives. We must look at the Traficant amendment.

Now, let me just close out here. The amendment calls for a three-member panel appointed by the Supreme Court in the U.S. District Court of Appeals in the Nation's Capital. They would review these claims, they would have the option of saying there is meritorious claim here or not. And if they did, they could set up that trial in camera.

We at this point have already gone into that judiciary type of activity. We have at this time allowed certain types of Federal judiciary cases on secret contracts involving, for example, the CIA and private contractors, to be adjudicated. They have been handled without any breach of national security.

And for those opponents who say our judges are not prepared to deal with these secret issues, I think if they can handle these broad tax cases, complicated environmental and toxic waste types of cases, they can certainly handle these.

I know it is not the intention of the Congress of the United States to have 450 South Vietnamese, many of them who have given up their lives in espionage activities for our country, to have been abandoned. And what we have on record is that they have been abandoned by our intelligence community and then their families, and in agreements made with their families, that agreement was abrogated. That compensation was not made, to the point where Congress gave $20 million last year and that money has still not been given to the survivors of those individuals who gave up their lives in our efforts in Southeast Asia. Unbelievable to me. And they cite, among other reasons, the Totten doctrine.

So all I am saying is that at some particular point, I understand the germaneness issue, but I know that the gentleman's committee has been fair, but I believe this hurts camaraderie, this hurts our acquisition and recruiting of top-notch agents. The word is out that one can get shafted; watch yourself. That is not the type of predicate we need to recruit the type of individuals that give us the intelligence we need. And we will keep reading and hearing about intelligence activities from CNN not from our own intelligence sources.

So I will ask, if I could, Mr. Chairman, the chairman of the Judiciary Subcommittee with jurisdiction to give consideration, since they are considering this to be a germaneness problem to Judiciary. But let me also say this to the intelligence community: Even though this is a Judiciary matter, its overtones in intelligence are so great, the shadows so great, I do not believe we can have a good intelligence program without addressing this old statute.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I am actually not the chairman of the critical subcommittee, the one on courts, but I am a member of the Subcommittee on Courts and Intellectual Property, and I would agree to work with the gentleman toward getting a hearing, an opportunity in the Committee on the Judiciary and the Subcommittee on Courts and Intellectual Property to go over this proposal.

I think it is a proposal that needs to be discussed, but I have no authority to be the chairman to say that I can hold the hearing. This is not my subcommittee.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, let me just say to the gentleman that I appreciate that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I would say to the gentleman that we are now checking at the Defense Department about the $20 million. And the gentleman, I think, has made a very important case here.

The CHAIRMAN. The time of the gentleman from Ohio Mr. [TRAFICANT] has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think what the gentleman is most concerned about is getting the money released and doing it in the proper way, and we will do everything we can to help him achieve his objective.

Mr. TRAFICANT. I also want the gentleman to help me in advancing the issue of looking at the Totten doctrine, because we will not recruit the types of agents we need to do our job properly.

Mr. DICKS. We will certainly follow up on that issue.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding.

I think the issue is a very important issue and it has been well outlined by the gentleman from Ohio, and I think with the assurance of my colleague from Florida to proceed and the assurance that I have personally given the gentleman to look into the matter in terms of why those payments have not been made, which again I cannot usurp appropriations matters, this is not my area, but we want to make sure that the gentleman's fairness issues are well regarded.

I would point out it was, as the gentleman knows, the U.S. Congress, not the intelligence community, that made the decision for the relief. I think that is entirely appropriate. I think when we go back and look at the Totten decision, and I think it probably is time to look at that, again not my area of jurisdiction, I think we have to ask ourselves questions about the appropriate oversight. I think that is entirely relevant and entirely timely.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I am going to ask Congress to enforce the release of that $20 million to those surviving families of those South Vietnamese commandos who gave their lives to help us out in Southeast Asia.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, as the gentleman well knows, it is in the supplemental appropriations. Congress has appropriated the money. They are working on the regulations.

We just talked to Mr. Hamre's office, the Comptroller of the Department of Defense, and they think they will have the regulations finished by the end of July in order to get the money out.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, the money was appropriated last year and I think they should get on with it.

I appreciate the dialog we have had here and I ask for consideration in some other vehicle that comes up.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the Congressional RECORD?

Mr. TRAFICANT. Mr. Chairman, this is the amendment authorized by unanimous consent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, one of the most innovative Members of the House, the gentleman from Massachusetts, Mr. BARNEY FRANK, said this is the Spy America Amendment, so I will accept that. He is usually very brilliant. I will call it the Spy Buy America Amendment.

If we are going to have all these covert buys and all this covert budget, we can have a covert understanding that when they buy these high-technology James Bond items, they try to buy them in America and from American producers, from American workers and companies who pay corporation taxes and who pay income taxes and excise taxes and hidden taxes and sales taxes and property taxes and State taxes and estate taxes and inheritance taxes and surtaxes and hidden taxes. We should hold them to account in an attempt to at least buy in America.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would be happy to accept the amendment, of course, because I understand it was inadvertently left out, and it is not a new issue; it is one that I have supported before.

I just want to make sure the gentleman is entirely clear that occasionally, because of the uniqueness of the intelligence business, it is necessary to

buy something that is not American made or to acquire something that is not American made, and I want the gentleman to fully understand that that is not a violation of the spirit.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, if the gentleman was, for example, a Korean spy, he would want to buy American to make us think that the gentleman was close to America. So who is to know? It is like a stealth amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding.

We have no problem with his amendment. We have supported it enthusiastically in the past, but the chairman is correct; we have to understand there will be times when we will have to do something that might breach the amendment.

Mr. TRAFICANT. Mr. Chairman, we understand that.

I ask for support on the amendment and move the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. MCCOLLUM. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 4 offered by Mr. MCCOLLUM:

Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 years after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I rise to offer this amendment today, which is a very simple amendment, that would require the Director of the Central Intelligence Agency and the Director of the Federal Bureau of Investigation to jointly prepare an annual report on the intelligence activities of the People's Republic of China and, most specifically, those which are directed against or affect the interest of the United States.

Some of the news reports on the fund-raising scandals that we have been reading about recently suggest that the People's Republic of China has apparently has decided to take a more aggressive approach toward influencing American politics. This is occurring at all levels of our political system, through the use of legitimate, such as through lobbying, as well as covert influence.

At the same time, the Chinese are also relying heavily on the success of their economic espionage efforts to make their economy more competitive with ours. We also have concerns, that I think most Americans share, with the increasing buildup of the Chinese military operations and capabilities, and the potential that that poses a threat to our national security interests in the Pacific rim region.

A China specialist at the Department of Defense recently summarized a growing threat posed by China's intelligence agencies by saying:

The Ministry of State Security is an aggressive intelligence service which is coming of age in an international arena. The combination of a relatively stagnant economy and an increasingly competitive global economic environment will force China to rely more heavily on the illegal acquisition of high-technology modernization. Arms production and sales are increasingly being used to gain hard currency and expand global political influence. The MSS will be required to produce intelligence to support this assertive role in the global commercial and political environments.

He went on to say:

Western democracies, such as the United States, must adjust the focus of their clandestine intelligence and counterintelligence operations if they are to meet the MSS's forward posture effectively.

The annual report that this amendment authorizes and requires would document significant developments involving China's Ministry of State Security, the military intelligence department of the People's Liberation Army, and other Chinese intelligence entities operating against the United States.

□ 1545

The report is specifically intended to cover trends in the following areas: First, political, military, and economic espionage by Chinese intelligence services; second, intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party; third, efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army; and fourth, disinformation and press manipulation by the Government of the People's Republic of China against the United States.

Various agencies from the intelligence and law enforcement communities will be tasked to provide input on Chinese intelligence activities within the United States and elsewhere. Some of the agencies being tasked to contribute to the annual report include the Central Intelligence Agency, Department of Defense, Department of Justice, National Security Agency, Defense Intelligence Agency, Department of State, and Department of the Treasury.

The classified version of the annual report will be provided to the leadership of both the House and the Senate as well as to the two intelligence oversight committees. An unclassified version will be prepared so that the American people can be provided with a general summary of the nature of the Chinese intelligence threat to the United States.

My colleagues, I believe, will find this amendment to be one that is very crucial and very important, although very simple. It is not one that requires anything more than a gathering of information for us, but I think it is information that is something critical that we have and that it be prepared in these two different versions: First, the classified version for our committee's use primarily; and second, a version which can be revealed to the American public in general terms so we can keep track and the public can keep track of what the Chinese community may or may not be doing with respect to interests of the United States through its intelligence efforts.

I have no more complicated issue than that to present.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I congratulate my colleague, the gentleman from Florida

[Mr. MCCOLLUM], for what I think is a very important addition to the work of the committee. Events have obviously transpired in a very clear way, in a very public and visible way on the subject of China in recent days, and I think this amendment to H.R. 1775 is a very valuable addition.

I would also like to thank the gentleman for his initiative on the issue. The intelligence activities of China that are directed against United States interests is a subject that has caught us all up. It certainly is of central importance to the committee, and it is of concern to the people of the Nation as well.

Anybody who has been watching television, whether it is CNN or any others that are covering events of the world, will know that there is a lot happening. The People's Republic of China has deployed an intelligence service worldwide that is acquiring assets and technology illegally and against the interests of the United States and its businesses and subsidiaries here and overseas.

The gentleman's statement outlines, as well as can be done in this forum, the threat presented by China's Ministry of State, Security and Military Intelligence Department, the People's Liberation Army. The old days of the threat of China goes only so far as its Army can walk are clearly behind us.

The amendment offered by the gentleman from Florida [Mr. MCCOLLUM] directs that the two agencies in the best position to gather intelligence on the threat, the FBI and CIA, report annually to Congress on the specifics of Chinese intelligence activities and acquisitions that affect United States interests.

What this amendment does is to recognize and to regularize reporting on the threat to America and Americans that we in the committee have received from excellent but ad hoc briefings from these two agencies and others as well, frankly, in the community.

I welcome the gentleman's initiative, as I said, and commend it and look forward to a more structured version of the excellent classified information on this matter that we have received to date from the community. The classified information we have received to date, and I can say this, justifies entirely the initiative presented to us today, in my view.

I referred earlier to a report on proliferation, which is unclassified, which I referred to all Members. I also applaud the gentleman's requirement that the FBI and CIA produce an unclassified version of their annual reports for public dissemination. As I have said, Americans and American businesses and subsidiaries here and overseas should be concerned about this threat from Chinese intelligence activities in the United States and elsewhere. The committee will, in that regard, promote the dissemination of any and all possible warning information as appropriate.

At the same time, Mr. Chairman, it will come as no surprise to anyone at all familiar with intelligence that there will be limits on what the intelligence community will be able to provide the public without damage to the national security or to the sources and methods at risk in the collection. This is a very important target, and it is going to be a more important target, I think, in the next century. Very clearly, we have to be careful about our capabilities to deal with the target.

Acknowledging this constraint, upon which lives as well as intelligence depend, I repeat my wholehearted support to the amendment of the gentleman from Florida [Mr. MCCOLLUM] and look forward to the badly needed process that it does create, in which I serve and which I think will serve oversight extremely well. I am going to support the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Florida [Mr. GOSS] for yielding.

Mr. Chairman, I have no objection to the amendment on this side. In fact, the gentlewoman from California [Ms. PELOSI] wanted to be here to speak on it, but had to be in a markup in the Committee on Appropriations.

I appreciate the gentleman yielding.

Mr. GOSS. Mr. Chairman, reclaiming my time, I am happy to have the ranking member remind me of that. I should have referred to the RECORD. The RECORD will clearly show that the gentlewoman from California [Ms. PELOSI] has already spoken in support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 1.

Mr. Chairman, I was in a markup and was of the understanding that the gentleman from Michigan [Mr. CONYERS] would be offering his first. I ask unanimous consent to return to title I and that my amendment be allowed to proceed in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. GOSS. Mr. Chairman, reserving the right to object, I would like to explain my reservation.

I understand the gentleman's dilemma. We have a Committee on Rules, and we have rules for a reason, to try and have an orderly process. I believe, however, that the debate that the gentleman proposes to bring forward is a debate of great value. I am, therefore, willing to not object.

Normally I would object because I think the process is important. As I say, I think this debate is worth it; and on the basis of the gentleman's request for unanimous consent, I will not object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. SANDERS: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1998 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1997.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM] very much, because this is an important debate and one that I am going to ask for another unanimous consent that I had discussed previously.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, essentially, the amendment as recorded called for a 10-percent reduction in the intelligence agencies; and I would like to change that to a 5 percent reduction. I ask unanimous consent that the amendment be allowed to be 5 percent rather than 10 percent.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. SANDERS:

In the proposed amendment, strike ''90 percent'' and insert ''95 percent.''

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I would like to thank my Republican colleague and my Democratic colleague for their indulgence. This is an important debate and I very much appreciate their allowing it to go forward.

Mr. Chairman, the amendment that I have offered is simple, and I would hope would be supported by all, especially those people concerned about the deficit and those people concerned about national priorities. What this

amendment does is cut the intelligence budget by 5 percent from the level authorized for fiscal year 1997 while still protecting the CIA retirement and disability funds.

Mr. Chairman, although the amount authorized by this bill is classified, there are various press reports which have indicated that funding for all the intelligence activities is currently about $30 billion, which means that this amendment would cut approximately $1.5 billion from the intelligence agencies.

Mr. Chairman, in my opinion, this debate is about a number of key factors: No. 1, our sense of national priorities. Is it appropriate to increase funding for an already bloated intelligence budget at exactly the same time as we propose painful cuts for senior citizens in Medicare, for low-income people in Medicaid, for others in housing, for kids, for the environment? How appropriate is it to say that we will cut $1.5 billion in home health care for seniors but not cut $1.5 billion for an intelligence budget which, in my view and in the view of many, already has too much money.

Mr. Chairman, if we are serious about deficit reduction, we cannot only go after working people and low-income people, we also have to have the courage to go after the intelligence community. Mr. Chairman, let me be frank that, for whatever reasons, despite the end of the cold war, despite the collapse of the Soviet Union and international communism, the intelligence community has not experienced the kind of appropriate cuts that had been made with many other agencies, including the Department of Defense.

Mr. Chairman, in 1996 the U.S. Senate, led by Senators Hank Brown and Warren Rudman, completed a report on the efficacy and appropriateness of the activities of the U.S. intelligence community in the post-cold war global environment. Let me read a brief portion from that report, which is commonly referred to as the 1996 Aspin-Brown Commission Report. They say, and I quote:

> In general, from 1980 until the present, intelligence grew at a faster rate than defense when defense spending was going up and decreased at a slower rate when defense spending was going down. As a result, intelligence funding

Now this is 1990—

> is now at a level 80 percent above where it was in 1980, while defense overall, other than intelligence, is now 4 percent below its 1980 level.

Mr. Chairman, the Congress has asked almost every agency to examine its budget and make appropriate cuts as we try to move toward a balanced budget. It is appropriate, now that the cold war is over, to ask the intelligence community to do that as well.

Mr. Chairman, in recent years a number of our allies have made public their intelligence budget, something I think we should do, but that is not for this debate. But let me tell what you we have learned from some of those countries who have made public their intelligence budgets.

In the United Kingdom, our strong ally, under a conservative government, intelligence spending was reduced from 957 million pounds in 1993 down to 701 million pounds in 1997. That is Great Britain. Canada also reduced its intelligence budget. They understood that the cold war is over. They had other priorities. I think we might want to learn something from our allies.

Mr. Chairman, not only do we have to look at our priorities and what our allies are doing; we have got do ask the simple question, are we getting good value for money that we are spending on intelligence? I would argue that there is a wide cross-section of opinion from the left and the right that says no, that the intelligence budgets are inefficient and wasteful, that they can be cut without loss of value in terms of the needs of the American people.

Mr. Chairman, what I would like to do now is not give you my opinion but to quote various newspapers, totally public reports, nothing secret or nothing confidential here, and tell you what some of the newspapers are reporting.

The New York Times front page, May 16, 1996, and I quote:

> In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledged today.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 3 additional minutes.)

Mr. SANDERS. Mr. Chairman, what NRO did was to lose track of $4 billion, an amount roughly equal to the annual budgets for the FBI and the State Department combined. They lost the money.

John Nelson, appointed last year as the National Reconnaissance Office's top financial manager and given the task of cleaning up the problem, said in an interview published today in a special edition of Defense Week that the secret agency had gone, and I quote the gentleman, ''a fundamental financial meltdown,'' an excerpt from the article in the New York Times.

Let me further quote from the New York Times, same article:

> The reconnaissance office found itself in trouble in 1994 for constructing what several Senators called a stealth building. The Senate Intelligence Committee protested that the agency had built itself a headquarters outside Washington costing more than $300 million, without disclosing the building's true cost and size.

That is the New York Times.

According to another newspaper, the New York Daily News, December 16, 1996, and I quote, page 27, editorial:

> Two huge threats are looming before the U.S. intelligence community as national security advisor Anthony Lake prepares to become director of central intelligence. The first is a Marine reserve sergeant out in San Diego. Armed with a personal computer and a network of contacts around the world, Eric Nelson has developed and E-mail system that consistently beat the Defense Intelligence Agency's reporting on terrorism, chemical and biological warfare, political profiles, background on hot spots, nuclear weapons, international crime and political analysis. ''He really covers the ground,'' says Marine Colonel G.I. Wilson at the Pentagon. ''And best of all, he is quick. His secret is that he only uses open, i.e., unclassified sources. He has been immensely successful. All the armed services use him.''

□ 1600

This is a guy on his own, an ex-marine.

''Nelson's threat to the $40 billion intelligence community? His operating cost is about $20 a month.''

Twenty dollars a month and he is doing work that the intelligence community is not able to do. And on and on it goes.

Last, let me quote from another article in the New York Times, March 3, 1997:

''Breaking with its past, the CIA has severed its ties to roughly 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes, Government officials said today.''

The New York Times continues:

''The agency found that the violence and corruption of scores of those informers were so bad, and the quality of the information they provided comparatively so marginal, that they were not worth the tens of thousands they were paid annually.''

The article continues, ''The Latin American division of the CIA's clandestine service proved to be one of the most riddled with foreign agents who are killers and torturers, that the agency has violent men on its payroll,'' et cetera, et cetera.

Mr. Chairman, I would ask that the Members say no to the intelligence communities and support the Sanders amendment lowering it by 5 percent.

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment. As President Dewey used to say, ''Be careful what you read in the newspapers.''

I think it is very important that we remember that my ranking member has addressed a lot of the issues that the distinguished gentleman from Vermont has just brought forward to us in previous sessions of the Congress in previous years.

We are very concerned with our responsibilities to do our job of oversight to make sure that we are providing the best possible means of defense for Americans and America through the use of eyes and ears and brains around the world, our intelligence business, because despite the fact that the cold war is over, the danger to America and Americans and American interests is clearly not. Anybody who thinks it is might want to look in the newspapers about the World Trade Center bombing

or they might want to look in the newspapers about the bombing in Saudi Arabia that regrettably cost the lives of some American troops and much wounding of hundreds of American troops, and on and on. Or they might want to go upstairs and take a look in the Intelligence Committee's area and of course every Member of this Congress is cordially invited to come upstairs and take a look at any time in what we are doing and what information we have as long as they are willing to comply with the accountability and responsibility that goes along with that knowledge.

We think that it is very important that we have what I will call a factual analysis and we on the committee have tried to give it our best bet on what the facts are and what the analysis of the facts are. We have not done a data-free analysis. We have come to a thoughtful conclusion of where we are.

I cannot overstate my opposition to across-the-board cuts, anyway, to intelligence bills, and even though I know that the gentleman from Vermont is well-intentioned, we have had this debate before, such an approach to budget cutting I do not think is good and it is indiscriminate.

To make cuts by a percentage or a number grabbed out of thin air, whether it is 10 percent or 5 percent or any other percent, completely undercuts the duty of Congress to deliberate and make thoughtful decisions on behalf of our constituents in the best interests of the Nation.

Remember, this is the one piece of legislation that must be authorized. We have an authorization charter on this committee that nobody else has. In our representative democracy, Members of Congress are elected to make responsible, informed spending decisions based on the close scrutiny of the costs and the benefits of specific government programs. That is what this permanent select committee has done.

The select committee has analyzed and reviewed the intelligence and intelligence-related activities of the United States to determine the benefit provided by those programs to the national security interests of the United States, and that is the bill we have in front of us today.

To my colleagues who favor this amendment, let me ask, to what specific programs are they opposed? What should we cut back? Which programs should be terminated? Which intelligence targets should be dropped? Specific modifications to intelligence programs would be more appropriate than the broad brush approach that the gentleman proposes.

In the gentleman's testimony to the Committee on Rules that was submitted in support of the amendment, he noted programs that he considers to be bloated wastes of taxpayers' money. In support of this 5 percent budget slashing amendment, he contends that the NRO, which we have heard about, the National Imagery and Mapping Agency, NIMA, and the National Security Agency simply collect too much information to be thoroughly analyzed and used by policymaking consumers. He argues that because some information is not put to its best use, the entire intelligence community should suffer a 5 percent reduction in funding.

Because the gentleman is unhappy with the overall lack of analytical capabilities of the intelligence community, which I would note is something that the committee specifically seeks to correct through this bill in a very thoughtful and deliberate and specific manner, he wants to reduce the analytical resources by an additional 5 percent. That is counterintuitive and counterproductive.

If Members come up to the committee spaces and read the classified annex to the bill, they will see that the Permanent Select Committee on Intelligence on a bipartisan basis did its job. The committee reviewed each program for its merit and its benefit to national security. The committee truly scrubbed each program to ensure the money would be well spent. We had a lot of debate about that.

The committee held 7 full committee budget hearings, as I said, scores of briefings, 100 or so Member and staff briefings, and on and on. The committee thoroughly, let me repeat, the committee thoughtfully and thoroughly and with careful deliberation made appropriate adjustments to the President's intelligence budget proposal.

The committee reported increases for those programs where it found the President's plan lacking, and it reduced authorization levels where appropriate and necessary.

If Members have looked at the schedule of authorizations, they will see that the committee has made drastic, substantial, and real cuts, not just reductions in budget request levels but real cuts in several programs. The committee did so based on the merits of the program, not simply to achieve a percentile decrease that is altogether meaningless. These reductions were made for good government reasons.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 2 additional minutes.)

Mr. GOSS. At the same time, however, the committee has increased authorization levels for certain other programs to ensure that the U.S. government has adequate intelligence capabilities so that another Kamisiyah does not occur, so that collected intelligence is not wasted, to adequately support all our deployed Armed Forces and to properly address global crises that threaten our national security interests without diminishing our capabilities in other areas of this still treacherous world.

Just because the cold war is over does not make this world more safe. Quite the contrary. Radical regimes exist that wish us harm, and transnational threats of terrorism, narcotrafficking, organized crime and weapons proliferation actually threaten our way of life on a daily basis whether we are here or abroad.

This amendment would indiscriminately make cuts where program funding has already been reduced by significant amounts and cut those programs that need additional budgetary resources. This amendment requires no thought for what is needed, how things operate or the fixed cost of a strong national security enjoyed by all Americans. It is purely a number thing.

If this amendment passes, how will we explain to the American public that the funding for the FBI, the CIA, and others against international terrorists was cut back? How will we justify the reduction in our ability to monitor the unfair trade and economic policies of business competitors? What will we say to your business constituents after we reduce our ability to determine when foreign countries and foreign corporations try to steal us blind of our technology and commercial secrets? Should we hamstring our efforts to stay one step ahead of the radical regimes who are feverishly working to develop nuclear, chemical, and biological weapons and the missile systems to deliver them? And they are.

That is what this amendment would do. This amendment would also put our deployed troops at risk. Passage of this amendment will result in higher casualties in all likelihood because of the inability to provide the necessary force protection. We have had a sad lesson there recently.

This indiscriminate 5 percent reduction in the authorization levels will result in less accurate and less timely intelligence that is critical to disclosing the threatening capabilities or evil intentions of our foes. The parents of those serving this country in the armed services will want to know the justification for increasing the threat to their children.

The global strategic reality is that we have won the cold war, but we have not resolved the danger problem.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The gentleman from Florida makes a good case against across-the-board cuts. I for one have never particularly favored across-the-board cuts, but in this case we are confronted with a budget that is secret. We cannot come out here and debate the individual elements of the budget or the individual allocations to the individual components of this budget because it is secret. If I went up to the little room upstairs and found out how much the National Reconnaissance Office is getting and I came down here to the floor and revealed it, I would be subject to censure or removal from the House. So how is it that we can approach this more reasonably as long as we keep these numbers secret? What can our enemies learn from knowing how much

money we spend or waste on the intelligence services, whether it is well spent or wasted?

The sum is phenomenal. It is reported in the press to be more than $30 billion, an increase this year of about $1 billion. Perhaps the gentleman could help me out here. Could the gentleman from Florida tell me what the 5-percent cut would constitute? How much money would the 5-percent cut constitute?

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would invite the gentleman to come upstairs to the committee quarters and we will be happy to share with him, we will provide as much staff as he likes, we will walk him through line by line and we will be the better for it and so will the gentleman.

Mr. DEFAZIO. Reclaiming my time, I thank the gentleman, but here on the floor, in the people's House, for the people of the United States who pay the taxes that constitute this secret budget, we cannot know how much a 5-percent cut constitutes, so we cannot know whether it is prudent or imprudent.

The gentleman said one other thing that particularly intrigued me, and this did concern me. He said the FBI would not be able to protect against international terrorists if this 5-percent cut went through.

How much will be cut by this 5-percent cut from the budget of the FBI to combat international terrorism?

Mr. GOSS. If the gentleman will yield further, it is impossible to know in foresight. Let me put it this way. In hindsight we have discovered that if we had better equipment in the question of the bombing of the World Trade Center in New York, we may very well have avoided that.

Mr. DEFAZIO. But again we cannot reveal the number.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the dilemma that the gentleman has described. There is perhaps one other solution. Perhaps the Permanent Select Committee on Intelligence would determine, and the leadership as well, to accept the gentleman from Vermont [Mr. SANDERS] as a member of the committee, and that way he would be privy to the information that has been pointed out by the gentleman from Florida [Mr. GOSS] as necessary to effect a specific solution. Because right now there is not only no way that the gentleman from Vermont [Mr. SANDERS] can be specific to those seven excellent questions, but neither can any other Member in the House of Representatives who is not on the committee.

Mr. DEFAZIO. I thank the gentleman.

Again the dilemma we have here, and I do not like across-the-board cuts, is we are not given an option. Yes, I can go to the room upstairs. The gentleman can show me the individual budgets of the individual agencies, but I cannot come down here to the floor and use that information in any way. I cannot come down here and say, ''Well, the National Reconnaissance Office is up by $1 billion, I want to cut $500 million there because they are spending it on this particular satellite that I do not think is helpful.'' I can do none of that on the floor. I can go up there and be imbued with information that will tie my hands and my tongue if I come to the floor. I could not talk about the amount of money here if I had been up there to review the budget. I can only talk about it because I read it in the New York Times. I know there will be an amendment later to reveal the total amount of money spent, and I would hope the gentleman would support that and I hope this gentleman will support that.

Mr. DICKS. And I will.

Mr. DEFAZIO. And I would hope it passes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. I would urge the gentleman to come up to the room upstairs.

Mr. DEFAZIO. The gentleman wants to tie my tongue.

Mr. DICKS. You got it, baby.

Mr. DEFAZIO. I do want to see the special room sometime, but I do not want to look at any of the documents in there.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. BONIOR. First of all, Mr. Chairman, I would like to commend my colleagues here who have taken the leadership position on this committee, my dear old friend the gentleman from Washington [Mr. DICKS] and the gentleman from Florida [Mr. GOSS], who knows probably more about this, him and the gentleman from Texas [Mr. COMBEST], than anybody in this institution, and for their capable staffs.

Having said all those nice things, let me encourage Members to follow the line of my friend from Oregon and support the gentleman from Vermont [Mr. SANDERS], and I hope the gentleman from Massachusetts [Mr. FRANK] if the Sanders amendment does not pass. All the gentleman from Massachusetts [Mr. FRANK] wants to do is keep us within the bounds of the administration, keep it basically at a freeze, and also the Conyers amendment, which will get to the point of this discussion that we are having right now of revealing what the number is.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 2 additional minutes.)

Mr. DEFAZIO. Mr. Chairman, I continue to yield to the gentleman from Michigan.

Mr. BONIOR. I would say to my friend from Oregon, we need these amendments because this is a Rip Van Winkle budget. If Rip Van Winkle was just waking up, he would not know that the cold war was over, that the world has changed, that our intelligence needs are dramatically different than they were a decade ago.

□ 1615

But that is exactly how this intelligence budget is framed, like nothing has changed, and the gentleman from Florida [Mr. Goss] who I have deep respect for, is absolutely right. We actually need a strong intelligence budget for those things that occurred at the World Trade Center and occurred in the Middle East and took so many lives. But let us be realistic.

Mr. DEFAZIO. How much of this budget is spent on those particular terrorist threats?

Mr. BONIOR. We do not know.

Mr. DEFAZIO. We do not know.

Mr. BONIOR. We do not know.

Mr. DEFAZIO. But even if we wanted to beef up those portions of the budget, we could not do that here on the floor?

Mr. BONIOR. I think we probably could. I think we probably could.

Mr. DEFAZIO. We could transfer from one account to another since we do not know what is in the accounts?

Mr. BONIOR. That is kind of the dilemma here that we are facing.

And so I would say to my friend that what we need to do is to work together to rein this in. Today the drive to a balanced budget is reducing spending dramatically.

In fact, we read in the paper this morning that the budget is going to be down about $45 billion, the annual budget, a tremendous drop since 1993. Yet today we are spending 95 percent more than our major allies combined on intelligence, combined, and twice as much as nations that are viewed as rogue states.

So as my colleagues know, here we are, we have got about $112 billion bill to refurbish schools that are falling apart across this country, we have got 10 million kids in this country without health insurance, and we are spending, according to the New York Times, over $30 billion on intelligence, and the cold war is what? Nine years, seven years, eight years over with?

It does not make any sense, so I urge my colleagues, support SANDERS, support FRANK and support CONYERS.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the Sanders amendment. The implication from the discussion they have been hearing here is that intelligence in this country has been developed as a result of the cold war. Well, the cold war is yet a small part of an entire history of this country especially its strategic interests which have been around since the Constitution was written.

Let me just point out that the debate here is on the amendment not the other extraneous issues. We will debate when we reach, if we do, the Conyers amendment, the issue of publicity of intelligence authorization or authorizing numbers, but let me just point out that this amendment in essence implies that the Permanent Select Committee on Intelligence in the 6 or 7 months that it has been working on its budget has not really done its work.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is that it is surprising to me that any amendment that would be offered at a 10-percent reduction yesterday and then turn into a 5-percent reduction today can be called a responsible amendment. It only goes to show that when the chairman said, ''What would you cut,'' that there is no real intention here of being serious about reducing this budget.

The fact is the committee has been responsible in dealing with this budget on a line-by-line basis over the last 7 months. The distinguished gentleman from Michigan calls this a Rip Van Winkle budget; I would point out that this amendment is probably a blind man's bluff amendment because we have absolutely no idea what the impact would be.

That is not responsible legislating, and I urge my colleagues to oppose this amendment.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from New Hampshire for doing that. I did want to point out on a serious note that any Member of the U.S. House of Representatives, of course, enjoys a very high privilege for serving here, but they also enjoy the opportunity to examine classified information, and I believe that that is a wonderful opportunity. I hope Members will take advantage of it; I mean that very sincerely because I think that they get a better impression of what our responsibilities in the area of national security are by examining classified information and material available to the committee then they do by reading various newspapers which inevitably have a slant or point of view and less than full information, or even watching C-Span which is always dramatic; excuse me, CNN which is always dramatic.

But that is not really the point. The other point I wanted to make is this:

We have clearly got a responsibility, the 15 Members of the House Permanent Select Committe on Intelligence. Oversight has come a long way, baby, since we first started to have oversight of the intelligence community. We needed oversight. It all started back, and my colleague has said a long time ago, but in the Second World War became apparent that we needed to deal with the oversight question and organize intelligence, and shortly after that we did. And oversight has become much more sophisticated, much more organized, I believe much more representative.

But it is true, the 15 of us on that committee have a responsibility to all of the other Members of this body to make the right decisions. We have brought forward a bill, 15 to zero, that we do not all agree with every item on to be sure, but, 15 to zero, we have brought our colleagues a bipartisan bill which we think is about right for where we are to go into conference with, and we are asking our colleagues to basically understand that we have not come out of thin air, that we have worked hard and deliberately, going time and time again into these programs dealing with these agencies, making them justify how they expend these moneys.

I am a fiscal conservative. I would not be voting for pork or waste. I assure that the Members who know me know that is true. As I say, I think we have got it about right, I think the members of this committee have done a very good job, and I think a straight across the board cut that is totally indiscriminate is going to do serious damage and not going to get the kind of benefits or savings that the well intentioned sponsors of the amendment has envisaged.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in these days with the cold war behind us, Berlin Wall having come down, we find ourselves in a comparable era, as we did in the 1920's and the early 1930's where there was no known adversary on the horizon.

I support the bill as it is, and I oppose the amendment to reduce the authorization.

Serving on the Committee on National Security, and there are a few of us on this Permanent Select Committee on Intelligence that do, also as a member of this committee, I know the value of timely and accurate intelligence to military commanders as well as to the administration and the State Department. In these days where the predictability of the future is so cloudy, that is when, Mr. Chairman, it is all the more important for us to have the best, the finest intelligence network we can.

More than that, it is more than just being able to collect intelligence. We need the analysts who can give us that predictive analysis as to where we think problems may arise. Successful military operations, successful diplomatic operations which minimize the risk of problems and lives of American service men and women cannot, simply cannot be conducted without excellent intelligence and excellent analysis.

As a member of both of the committees that deal with this I pay particular attention to the needs of the military as well as the other. I believe this bill responds to those needs, I support it. A cut, I think, would be doing a disservice to our diplomats, it would be doing a disservice to those who serve in uniform, a disservice to those who want to keep our country free and our interests keen in the days and years ahead.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I understand this amendment originally suggested that we cut 10 percent of this budget. This amendment says we cut 5 percent. This is a very reasonable amount in this time when we are supposed to be working in tight budgets. Of course we can make the argument that rather than spending money on international spying activities that could be better spent here at home, and I think there is a lot to that argument.

But I am pleased with the amendment, and I am very happy that the amendment is brought to the floor because, if nothing else, the 5 percent of savings that we might get if we pass the amendment, we do not know the exact figures so we cannot even make that calculation, it is not going to make or break the budget even though it could be helpful. But the amendment allows us to come to the floor and at least express a concern, and we have heard many of these concerns already. It is just a chance to get on the floor and say to the Congress and to our colleagues, Whoa, let's slow up a minute, let's think for a minute what we're doing and what have we been doing.

It is now accepted that the activities of the CIA is they are proper and something that we have had for a long time, but the CIA is a rather new invention. It is part of the 20th century. It came up after World War II. But it was pointed out earlier that this is not exactly true because we have been dealing with intelligence for a long time, and that is true. But it has always been dealt with in national defense, it was strictly limited, and it was handled by the military. But since World War II, since the time that we have built and tried to run the American empire, we have to have our spy agents out there. Now we have a civilian international spy agency.

I might ask my colleagues really if they would even be inclined to read the Constitution in a strict manner where would they get this authority that we

have to go out, have an organization like this that is very poorly followed by the Congress? We know very little in general about what happens when it comes to our Government being involved in overthrow of certain leaders around the world. I would suggest that when the history of the 20th century is written that many of us will not be very proud of the history of the CIA and the involvement that they have been involved in over these many years. I think the activity of the CIA has gone a long way to give America a bad reputation.

This does not mean that we should not have intelligence and we should not be concerned about national defense, but if it were done in a proper manner it would be done without an organization such as the CIA. These very secret clandestine activities of the CIA really is very unbecoming of a free society. It is not generally found in a society which is considered free and open and that the people know what is going on.

It surprised me a little bit to hear it even admitted earlier that some of the activity of the CIA is involved with, business activity that we have to be thinking about business espionage, many of us have made this accusation challenge that, yes, we have the CIA that represents big business in many parts of the world. And I think this is the case. And not only do we have our business interests reaching out to many areas of the world and we have a very internationalistic interventionist foreign policy, we have troops in so many countries, over a hundred countries.

I would really like somebody to get up here today that is knowledgeable; tell me how many countries we have CIA agents in. If we have troops in 100 countries, we may have CIA agents in 200 countries. But I do not know that, and possibly it will be buried someplace, but I am not allowed to come down here and explain it to the American people.

The American people are responsible. They pay the bills. They are the ones who have to fight the wars if we go and do something nonsensical. And was the CIA involved in Vietnam? It certainly was. There was a killing of a leader in Vietnam that escalated that affair which led to war and killing and the death of many young Americans.

So we in the Congress should be more responsible so we can tell the people exactly what is going on, exactly what it is going to cost and exactly what the ramifications are when these agents are dealing in other countries.

□ 1630

I would say that the CIA does not have a very good reputation among many Members of Congress nor among many citizens of this country. They are concerned about it and would like to know a lot more about it.

Is there any chance the CIA could have funding outside of the so-called normal appropriations process? I think there is a very good chance that is possible and that they may well have been involved in drug dealing.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought for the last several years that I would stay out of these debates about the CIA, but I am torn to come back and say a few words here.

I had the pleasure of serving on the Committee on Intelligence for a few years, and I finally resigned in disgust because I did not find either that the intelligence was very reliable, and certainly that the rules and regulations with which the process was conducted were utterly asinine.

We have had references here to statements in the newspapers about the level of funding and other things involving the CIA. I, as most Members know, have been involved with the space program for 30-odd years. I thought I knew something about space activities and the kinds of things that the CIA was doing in overhead collection. I was getting my information from scientific journals and some of the researchers who were doing the work on these kinds of collection systems.

I was precluded by the rules with regard to my serving on the Committee on Intelligence from reflecting not what I saw in newspapers but what I saw in scientific journals or scientific reports of various kinds. This is kind of asinine, to classify something that the most informed people have already published. Mr. Chairman, I thought this was something that we really ought to get away from, but I found that my loyalty to the country was questioned if I even brought this up for discussion, in many cases.

Now progress is being made, not very much, but some. The members of the committee are honorable people who are trying to do a better job, and I commend them for it, because it is frequently a thankless task. When I was on the committee, I served under the chairmanship of the gentleman from Indiana, Mr. LEE HAMILTON, and the gentleman from Ohio, Mr. LOU STOKES, and they were honorable people, wonderful people who were doing their best for the welfare of this country. Nevertheless, they were constrained by the same rules and practices that I was constrained by to sort of go along with the system.

I remember the time, for example, when we would be invited down to the White House, and Admiral Poindexter, at that time National Security Adviser, and Ollie North would lie through their teeth to us about what was going on. Every time a critical event came up, they would invent some new lie to explain it to us. Mr. Chairman, I did not particularly like that, but I suppose I could understand it.

Actually, the whole intelligence apparatus, or the CIA in particular, and the National Reconnaissance Office, which I suppose we are still precluded from mentioning on the floor because it is classified, are actually a secret army for the President. They do what he says and they kind of protect him in the process, and we saw this occurring over long periods of time.

I am not sure that that really is what we need from an intelligence agency. We do need intelligence, without regard to the fact that the cold war is over. This is a dangerous world and we need intelligence. Going back to the writings of that great Chinese author, Sun Dzu, who wrote with regard to war, about war 2,500 years ago, good intelligence collection was the most important thing that any military commander could have, regardless. It is still true today, that it is essential.

But we are not getting good intelligence. If so, we would have known far more about the economic, social, and other conditions in the Soviet Union which led to its collapse. We would know far more about the kind of cultural and religious conflicts taking place in the Islamic nations than we know. We know practically nothing, as a matter of fact. We are not going to get it from the CIA.

I think the committee is beginning to understand that there are problems with our intelligence collection in certain vital areas, such as those that I have mentioned. Their suggestion that we might consider a civilian reserve corps may be the best idea that has come out of the Committee on Intelligence in a long time, because with a civilian reserve corps of people who understand the language and the culture and the economies of the areas that we have an intelligence interest in, we will get more and better intelligence than we have ever had before.

With regard to analytical capabilities, it has been known for two decades that the CIA was collecting huge amounts of information which they never bothered to analyze. We would apparently not give them the money to analyze it, and if we did, they cached it away to pay for a $3 billion building, or whatever.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, the committee's report recognizes these things and lays them out specifically and then asks for more money. This is ridiculous. If we are getting inadequate intelligence and intelligence analysis today, why reward that with more money? Maybe it would be a healthy lesson if we would cut them 5 percent or 10 percent.

We have been doing this with another agency that I am very well acquainted with, NASA, for the last several years. I regretted it. I hated it, because I felt that NASA was doing a good job and producing huge benefits to the American people through the technology it

developed and sponsored. But they survived it, and they are doing a better job today.

The landing of a rover on Mars, for example, was done at half the cost that we thought it would be done a few years ago, because we have found that we can do things faster, cheaper, and better.

Why cannot the CIA and the other intelligence agencies live with that same kind of discipline? I think they could. I think it would be good for them. The intelligence would be better. The country would be better served. We could say that we are enhancing the security of this country and our understanding of the rest of the world and saving money at the same time. That is what we should be trying to do. We are doing it in every other area, and I think it is time we applied it to the intelligence agencies.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, one speaker has implied that we are not serious when we offer this amendment because we know it is not going to pass. I regret that it will not pass. We are reduced to a ceremonial action each year. Once again we are here to impose what I consider a civilized and reason-based ceremony on a very primitive Congress, which goes through a ritual of blindly authorizing more than $30 billion for a CIA that should have been streamlined and downsized at the end of the cold war. By the most conservative estimate in the New York Times, this is $30 billion that we are talking about.

We ought to take 5 percent of that, which is $1.5 billion; $1.5 billion may seem like a small amount compared to the overall CIA budget, but our entire proposed initiative by the President on school construction was merely $5 billion over a 5-year period; $5 billion over a 5-year period, which means we could fund the school construction initiative out of this cut and still have $2.5 billion left over for other matters, like the empowerment zones in poverty areas. So we are talking about money that could do a great deal that is probably being wasted in a CIA that is unaccountable.

The very basic but baffling instinct and superstition of this congressional village is to insist that tampering with the secret budget of the CIA is taboo. The CIA is untouchable. There is fear that dangerous, invisible demons will rise up and destroy our village if we disturb this almighty Washington wizard.

It is not reasonable, what we do here. Downsizing, streamlining, and restructuring are vitally necessary for this Federal agency, just as it was useful in other Federal agencies. The era of big government is over. We are proud to keep repeating that the era of big government is over. The era of the big unaccountable CIA should also be over, but nobody wants to touch the big, unaccountable CIA.

We have just heard more than 1 hour of general debate which did not grapple with the following taboo subjects.

They did not talk really in the general debate about the failure of the CIA to predict the collapse of the Soviet Union, the greatest failure of all. They did not talk about the dangerous and costly interference with administrative diplomatic initiatives, policy initiatives, in Haiti.

Somebody just said a few minutes ago that the CIA is the President's secret army. It certainly did not behave like the President's secret army in Haiti, because the President authorized one policy and took one set of initiatives and the CIA was funding the organization in Haiti called FRAPH, which had a big demonstration of wielding pistols, shooting guns, and stopped a peaceful initiative to bring some police officers in to help train the Haitian police.

We later had to have a costly military operation in order to deal with the criminals in Haiti. The CIA did it. Emanuel Constanz, who headed that organization, was on the payroll of the CIA. He was arrested for a while and then set free. He is out there free somewhere now. The CIA has never explained their relationship with Emanuel Constanz and the FRAPH organization.

The loss of $40 billion in petty cash funds. It was written in the New York Times that the petty cash funds of the National Reconnaissance Agency somehow lost $2 billion first, and later on they said no, it is $4 billion, lost and later recovered, of course.

The Aldrich Ames affair. His name has not been mentioned during general debate at all. Aldrich Ames was very dangerous. At least 10 agents, 10 operatives of the CIA, by their own admission, lost their lives, yet Aldrich Ames is alive and well now, and he intimidates the CIA with interviews that he gives from prison. He makes fun of the CIA. Aldrich Ames was said to receive $2 to $3 million for his treason.

Harald Nicholson, another highly placed CIA person recently was given 20 years; he will be out in 10 years, for betraying his country, for selling secrets. First it was for $120,000 and later on they said maybe it was $300,000. Who knows how much it was. But this pattern in the CIA occurs at very high levels. Aldrich Ames was a very high level person in charge of the Eastern European and Soviet operation; very high level people are selling out for dollars. Something must be wrong somewhere.

It was $7.5 billion that we talked about over a 5-year period. Surely we can use it and put it to better purposes than have it go on existing in this unaccountable agency. If we start with a 5 percent cut, maybe next time it will be a 10 percent cut and maybe next time we will go to the real purpose of restructuring, restructuring the CIA to fit its mission in the present time.

Common sense, combined with scientific reasoning, should be allowed to prevail over the primitive kinds of instincts that are employed when we have discussions of the CIA. It is not rational what we are doing, not scientific, not based on reason, not based on the evidence that exists.

The CIA budget was increased to deal with the evil empire. The evil empire no longer exists. The evil empire gets aid from us, and they use some of that aid to pay our agents. Russia pays our agents out of some of the aid we give them. Ridiculous.

Ms. WATERS. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise in support of this amendment. It seems almost impossible that this Congress would not embrace a 10-percent, a measly 10-percent reduction in this intelligence budget. I am not going to talk at this moment about everything that I have learned about the CIA and their drug dealing and other activities. I am just going to talk about what some of our allies think about them.

In a Los Angeles Times article Monday, March 17, 1997, our international allies' dislike of the CIA's clandestine activities is stated as such.

I quote: ''Around the world, America's friends are sending a quiet but stern message to the Central Intelligence Agency: The cold war is over, the rules of the spy game have changed, and it's time for the United States to curb its espionage operations on its allies' turf.

''At least four friendly nations, Germany, Italy, Switzerland, and France, have halted secret CIA operations on their territory during the past 2 years.'' In Germany a CIA officer was ordered to leave the country, get out, apparently for trying to recruit a German official. In 1995 there was a major intelligence failure in Paris when the French uncovered and put an end to an economic espionage operation run by our CIA.

In the Washington Post there was an article entitled ''House panel affirms some allegations against CIA.'' This was March 18, 1997. The Washington Post reported that a House intelligence committee report affirmed a previous conclusion that CIA contacts in Guatemala were involved in serious human rights violations with the agency's knowledge and their involvement, which was improperly kept from Congress in the early 1990's.

□ 1645

In fact, the article stated, and I quote, ''The report represents a sharp criticism of the CIA from a Republican-controlled committee that has tended to be more sympathetic to CIA arguments that it must deal with unsavory individuals to get good intelligence,'' unquote.

What is the mission of the CIA in the post-cold war environment? Is it necessary to continue allocating $30 billion to this intelligence effort? Should we not use these funds for other purposes such as job development or school infrastructure or rehabilitation? I am encouraged that the New York Times on March 3, 1997, recently reported that the CIA was doing some scrubbing, they called it, in an effort to sever ties with 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes. According to these articles, the Latin American division of the CIA's clandestine service proved to be the one most riddled with foreign agents who were killers and torturers, and that the CIA also has had on its payroll people who are terrorists and drug dealers. I am going to talk about drug dealers in an amendment that I am going to bring up, but I want Members to keep fixed on that. Drug dealers who were terrorists and, of course, drug dealers.

It is not enough to cleanse some of the rogue agents employed by the CIA in their clandestine activities. We really need to eliminate the CIA. The Defense Intelligence Agency, the DIA, needs to take over the functions and responsibilities currently held by the CIA. There are overlapping functions between the CIA and the DIA. So while I think they need to be eliminated, certainly this very small modest request for a 10-percent reduction, a 5-percent reduction, 5 percent, 10 percent, whatever, should be done. It should be embraced by everybody. It would show that at least we are concerned about this agency that is just riddled with problems. I mean this agency is a disgrace. Time and time again we find these articles that are appearing that are talking about not only our agents who are selling us out but all of the rogues and the terrorists and the dope dealers that they are dealing with. Do we not want to do something about the CIA? Are we not ashamed? Do we not feel that we have enough power to rein them in?

I will be back with my own amendment to deal with them on dope dealing.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Sanders amendment which would cut intelligence funding by 5 percent. Now, other agencies have been reduced. Do Members know that the State Department has had its budget cut 20 percent in the past 5 years? But we are going to give the intelligence department, and I use the word in quotes, an ''increase.'' It is absolutely preposterous to even think about spending more on intelligence when the cold war is over.

I have heard colleagues say, well, this is a dangerous world. I agree. It is a dangerous world. This is a dangerous country where 10 million children have no health insurance. It is a dangerous country when gangs threaten citizens in the streets. It is a dangerous country where 3 people get shot in the capital city. Yet we have cut those programs. We have cut the programs which solved those problems, but we increase the budget for the Central Intelligence Agency. Of course I say we increase it, but how do I know? We do not even know exactly how much we spend because that has been a secret since it was started.

I would like to quote from the Constitution of the United States. It says, and I quote, ''a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.'' The CIA has simply exempted itself from this constitutional requirement. I wonder if that is constitutional to have a secret budget.

I can guess why the CIA might want to keep some of its activities in the dark, but unfortunately for them the news is out anyway. The Intelligence Oversight Board, a Presidential panel, has recently reported on some of the activities of the CIA. I have heard some of my colleagues mention them, the horrors of the Guatemalan incidents, the stuff in Haiti, the fact that we gave weapons to the Mujahedin in Afghanistan which are now turned on us in Bosnia. But I would like to ask whether we got value for the money we spent. Did we get value? That is a good question for us to ask the American people.

We have recently learned about a computer error during the Persian Gulf war. Well, that sounds bad, a computer error, but think of the horror of that computer error. It exposed 120,000 United States troops to sarin nerve gas, sarin nerve gas, the gas that killed so many in Japan. The CIA had known about Iraqi storage of these agents since 1985, but it did not alert the United States military which subsequently blew up the bunker in 1991. They knew the exact, the CIA knew the exact coordinates but all this money we spent on them, the information was filed under a spelling error. So the military did not get the intelligence. All this intelligence we have paid for, did not get it. So 20,000 American servicemen and women were exposed to sarin gas. I do not think we get value for the money we spend and I think we spend too much of it.

Our intelligence apparatus is a cold war creation that now includes thirteen agencies, employs 150,000 people, and yet we are not allowed to talk about what it is spent on. We are not allowed to come down and tell the American people, that dollar you sent us for your Federal income tax which we are giving to the CIA, we are not going to tell you about it, even though the Constitution says we should.

So it is time to rein it in. It is time to make this agency live by the same rules we are asking of all others. I urge Members' support for the Sanders amendment. It is a support for fiscal responsibility and for sanity.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Sanders amendment.

First of all, I would say to my colleagues, I think Mr. GOSS is right. What we read in the newspapers is not necessarily correct. The number that has been bandied around here today is not necessarily correct.

Second, I think it is important to realize that the Central Intelligence Agency receives only a small fraction of the money that is spent on the intelligence effort. The overwhelming part of the intelligence budget is spent at the Department of Defense on defense-related activities. I would point out to my colleagues that if they go back and look at World War I, look at World War II, look at Desert Storm/Desert Shield, intelligence played a major role in our victory in those wars.

The second lesson I think it is important to remember is that after World War II, we cut back our military spending. We cut back on intelligence. Then we wound up in Korea and we wound up in a military mess. After the Vietnam war, we cut back on defense. We cut back on intelligence. What happened? We wound up weakening our military and we had to come back and restore it and spend a tremendous amount of effort, and when we did do that, we wound up having a very successful effort in Desert Storm/Desert Shield.

Again, in my judgment, the amount of money we are spending with 15 Members of the Congress that have reviewed this very carefully, going through it on a line item by line-item basis, I think is about right.

I oppose this amendment. I will also say as a senior member of the defense appropriations subcommittee that we are going to be within our 602(b) allocation when the appropriation bill comes to the floor. So I want to assure everyone that defense will be within our 602(b) allocation.

Now, let us get down to the specifics as much as we can. I urge everyone who has spoken today with all the passion, all the concern, please come up to the Intelligence Committee. We will see that you are briefed. We will see that you have an opportunity to look at these numbers and to see why we think that the authorization that is presented here is about right.

Having had some experience in the defense area, I want to tell my colleagues, I believe intelligence is a force multiplier. We have cut defense overall, and the intelligence budget is part of that, by over $100 billion between 1985 and 1995. Intelligence has not been cut as much as defense. But I will tell my colleagues this: It has been cut significantly, maybe not enough for some, but it has been cut significantly. For Members to stand up here and say intelligence has not been cut is simply inaccurate. It has been cut very significantly.

I will just tell my colleagues, I believe that the information that we get, if Members go back to Desert Storm/Desert Shield, we were able to do things there because of the intelligence-gathering success that we had that gave our soldiers a critical advantage. We were able to end that war rapidly, using a combination of air power and intelligence, and we did it rapidly and saved American lives.

I want to point out to my colleagues, this is serious business. This is serious business. I agree with my colleague who said if you can take this amendment from 10 to 5 percent in one afternoon, one has to question just how seriously it has been thought out. So I would argue that the intelligence that we get, especially for the military, is absolutely crucial. As we get better and better at this, through our national technical means, we are going to solve some of the problems we had in the gulf war. One was broad area search. General Schwarzkopf wanted to have a better idea of what the enemy was doing. With a combination of our satellites and our UAV's, we are going to be able in the future to let commanders know really what is going on behind enemy lines. That will be an enormous advantage. One of the problems we had there was finding the Scud launchers, and they could have devastated the 500,000 troops we had there if they used chemical and biological weapons.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if they had used chemical and biological weapons on the 500,000 American troops sitting out there in that desert, they could have done devastating damage. We could have taken huge casualties. It was lucky for us that those Scuds were not accurate. We cannot expect that to happen in the future.

With the improvements in intelligence, we are going to be able to target those Scud launchers which we had such a difficult time finding in the past, using Link 16 and other developments that come from our national technical means that will be fused into the cockpit of our advanced aircraft.

One of the things we have worked on for the last 20 years is to take advantage of these investments in intelligence to give our military people a significant advantage against any enemy. My hope and prayer is that this will lead to deterrence, that we will be able to prevent future wars because when they go up against the United States, they are going to know we have a very capable force and, No. 2, that that force has the best possible intelligence. That will save money and save American lives and prevent future wars.

Military strength and intelligence strength will help prevent conflict in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask the gentleman, he and I agree we should not be under this restriction but we are, he cannot give us the dollar figure. He said intelligence has already been cut. Could he tell us what the percentage cut was?

Mr. DICKS. Mr. Chairman, I cannot tell the gentleman that.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he cannot tell me because the Iranians would find out.

Mr. DICKS. Mr. Chairman, I am going to vote for the Conyers amendment. I voted for it for the last several years, because I think we ought to have that number out there. I will tell the gentleman this, it is a significant cut.

Mr. FRANK of Massachusetts. I have a later amendment dealing with a cut, in case this one does not pass. Maybe we can have that number by then, what the percentage was of what it was cut.

Mr. DICKS. I will just tell the gentleman that when we look at the highwater mark and take it back down, it is a significant reduction.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 30 additional seconds.)

□ 1700

Mr. DICKS. Mr. Chairman, as I said, I will support the Conyers amendment when the gentleman from Michigan offers that amendment. I think the American people have a right to know.

One of the reasons I want it out there is because the number that is being bandied around here today is inaccurate. It is inaccurate. I would like to have the American people know what the truth is.

I would like to also have them know, frankly, what the CIA percentage of that is, because it is a lot different than what we have heard today on the floor.

Again to my colleagues, please come up to the Permanent Select Committee on Intelligence and get the real facts. I think it is embarrassing to have these numbers bandied around on this floor that are simply inaccurate.

Mr. STARK. Mr. Chairman, I rise in support of the Sanders amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

The cold war is over. The specter of communism no longer lurks on the horizon. While we face new challenges in this new age, the need for clandestine activity has been severely lessened. I support the Sanders amendment to reduce the intelligence authorization by 10 percent.

While the exact level of appropriations is confidential, the New York Times reports that over $30 billion is spent to support the intelligence community. A 10-percent cut would place $3 billion back into deficit spending, or provide funds for many other more necessary activities.

Thirty billion dollars is more than twice the combined intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya, and Cuba. It is also more than the intelligence budgets of the United Kingdom, Australia, Germany, and Canada combined.

Within so many other pressing domestic priorities, can the taxpayers of this country afford $30 billion, or more for intelligence activity?

I urge my colleagues to join me in supporting the Sanders amendment to H.R. 1775.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDed vote

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 289, not voting 3, as follows:

[Roll No. 253]

AYES—142

Abercrombie	Gephardt	Norwood
Allen	Gonzalez	Nussle
Baldacci	Green	Oberstar
Barcia	Gutierrez	Obey
Barrett (WI)	Gutknecht	Olver
Becerra	Hall (TX)	Owens
Bentsen	Hastings (FL)	Pastor
Blumenauer	Hill	Paul
Bonior	Hilliard	Payne
Brown (CA)	Hinchey	Peterson (MN)
Brown (FL)	Hinojosa	Petri
Brown (OH)	Hoekstra	Porter
Camp	Hooley	Poshard
Campbell	Jackson (IL)	Ramstad
Capps	Jackson-Lee (TX)	Rangel
Carson	Johnson (WI)	Rivers
Chabot	Johnson, E. B.	Roemer
Chenoweth	Kanjorski	Rohrabacher
Clay	Kennedy (MA)	Roybal-Allard
Clayton	Kilpatrick	Royce
Clyburn	Kind (WI)	Rush
Coburn	Kleczka	Sanchez
Condit	Kucinich	Sanders
Conyers	Lewis (GA)	Schumer
Costello	Lofgren	Sensenbrenner
Coyne	Luther	Serrano
Cummings	Maloney (CT)	Shays
Danner	Maloney (NY)	Slaughter
Davis (IL)	Manzullo	Stabenow
DeFazio	Markey	Stark
DeGette	Martinez	Stenholm
Delahunt	McCarthy (MO)	Stokes
DeLauro	McDermott	Strickland
Dellums	McGovern	Stupak
Doggett	McKinney	Tanner
Duncan	Meehan	Tauscher
Ensign	Metcalf	Tierney
Eshoo	Millender-McDonald	Torres
Evans	Miller (CA)	Towns
Farr	Minge	Traficant
Fattah	Mink	Upton
Filner	Moakley	Velazquez
Foglietta	Morella	Vento
Foley	Nadler	Waters
Ford	Neal	Watt (NC)
Fox	Neumann	Waxman
Frank (MA)		Woolsey
Furse		Yates

NOES—289

Ackerman	Ballenger	Berman
Aderholt	Barr	Berry
Andrews	Barrett (NE)	Bilbray
Archer	Bartlett	Bilirakis
Armey	Barton	Bishop
Bachus	Bass	Blagojevich
Baesler	Bateman	Bliley
Baker	Bereuter	Blunt

Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clement
Coble
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Flake
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Manton
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek
Menendez
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Cox
Edwards
Schiff

□ 1729

Messrs. RYUN, CRANE, BARTLETT of Maryland, and FLAKE changed their vote from ''aye'' to ''no.''

Messrs. McDERMOTT, BARRETT of Wisconsin, ROYCE, BENTSEN, STRICKLAND, and MOAKLEY, Ms. HOOLEY of Oregon, and Ms. TAUSCHER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. CONYERS. Yes, Mr. Chairman, it was.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GOSS. Mr. Chairman, in order to assist Members planning, which we are trying to do, I ask unanimous consent that debate on the Conyers amendment and all amendments thereto be limited to 40 minutes, equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CONYERS. Mr. Chairman, reserving the right to object, I support a limitation for this reason: This is precisely the same amendment that was offered a year ago, and it received 176 votes. Although we have a lot of speakers, I think the lateness of the hour and the fact that this bill has been brought under the 5-minute rule requires that we accede to the chairman's request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] and the gentleman from Florida [Mr. GOSS] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is precisely the same one that was voted on last year that makes this modest proposal, that the aggregate amounts of all intelligence agencies be revealed in the President's budget and in the final appropriation for intelligence. It is a simple compilation, and I know some people did know this, of 14 different intelligence agencies in the military budget. It has been examined with great care by the Commission on the Role and Capabilities in the Intelligence Community, chaired by the Secretary, former Secretary of Defense Harold Brown, by Warren Rudman, and even the gentleman from Florida [Mr. GOSS] served with some distinction on this committee. They recommend this.

The Council on Foreign Relations recommends this. In last year's Senate bill, this provision was included. I apologize, it is not radical, it is not revolutionary, it is embarrassingly modest, the aggregate figure of 14 intelligence agencies.

The President of the United States has indicated that he would accede to this request. The ranking member of the Committee on National Security has supported us year after year, so we are only doing what other allies of ours do on this subject. England reveals their aggregate figure, Canada reveals their aggregate figure, Germany reveals their aggregate figure, Australia reveals their aggregate figure. We are moving in the same way that the Framers of the Constitution moved in 1790 and 1793 when they made public disclosure of their aggregate sum even though British spying and counterespionage was at a very intense level.

I urge that Members support the measure. I would like to point out for those who will be spared this argument of why you do not go up to the green room and look at the intelligence figures. First of all, there are 14 of them. This is why only four Members have done this. Second, you are then bound by the House rules of secrecy and who knows what you can or cannot say.

What we are saying is that for two reasons, we need this amendment very badly. One is that we must not undermine the legitimacy of the need for secrecy where it does exist. Secondly, unless we reveal the aggregate budget, we will not gain the support of the American people.

For those reasons, I urge that we please support this amendment when it comes to a vote.

Mr. Chairman, I rise today to offer a modest but long overdue proposal. My amendment would simply declassify the aggregate amount of the intelligence budget. Specifically, it would require the President to provide an unclassified statement of the bottom-line number of the current appropriated amount and the amount being requested. It would not disclose any operations. It would not reveal any agency budgets. It would simply provide the American

taxpayers with information they are clearly entitled to.

The amendment is modeled after my bill, H.R. 753, the Intelligence Budget Accountability Act, a bill with 83 Democratic and Republican cosponsors. That bill, and the amendment I am offering today, seek to implement a key recommendation of a congressionally-mandated Commission on Intelligence Reform.

The Commission on the Roles and Capabilities of the United States Intelligence Community was chaired by former Secretary of Defense Harold Brown and former Republican Senator Warren Rudman. Dr. Brown, who is now at the Center for Strategic and International Studies, and Senator Rudman, who served on the Intelligence Committee, both endorsed the Intelligence Budget Accountability Act in a letter. Even a former Director of Central Intelligence, Stansfield Turner, wrote me a letter supporting my bill. I am submitting all these materials for the RECORD.

I would also like to point out that the gentleman from Florida who is the current chairman of the House Intelligence Committee sat on the Brown-Rudman Commission when it recommended disclosure of the intelligence budget. When the Commission's report came out, the White House publicly declared that "The President is persuaded that disclosure of the annual budget for intelligence should be made public, and that this can be done without any harm to intelligence activities." So my amendment is really a mainstream proposal, with the support of Republicans and Democrats in and out of government.

During my service as chairman of the Government Operations Committee, I became intimately familiar with mounds of classified information and with secrecy policy. I became convinced that too much secrecy is not only counterproductive to our democracy, but it also undermines the credibility of our legitimate secrets.

Another congressionally-mandated study, the Commission on Protecting and Reducing Government Secrecy made some of the same observations. This Commission was chaired by Senator DANIEL PATRICK MOYNIHAN, and the gentleman from Texas who served as the chair of the House Intelligence Committee last year. It observed in its report that "Secrecy exists to protect national security, not government officials and not agencies." It also noted that the expansion of the national security bureaucracy has far outpaced oversight by the public and the Congress.

It's time to stop blurring legitimate secrecy that serves our national defense with arbitrary secrecy that is used to avoid the debate on the balanced budget.

You will likely hear some of my colleagues today say that once we disclose the aggregate figure on the intelligence budget, we'll be starting down a slippery slope. This is absurd. The Defense Appropriations Committee in 1994 accidentally disclosed not only the total figure, but even an agency by agency breakdown. Three years later we're still waiting to hear how that harmed our national security.

You will also likely hear some say today that it is currently within the President's power to disclose the intelligence budget, and if he wants to he can. Talk about debating the chicken and the egg. That is precisely what this amendment would do anyway: require the President to submit an unclassified statement of the current appropriated amount and the current requested amount.

Finally, as a member of the Judiciary Committee, I would like to mention that the Constitution wanted all arms of the government to be fiscally accountable. Article I, section 9, clause 7 states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

I think if the Framers could disclose the aggregate figure of their secret expenditures after the Revolutionary War, then we sure can disclose such a sum after the cold war. I urge a "yes" vote on the amendment.

Mr. Chairman, I include the following:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Budget Accountability Act of 1997".

SEC. 2. PURPOSE.

It is the purpose of this Act to require the publication of the aggregate intelligence budget figure to provide a more thorough accounting of Government expenditures as required by article I, section 9, clause 7 of the Constitution.

SEC. 3. FINDINGS.

The Congress finds that—

(1) article I, section 9, clause 7 of the Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.";

(2) during the Cold War the United States did not provide to the American people a "regular Statement and Account of the . . . Expenditures" for intelligence activities;

(3) the failure to provide to the American people a statement of the total amount of expenditures on intelligence activities prevents them from participating in an informed, democratic decision concerning the appropriate level for such expenditures; and

(4) the Report of the Commission on the Roles and Capabilities of the United States Intelligence Community recommended the disclosure of "the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year".

SEC. 4. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(31) a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

ORIGINAL COSPONSORS

Pete Stark, Lynn Rivers, Luis Gutierrez, Maurice Hinchey, Sam Farr, David Bonior, Earl Blumenauer, George Miller (CA), Bob Filner, Peter DeFazio, Louise Slaughter, Ron Dellums, Nancy Pelosi, Jerrold Nadler, Jim Oberstar, Cynthia McKinney, Mel Watt (NC), Sidney Yates, Nita Lowey, John Olver, Anna Eshoo, Ed Pastor, Nydia Velazquez.

ADDITIONAL COSPONSORS

Norm Dicks, Barney Frank (MA), Bennie Thompson, Eleanor-Holmes Norton, Earl Pomeroy, Sheila Jackson-Lee, Bernie Sanders, Bobby Rush, Jim McGovern, Sander Levin, Lee Hamilton, Bill Luther, John Lewis (GA), Adam Smith (WA), Martin Meehan, Danny Davis (IL), Floyd Flake, Lane Evans, Elizabeth Furse, David Minge, Xavier Becerra, John Tierney, George Brown (CA), Neil Abercrombie, Chaka Fattah, Ron Kind, Debbie Stabenow, Maxine Waters, Diana DeGette, Carolyn Maloney (NY), Tom Allen, Vic Fazio, Ron Paul, Henry Gonzalez, Lucille Roybal-Allard, Tom Barrett (WI), Major Owens, Ted Strickland, William Delahunt, Rod Blagojevich, Carrie Meek, Jim Clyburn, Lynn Woolsey, Dennis Kucinich, William Coyne, Eddie Bernice Johnson, Ellen Tauscher, Chris Shays, Darlene Hooley, Esteban Torres, James Traficant, Charles Rangel, Robert Underwood, John Spratt, David Skaggs, James Maloney (CT), Donna Christian-Green, Joe Kennedy (MA), Alcee Hastings (FL), Julian Dixon (CA), Sam Gejdenson (CT).

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 1997.

SUPPORT FISCAL ACCOUNTABILITY: COSPONSOR H.R. 753—THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I recently re-introduced the Intelligence Budget Accountability Act. This bill will make public the total appropriations for the current fiscal year and the total amount being requested for the new fiscal year. The intelligence budget includes funding for the CIA, the National Security Agency and other intelligence services. It also includes funding for the intelligence function of agencies such as the DEA and the FBI. If Congress is going to honestly deal with balancing the budget, it only makes sense that it at least acknowledge the tens of billions of dollars it spends on intelligence every year.

Keeping the intelligence budget secret is unnecessary after the demise of the cold war, unfair to American taxpayers, and inconsistent with the accountability requirements of the Constitution. The Constitution clearly states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." Half a century and hundreds of billions of dollars later, it is time that we begin meeting our obligation to inform the public how their tax dollars are spent.

Official public disclosure of the intelligence budget is long overdue. Last year's Congressionally mandated report to President Clinton by the Brown-Aspin Commission entitled "Preparing for the 21st Century: An Appraisal of U.S. Intelligence" recommended opening up the spy budget. It proposed that "at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year . . . and the total amount being requested for the next fiscal year." The Senate Intelligence Committee unsuccessfully sought to implement this recommendation during last year's intelligence authorization process.

A copy of the bill is on the reverse. If you would like to co-sponsor or if you need more information please do not hesitate to contact Mr. Carl LeVan of my staff at 5–5126.

Sincerely,

JOHN CONYERS, Jr.,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 30, 1997.

FORMER DIRECTOR OF CENTRAL INTELLIGENCE STANSFIELD TURNER SUPPORTS MAKING THE INTELLIGENCE BUDGET TOTAL PUBLIC

DEAR COLLEAGUE: We are writing to bring a letter (on the reverse) to your attention from Admiral Stansfield Turner, the former Director of Central Intelligence, and to urge your support for the Intelligence Budget Accountability Act of 1997. This legislation would declassify the aggregate figure—just the bottom line number—of the intelligence budget for the current fiscal year and the amount requested for the next fiscal year.

The intelligence budget includes spending for the CIA and a dozen other agencies with an intelligence function. This figure has been classified by the executive branch since the birth of the modern national security establishment in 1947. We believe, like Admiral Turner, that this multibillion dollar budget can be made public without harm to the national security of the United States.

We hope you will join the growing bipartisan list of members who have decided to cosponsor H.R. 753. If you have any questions, or would like to co-sponsor, please do not hesitate to call Mr. Carl LeVan in the office of Rep. Conyers at 5–5126.

Sincerely,

JOHN CONYERS, Jr.
LEE HAMILTON.
BILL LUTHER.
Members of Congress.

STANSFIELD TURNER,
February 7, 1997.

Hon. JOHN CONYERS, Jr.,
House of Representatives, Russell House Office Building, Washington, DC.

DEAR REPRESENTATIVE CONYERS: I am pleased that you are again introducing legislation to require the open publication of the aggregate intelligence budget figure.

It has been my opinion since shortly after becoming the Director of Central Intelligence in 1977 that there would be no harm to the country's security in releasing such a figure. I agree fully with the emphasis in the legislation on the importance of all government agencies being accountable to the public. While total accountability may not be feasible in the case of intelligence budget, just one aggregate figure certainly is.

I wish you every success.

Yours,

ADM. STANSFIELD TURNER,
U.S. Navy (retired).

HOUSE OF REPRESENTATIVES,
April 8, 1997.

COMMON SENSE BUDGET ACCOUNTABILITY—H.R. 753, THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I am writing to urge your support of H.R. 753, the Intelligence Budget Accountability Act and to bring a letter (on the reverse) from Taxpayers for Common $ense to your attention. This important legislation, introduced by Representative Conyers and twenty other Members of Congress, would simply declassify the aggregate figure of the intelligence budget.

The intelligence budget, which is widely believed to be over $30 billion a year, has been classified for fifty years. Now that the Cold War is over and the war on the deficit has begun, it is time for a fair accounting of our expenses. As Taxpayers for Common $ense point out in their letter, ''the intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers.''

Unaccountable spending has been a demonstrated problem in the past with the intelligence agencies. For example, we learned in 1994 that the National Reconnaissance Office (NRO), which handles spy satellites, was building a luxurious $300 million complex with an extra fourteen acres. Then the public found out that the NRO had accumulated $4 billion in unspent funds, half of which it had simply lost track of. An unclassified bottom line number of the intelligence spending would help end the excessive secrecy that makes this kind of budget banditry possible.

Certainly if we are serious about balancing the budget, we should know at least in a general way where billions of dollars are spent. Our nation needs to be secure from foreign threats, but our budget process also must maintain a sense of integrity. An official acknowledgment of how much we spend on intelligence would help provide that integrity. H.R. 753 meets this criteria by requiring the current requested and appropriated amounts be unclassified.

If you have any questions or would like to cosponsor, please contact Tim Bromelkamp in the office of Representative Minge at 5–2331 or Carl LeVan in the office of Representative Conyers at 5–5126.

Sincerely,

DAVID MINGE,
Member of Congress.

TAXPAYERS FOR COMMON $ENSE,
Washington, DC, March 17, 1997.

TAXPAYERS ''NEED TO KNOW'' WHERE THE INTELLIGENCE BUDGET GOES—COSPONSOR CONYERS BILL

DEAR REPRESENTATIVE: Taxpayers for Common $ense urge you to cosponsor H.R. 753, the Intelligence Budget Accountability Act. Sponsored by Rep. John Conyers, this bill would require that the aggregate intelligence budget figure be disclosed to the public. The intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers.

Disclosing the intelligence agencies' aggregate budget figure does not threaten national security. In 1996, the Congressionally-mandated Brown-Aspin Commission declared that classifying the aggregate budget figure is not a matter of national security and the figure should be disclosed to the public. Both President Clinton and the Senate Intelligence Committee supported the Commission's conclusion. The Conyers bill would simply require that the total amounts requested and currently appropriated for intelligence activities should be unclassified.

The intelligence agencies should not be allowed to keep their multi-billion-dollar budget a secret. At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available to the taxpayers. Taxpayers should know the amount spent on intelligence in order to make informed choices regarding the allocation of government funds.

In the military, secrets are shared only with those who ''need to know.'' Taxpayers for Common $ense urges that this same standard be applied to the intelligence budget. Taxpayers pay the intelligence budget, and their support and trust is ultimately the strength of the intelligence services. We urge you to defend the taxpayers' ''need to know'' where their money goes by supporting the Conyers bill.

Sincerely,

JILL LANCELOT,
Legislative Director.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 22, 1997.

Hon. HAROLD BROWN,
Counselor, Center for Strategic and International Studies, Washington, DC
Hon. WARREN RUDMAN,
Paul Weiss Rifkind Wharton & Garrison, Washington, DC

DEAR DR. BROWN AND SENATOR RUDMAN: Last year the Commission on the Rules and Capabilities of the U.S. Intelligence Community, which you cochaired, submitted its report to the President and the Congress as mandated by the Fiscal Year 1995 Intelligence Authorization Act. One of the Commission's recommendations was the disclosure of the aggregate figure of the intelligence budget. The Intelligence Budget Accountability Act, which we all strongly support, would implement this key recommendation.

The intelligence budget has been classified by the Executive branch since 1947. The Church Committee, the Pike Committee and the Rockefeller Commission in the 1970's all suggested some level of disclosure. Your Commission specifically proposed that ''at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year and the total amount being requested for the next fiscal year.'' H.R. 753, a bipartisan bill with 80 cosponsors, is modeled after this recommendation and seeks to implement it precisely as proposed in the Report.

We believe that secrecy is important to effective intelligence, but it needs to be compatible with a democratic form of government. As the Commission pointed out, intelligence agencies need to be responsible ''not only to the President, but to the elected representatives of the people, and, ultimately to the people themselves. They are funded by the American taxpayers.'' We agree with this observation and would like to hear your opinion of the proposed legislation which is enclosed.

Sincerely,

JOHN CONYERS, JR.
RONALD V. DELLUMS.
LEE HAMILTON.
CHRISTOPHER SHAYS.
Members of Congress.

CENTER FOR STRATEGIC & INTERNATIONAL STUDIES,
Washington, DC, June 2, 1997

Hon. JOHN CONYERS, Jr.,
Hon. RONALD V. DELLUMS,
Hon. LEE HAMILTON,
Hon. CHRISTOPHER SHAYS,
House of Representatives, Washington, DC.

GENTLEMEN: In response to your letter of May 22, I continue to subscribe to the statement that you quote from the report of the Commission on the Roles and Capabilities of the U.S. Intelligence Community, recommending disclosure of the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year. H.R. 753 appears to meet this criterion and therefore I believe it would accomplish the purpose of the Commission's recommendations. It is important, in my judgment, that no breakdown of the total into its components be made public. Senator Rudman joins me in this response.

Sincerely,

HAROLD BROWN.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE],

the distinguished chairman of the Committee on the Judiciary, a gentleman who is well versed on this issue.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, with some but not a great deal of reluctance, I rise to oppose the amendment of my good friend from Michigan. Traditionally, the aggregate amount of funds spent to support our intelligence agencies has not been disseminated publicly. It is a classified amount. However, it is not unavailable to this House. There are six committees in Congress that have access to that number, three in the House, three in the other body: The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security. Those committees are set up to receive this information, they are cleared for top secret, and they have the ability to absorb it and to do with it whatever is necessary in our democratic process.

The classified records are available to be looked at. The gentleman from Michigan [Mr. CONYERS] objects to that because you are then bound by an oath of secrecy. Well, then do not go look at it, but you have got six committees in this Congress to get that information.

Why do we keep it secret? It is a mistake to think that the intelligence budgets of these agencies is a static thing. There are bumps. Sometimes it goes up, sometimes it goes down. What does that signify? It means we may be working on an expensive new weapons system, and that information ought not to be made available to those who wish us harm. There is no urgency, there is no need for this to be made public other than to tell the rest of the world or give them a hint as to what we are doing and perhaps even why we are doing it. The amount of money is overseen by six congressional committees bipartisanly. It is available to anybody who has a burning need to know by going and reviewing the classified annex. And so there is no need to violate what has traditionally been the case; that is, keep the aggregate amount confidential, keep it classified so that our adversaries, and believe me there are some out there, do not have an idea or a clue as to what we are working on.

With good wishes to my friend from Michigan, I just think his amendment is wrong and I hope it is defeated.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds, because the amicable nature of the ranking member and the chairman of the Committee on the Judiciary is very close, and I respect his learned judgment. But this time he is up against the Secretary of Defense, the former Secretary of the CIA. The gentleman from Florida [Mr. GOSS] was on this committee as well, the Committee on Foreign Relations in the other body, the framers of the Constitution and 176 of his colleagues.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS], the distinguished ranking member of the Permanent Select Committee on Intelligence.

Mr. DICKS. Mr. Chairman, absent a clear national security interest, information should not be classified. In fact, Executive Order 12,958, which governs classification, prohibits classifying information unless to do so is required to protect national security.

I do not think anybody can stand up here tonight and say that disclosing the number, disclosing this number, is going to do anything to harm national security. I do not believe a case can be made that the aggregate budget figure for intelligence meets that standard. The arguments that are made in favor of keeping the budget secret have little to do with the number in question and more to do with the potential damage that could occur if more information were released.

□ 1745

Some people are afraid that public release of the intelligence budget will lead to drastic cuts in intelligence spending. Not only is that an improper reason for classification, but I firmly believe we can defend the overall amount, as we just did, we spent on intelligence as well as we will defend the overall amount we spend on defense. Releasing the aggregate budget total changes business as usual, and some people are understandably uncomfortable with changing the practices of 50 years. But this is not a radical proposition. It is an idea that has been endorsed by two panels of experienced and knowledgeable experts serving on the Aspen Brown Commission and the Council on Foreign Relations.

The overall intelligence budget figure is a significant piece of information by which the American people can judge the operations of their Government. I believe we should tell the American people about how we are spending their hard-earned money. We tell them what the overall number for defense is; I do not see how we can then argue that we cannot tell them what the overall number for intelligence is, and frankly I think it would do a lot to clear up much of the confusion that we have heard today on the floor about what this number is because, as I said earlier, the number that we have heard is inaccurate, significantly inaccurate.

So I rise in strong support of the Conyers amendment. I remember our colleague, Congressman Glickman, who was chairman when we were in the majority, was the first chairman of this committee to strongly endorse this. I think it is time to do it, and I hope we can do it today on a bipartisan basis.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. LEWIS], subcommittee chairman.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I will be brief.

I just want to say to my friend, the gentleman from Washington [Mr. DICKS], who surprises me that he is for disclosing this amount of money, the truth is, of course, the aggregate figures do not tell us anything. They give us a rough idea, but the next step is who is getting what? If we want to know the aggregate, we want to know who is spending it and for what purpose. What is the National Reconnaissance Office spending? What is the CIA spending? What is the DIA spending? And we want to break it down so it means something. That is the next step. The aggregate figure does not really inform us.

But the gentleman and I know it is the opening wedge in a total lay it on the table strategy, what agency is spending how much money, for what systems, and for what covert activity and for what satellites, and what are we spending overseas? And it never ends.

And so that is why it ought to remain secret, in my opinion.

Mr. LEWIS of California. Mr. Chairman, I must say following the remarks of both the gentleman from Washington [Mr. DICKS] and the gentleman from Illinois [Mr. HYDE] I cannot help but be a bit disconcerted by that disconnect, for I am quite surprised at the position of the gentleman from Washington [Mr. DICKS] as well. In the short time, 4 years, that it has been my privilege to serve on this committee, I have become very, very impressed by the fact that America is pretty good at what they do. A combination of my service on the defense subcommittee of Appropriations and this committee tells me that America is more than just leading the world, we are the strength for the future of peace in the world, in no small part because of the work done by many of these agencies. But there is little doubt that those who suggest that the gross number means almost nothing, there is absolutely no doubt in my mind that underlying that is the balance. And it is not the people here in this room who necessarily want to know what may be all of the spending of some of our subagencies involved. It is the people who would be our enemies who would like to have that information.

Excellent work being done by the FBI as well as other agencies relative to controlling the impact of drugs in our society, a tremendous war developing there that will be very important to the future of our youth. Absolutely no question that the impact that we are beginning to have upon potential terrorists is very important as related to this work.

There are those who love to see what our satellites are all about, exactly what they mean and what we are spending. Indeed it is very important that we recognize that it is the people who largely wish America ill who like to have those kinds of details, and because of that I am supporting the

chairman's position. I certainly would urge the ranking member to reconsider his position, for America's future is involved in the work that we are about in the Permanent Select Committee on Intelligence.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS], the frequently talked about ranking member.

Mr. DICKS. Mr. Chairman, I want to say to my friend from California, Mr. LEWIS, and my friend, the gentleman from Illinois, Mr. HYDE, who has served on this committee with great distinction, I still go back to Executive Order 12958 which governs classification. It prohibits classifying information unless to do so is required to protect national security.

Now I do not see how anybody can make a case that this number has anything to do with national security. It is the amount of money we spend on intelligence, but by disclosing it I do not see how we in any way endanger national security, and therefore we cannot classify it.

It is almost an open and shut case, and that is why I think the gentleman from Michigan [Mr. CONYERS] is correct in calling for this to be disclosed.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds because some may be surprised at the gentleman from Washington [Mr. DICKS] but I am not surprised at the gentleman from Illinois (Mr. HYDE). Mr. HYDE said it makes hardly any difference what the aggregate amount would be. He is worried about what comes after that. Well, we are not legislating about after that, and he is quite right. It does not make any difference.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I think this is, as the gentleman from Michigan has said, a debate we have had many times, and I tend to believe that not much has changed and the previous wisdom we have had that it is correct, that the matter should remain classified. I realize that the gentleman has quoted the Aspen Brown report, and in fact I did dissent from the vote on that. That was a consensus report. I argued for the position of keeping the matter classified. In that particular group of people, it was not seen that way. Not all of those people have had the same experience that those of us on the Senate committee have had, and there is a legitimate disagreement about this.

The other point I think is very important is that no good deed seems to go unpunished, no matter what we do around here. I would point out, and I am reading from the committee report, the committee has authorized additional resources in the fiscal year 1998 budget for CIA classification management, including declassification activities in support of Executive Order 12958.

Now I know that the gentleman from Massachusetts [Mr. FRANK] has a cutting amendment we are going to hear, and I know the gentleman from Vermont [Mr. SANDERS] had a cutting amendment. Well yes, we did put more money in this bill to get to the declassification question, and I certainly believe as part of the declassification question we ought to be examining the issue that the gentleman from Michigan [Mr. CONYERS] has raised. I think it is a very fair debate to ask and we should do it in a comprehensive way.

So I am totally prepared to say that as part of the initiative of the gentleman from Colorado [Mr. SKAGGS] a very valued member on our committee, to deal with declassification, that this should be part of that study. I just do not want at this point to create an initiative to go forward and say, well, we suddenly made a decision that really is of interest in the Beltway, but not for the American people to suddenly declassify this matter. It will be of interest to those who have interests that are inimicable to the United States of America. They would dearly love to have this information. The gentleman from Illinois [Mr. HYDE] is right, it is a slippery slope.

Now I realize that there are some Members who serve on other committees who would love to know what a percentage of the NRO budget is so they can get their hand on a number and say, surely the interests of my committee match this and surely, therefore, we could take a little bit here and put a little bit there. But as the gentleman from Washington [Mr. DICKS] has said, under 602(b) we are still in line, and I think that is extremely important. So my colleagues can rest assured that there is not really any opportunity here, there is no pork here, this is all proper.

The other thing I have got to point out on this besides the slippery slope and the fact that there is not a clamor across this country to have this information, I hardly ever at a town meeting get asked, gee, exactly how much money is being spent on intelligence? Sometimes I get asked exactly what is intelligence doing, and there is this perception that it is all CIA, and as the gentleman from Washington [Mr. DICKS] has properly said earlier in this debate today, it is much, much more. The CIA is indeed a very minor part of it. I am very happy to say it is a minor part of it. I do not think I ought to say specifically what that minor part is though.

The other thing I have got to point out here, the President of the United States in fact can go ahead and release information. He has that ability. The President does not do that. The President has made the choice to keep the matter classified.

Before we go off and do something like this, I think it should be properly studied and have the proper input from our folks in the other part of Government, our sister branch of Government. After all, he is charged with the national security. It is a matter of the Constitution, it is a matter of his specific charge, and he can declassify when he chooses with a stroke of his pen. Every President since Harry Truman has decided to send us the bill with the number classified. I suspect there is a reason for that, and I suspect that we probably ought to take the President and his people into consideration before we go off in a new direction.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for the time.

Our distinguished friend from Illinois has really conceded the point. This proposal will not hurt national security. What will it do? It will enhance our responsibility to the American public for them to have as much information as possible about their government. And I think it is irrelevant whether we get asked at town meetings about this. I happen to, actually. And what does the American public learn? They have a sense of proportion: How much of our resources are we putting to this purpose? They have, I would concede, no particular need to know the details of particular sub-agencies. But it is a legitimate matter for them to have a sense in this large sense what their government is about in the intelligence field relative to other things that they spend their tax money for.

Really all that we have by way of argument against this proposal is the slippery slope argument. What does that really mean? It means that we do not trust future Congresses to exercise judgment about what will and what will not protect the national security of this country.

I think that is a highly rude position to take relative to our successors in these jobs. They will be able to figure this out. They will know whether or not further disclosures make any sense. I do not think that they will err in that judgment, and we can trust them to do so.

On the other hand, the default position always ought to be if this information is not going to damage national security, let us make it available to the public. The real national security issue here is the strength of the democracy and the willingness of the American people to trust a government that is leveling with them whenever it possibly can.

Mr. GOSS. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado if the gentleman will yield.

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I believe that the gentleman is exactly on the point that if it does no damage then there is no reason to keep it hidden. That is a very valid point. But it is a

point that applies to several other pieces of information, which is exactly why the committee has provided at the gentleman's request, which I totally agree with, conceded to, applauded in committee, that we provide for a study on declassification.

Does the gentleman believe that this should be outside of the study of the declassification that we have provided for, committed funds for and I hope we will have the funds when we get through with this process to proceed with the study.

Mr. SKAGGS. If I can reclaim enough time to respond, I believe, as the gentleman knows, that funding is for looking at past classified information, things that have been sitting in the archives that need additional staffing in order to be able to be reviewed for declassification purposes. That is the real thrust of the funding that we put in the bill for declassification.

□ 1800

Mr. GOSS. Again, if the gentleman will continue to yield, I believe that the question of declassification includes the question of classification, because I think there is great abuse there, as the gentleman has heard me say. I believe this is comprehensive and should be treated as such.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. JOHN TIERNEY].

Mr. TIERNEY. Mr. Chairman, I appreciate the efforts of my colleague, the gentleman from Michigan [Mr. CONYERS], and I voice my support for this amendment.

Let me just say that I do not think any of us are not mindful of the comments that are made by our colleagues on the other side of this issue, but the fact of the matter is that the American public are the people that have a burning need to know at least what the aggregate number is in this situation.

The time has come and it is long overdue for us to be able to have a debate with real numbers down here about real issues. We are in the midst of a debate right now in this country and in this House about the amount of money that we are going to be spending on programs, and in fact, with spending constraints on a number of programs, we are told the money just is not there.

The budget these days is a zero sum game. The fact of the matter is that if this is the case, we should have a disclosure so the American public can see what proportion of our budget we are spending on so-called intelligence matters. It ought to be known how many millions or billions of dollars in relation to the rest of our budget is being spent in this area at a time when we have schools that are in need of repair, when we have cities and communities that are in need of development, when we have infrastructure needs that are going unmet, roads, bridges, and airports left unbuilt, the restraint of growth and missing opportunities for job creation, when we have a debate over insuring half of our children and not insuring the other half, and when we continue to fail to debate the idea of having insurance available for all Americans.

The Constitution requires that we have a statement and account of receipts and expenditures for all the money. I think it is an absolute disgrace that we hide here behind secrecy and say that we cannot even tell the American public what the aggregate number is on so-called intelligence matters.

In fact, my colleague from across the aisle indicated that the President may well have authority to release these numbers. In fact, I would agree with the gentleman that he does; that in 1996 he said he favored doing just that. Now we see him waiting for us to move, and they are over there with others saying we are going to wait for him to move.

The American public wants somebody to move off the dime and tell us what those numbers are. He ought to do it, and if he is not going to do it we ought to do it, because simply there is no reason in the world to say that security is involved.

Mr. Chairman, we need to move on this matter. The public has a burning need to know.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the argument that the President can do it and has not done it but he approves of it is not a reason for us not to go ahead and do it. If the gentleman does not object if the President declassifies, then why do not we do it? We were only 30 votes away last year from doing it.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, I rise in strong support of the Conyers amendment. In this post-cold-war era it is as important as ever that our Nation maintain an efficient, effective, and trustworthy intelligence apparatus. With national and economic security threats around the world, we must collect accurate information about the activities of countries and organizations that jeopardize our stability.

At the same time, at the end of the cold war we are now provided with the opportunity to be more forthcoming about the money and the resources we spend on intelligence gathering. The Director of the Central Intelligence Agency has already taken steps to make more public the activities of our intelligence agencies. The fact that the general level of intelligence spending is a poorly kept secret only strengthens the argument that it should be publicly disclosed.

As we attempt to balance the Federal budget, we are forced to make decisions about spending priorities. It is important that the American people know how much of their money proportionally is being spent to support the intelligence community, just as they need to know about how much money is spent on Medicare, transportation, and the arts.

I intend to vote for the Intelligence Authorization Act for 1998. I believe it properly funds the important intelligence-related activities of the United States. But I also believe that the American public deserves to know the aggregate amount we are authorizing for these activities. The Conyers amendment is a commonsense proposal that places no threat to our national security. I encourage my colleagues to support this amendment.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I oppose the Conyers amendment, which is intended to force the disclosure of the aggregate total of the intelligence community's budget. I think primarily I oppose it for basic reasons of common sense, that it does not make any sense to disclose this number and let people who would be our enemies know what it is.

But as Chairman GOSS has noted, there are several reasons to oppose it. For example, one could argue that disclosure of the aggregate number is the first step on a slippery slope toward total disclosure of very highly sensitive security information. Chairman GOSS has also made a very persuasive argument that the President already possesses the necessary legal authority, we have heard that discussed, to unilaterally disclose this information without seeking any approval of Congress.

But I would like to particularly address the assertion by some that disclosure is required by the statement and account clause of the Constitution; that is, article I, section 9, clause 7.

Professor Robert F. Turner of the University of Virginia School of Law testified before the Permanent Select Committee on Intelligence on the issue of, and this is his quote, ''Secret funding and the 'statement and account' clause'' in February 1994.

Professor Turner made a number of legal and historical observations on the statement and account clause which are quite pertinent to today's debate. He said, ''The Founding Fathers did not view 'secrecy' as being incompatible with democratic government. One of the first measures adopted by the Constitutional Convention of 1787 was a secrecy rule—without which James Madison said there would have been no Constitution.

''Perhaps the first 'covert action' in which the United States was involved was a 1776 decision by France to secretly transfer 200,000 pounds worth of

arms and ammunitions to the colonies for use in their struggle against King George. The offer was reported by secret messenger to Benjamin Franklin, chairman of the Committee of Secret Correspondence of the Continental Congress, and Robert Morris, the only members of the 5-man committee then in town. Given the sensitivity of the matter, they concluded—and here I quote—that 'it is our indispensable duty to keep it secret even from Congress.'

''They set forth several reasons for this decision, including this one—and again I quote—'We find by fatal experience that Congress consists of too many members to keep secrets.'

''It should not come as a surprise to learn that the first Congress in 1790 appropriated a substantial contingent account for the President to use in making foreign affairs and intelligence expenditures, and that Congress expressly exempted the President from any requirement to inform either Congress or the public how those funds were expended. This was the start of a long tradition of 'secret' expenditures.''

I believe that Professor Turner has demonstrated in his work that the Founding Fathers did endorse the use of certain secret funds to support the new Nation's intelligence and foreign policy activities. I think Benjamin Franklin would agree that the disclosure of the aggregate funding amount for the intelligence community would indeed be penny-wise and pound-foolish.

I am going to ask at the appropriate time, though I realize it is not now since we are in the time for the amendments, to put Professor Turner's prepared statement on secret funding into the RECORD and when that time comes in the full House I will do so.

I again urge the defeat of the Conyers amendment. I ask that the Members of this body vote down the Conyers amendment. It is a dangerous precedent. We should not adopt it. We do have times and places for secrecy, and the intelligence community is one of those places where it is absolutely imperative.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

As a member of the Committee on Intelligence, I rise in support of the Conyers amendment. This amendment at heart is about accountability and the public's right to know. The amendment supports the underlying belief that the government of this country is and should be accountable to the people of the country.

In today's world there is no rational reason why the American public should be denied information about how much the United States Government is spending on intelligence activities. President Clinton recognized this fact when in April of 1996 he said that the bottom line for intelligence spending should be published. John Deutch, then Director of the Central Intelligence Agency, said that same month, ''Disclosure of the annual amount appropriated for intelligence purposes will inform the public and will not in itself harm intelligence activities.''

The continued classification of the total amount spent annually on intelligence activity is not only unnecessary, but it is also ridiculous. U.S. intelligence spending is considered by many to be one of Washington's worst-kept secrets. Estimates of intelligence spending appear with some regularity in the press. By continuing to refuse to release the amount publicly, Congress is only serving to fuel suspicions that the government is hiding something.

Those who support openness and accountability in government should support this effort to make our government accountable in one of the last bastions of secrecy, a secrecy that in today's world is unwarranted. In a democratic society citizens have a right to know what their tax dollars support.

In fact, inside the Beltway an estimate of intelligence spending is widely reported, but ordinary citizens are oddly denied this information. I urge my colleagues to support openness and to support the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this just in: The reason maybe Chairman GOSS' people do not ever ask him about it, about this financing of the intelligence, is that they do not know that we are not being told. They may not even know that he is being told.

For my dear friend, the gentleman from Florida [Mr. MCCOLLUM], again, with whom we have had great discussions about American history, in 1770 and 1773, in those 2 years the intelligence budgets were in the aggregate disclosed. If Members need a more recent time, check in 1994, when the Subcommittee on National Security of the Committee on Appropriations inadvertently released the whole blooming thing and nothing happened.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. ADAM SMITH].

Mr. ADAM SMITH of Washington. Mr. Chairman, I, too, rise in support of the Conyers amendment to disclose the aggregate budget of the Committee on Intelligence to the full public. I think the important thing to remember is the presumption should always be in favor of disclosure.

As I listened to the arguments against, I do not hear anything to rebut that presumption. I think the American public wants to know as much as possible about what we do back here. Part of the reason why this institution has the confidence problem it has with this country is they figure we are keeping stuff from them, that we do not trust them to know what is going on back here, and they feel left out of the process. There should be a strong presumption in letting them into as much of the process as is humanly possible.

If there is some special reason here why that cannot be done, fine. We can explain it and keep it secret. But no special reason has been offered during the course of this debate not to release the aggregate figure that we spend on intelligence in this country.

There have been some camel's nose under the tent arguments about how in the future we might authorize the release of something that would cause a problem, but that is not good enough. That does not rebut the presumption that this body should have to disclose whatever possible to the public. I urge support of the amendment.

Mr. CONYERS. Mr. Chairman, I am privileged to yield 30 seconds to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Chairman, we have an extraordinary event in the world. The entire world has virtually acquiesced to having one superpower. That has never happened in history. It has occurred because the world knows that for the most part our decisions are based on values and on respect for democracy.

Democracy begins at home. A revelation of the amount that we are spending on security is one of the building blocks of the consensus that our power relies upon. Otherwise, it will only be a matter of time, if we do not respect our values, before the rest of the world questions whether there should be one superpower.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Conyers amendment to declassify the size of the Intelligence Budget

There is simply no reason to keep the size of the Intelligence budget hidden.

Former CIA Directors, including John Deutch and Bob Gates, say that it would not harm National Security.

This amendment would not reveal what we spend on individual programs, only on intelligence as a whole.

Other countries, like Israel and Britain, already disclose their spending on intelligence.

It simply serves no purpose to keep the size of the intelligence budget a secret.

At a time when the rest of the Federal Budget is being cut, slashed, and squeezed, the American people ought to know how much of their tax dollars are going to intelligence programs.

By maintaining needless secrecy, we do nothing for American intelligence while keeping secrets from the American people.

Let's bring some sunshine to Government and some honesty to the American people support the Conyers amendment.

Mr. Chairman, It is unnecessary after the end of the cold war to keep the budget secret. Keeping general information like the budget classified undermines the credibility of other information which really needs to be secret.

If we really are serious about balancing the budget, how can we sign a secret, multi-billion dollar blank check every year, with such a minimal public discussion?

Since almost all intelligence spending is hidden in the defense budget, the American people are not only kept in the dark about intelligence spending, they are misled about the real amount of defense spending through false line-items in the defense budget. We need budget integrity.

Porter Goss, the current Chairman of the House Intelligence Committee was a member of the Brown-Aspin (later the Brown-Rudman) Commission that recommended disclosure of the aggregate figure of the intelligence budget. Why should his position change?

The intelligence budget is the worst-kept secret in Washington anyway. Each year it is disclosed dozens of times in the press with no harm done to ''national security.''

Keeping this budget officially secret while watching it discussed openly in the press adds to a cynicism that the American public has about its government. No-one wants to foster a pessimism that discourages participation in our democracy.

''The President is persuaded that disclosure of the annual total budget for intelligence activities should be made public and that this can be done without any harm to intelligence activities.''

With an open intelligence budget, the Director of Central Intelligence and others would be able to better justify the funding it receives from Congress. (A counter-argument might be, for example, that the CIA will not be able to publicly defend its budget because may of its successes are secret.)

Only a handful of Members of Congress actually go look at the intelligence budget (as they are permitted to do). Declassifying the new budget request and the current fiscal year's appropriated amount for purposes of comparison would contribute to a more informed debate.

Releasing the intelligence budget would help make it conform to the ideals for the framers of the Constitution. The Constitution states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

In 1994, Defense Appropriations Subcommittee hearings disclosed almost a complete breakdown of the categories of intelligence spending, which added up to $28 billion. Three years later, we're still waiting to hear how this disclosure harmed ''national security.

Similarly, the Brown-Aspin Commission Report recommended disclosure only of the aggregate intelligence budget and no further detail, then inadvertently specified the CIA's budget at $3.1 billion in a graph. (See attached article.)

The *Washington Post* reported that the National Reconnaissance Office, the intelligence agency which manages spy satellites reported a surplus of $3.8 billion that has accumulated over the years from unspent money and bad accounting practices! This is partly the result of a lack of open discussion about intelligence spending. (See attached article.)

While HUD, the Department of Commerce and [insert your favorite agency] are fighting for their life, isn't it only fair that the American people at least know how many of their tax dollars are going to intelligence?.

Taxpayers for Common Sense writes: ''At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available of the taxpayers. Taxpayers should know the amount spend on intelligence in order to make informed choices regarding the allocation of government funds.''

Other democracies such as Israel, Britain, Australia and Canada disclose their intelligence budgets. (FYI: Israel spends less than a billion shekels on the Mossad and the Shin Bet combined.)

Larry Combest, the former Chairman of the Hose Intelligence Committee and last year's lone opponent of budget disclosure, was the vice-chair (with Senator MOYNIHAN) of the Commission on Protecting and Reducing Government Secrecy. While Commission's report, released in March of this year, did not deal directly with the intelligence budget, it noted:

''Secrecy exists to protect national security, not government officials and agencies'' (page xxiii).

''[E]xpansion of the Government's national security bureaucracy since the end of World War II and the closed environment in which it has operated have outpaced attempts by Congress and the public to oversee that bureaucracy's activities'' (page 49).

There are twelve ranking members who are so-sponsors of H.R. 753, ranging the ideological spectrum, including: Representatives JOHN CONYERS, NORM DICKS, JOHN SPRATT, LEE HAMILTON, GEORGE BROWN, RON DELLUMS, LANE EVANS, SAM GEJDENSON, HENRY GONZALEZ, GEORGE MILLER, JIM OBERSTAR, and CHARLES RANGEL.

□ 1815

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

May I point out that the arguments, the more we go over them each year, the more it becomes clear that there is very little objection to revealing the aggregate budget for the 14 intelligence agencies in our system. It is a practice that is followed by at least four of our allies that I know with no harm. It is like trying to get us to agree to a secret that is already open.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his initiative. To my friend who says this is a slippery slope, we can say what the number is and say, out of that we fund the CIA, the DIA, the NSA, NIMA, right down the line. We do not have to tell them what that second amount is. I think it would do a lot to help the American people understand how many different entities are funded by this budget and how much of it is in the Department of Defense. We have heard all kinds of misstatements here today on the floor. I think we look kind of foolish. Numbers are in the New York Times. They are not that far off. They are wrong but they are not that far off. In my judgment, it is time for us to let the American people know. I think the gentleman deserves to be commended for his initiative.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

The fact of the matter is that for us to say to the American people that they really do not need to know this or that nobody is asking me about it so we will keep it from them is the shallowest kind of presentation to make. We need to know the aggregate amount. I am confident for one that this body will not proceed down a slippery slope. I do not think this body, no matter what we do on this measure today, will further want to break this thing down.

I am not certain that I would support any further disclosure than the revelation of the aggregate amount.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I certainly agree with the gentleman. I would oppose going to the individual amounts, but I think the aggregate will help us with the American people.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I just wanted to make a point that in the time for general leave, I am going to ask to have the Turner statement with regard to constitutionality inserted right after my remarks during this debate. I know this is not the formal place, but we seem to need to put a place marker in there. I thank the gentleman for yielding to me.

Mr. Chairman, I include the following for the RECORD:

SECRET FUNDING AND THE ''STATEMENT AND ACCOUNT'' CLAUSE: CONSTITUTIONAL AND POLICY IMPLICATIONS OF PUBLIC DISCLOSURE OF AN AGGREGATE BUDGET FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

(Prepared statement of Prof. Robert F. Turner)

INTRODUCTION

Mr. Chairman, it is a pleasure to be here this afternoon to provide testimony on the constitutional implications of authorizing and appropriating funds for intelligence operations without making the aggregate amount of those funds public. It is a particular pleasure to see you again, Mr. Chairman, whom I have not seen since our work together nearly a decade ago in getting the U.S. Institute of Peace off the ground. I am also pleased to join my old friend Dr. Lou Fisher—who has done landmark scholarship in these areas—and to have a chance to listen to Dr. George Carver, whose work has influenced my own thinking for more than two decades.

I understand that the Committee is considering a proposal that has been around in one form or other for many years to make public the aggregate sum of money appropriated for

the various agencies of the Intelligence Community—money which has for nearly half a century been concealed, if public accounts are to be believed,[1] largely within the budget of the Department of Defense.

This practice was authorized by Public Law 81–110, the Central Intelligence Agency Act of 1949, section 5 of which authorizes the Agency to ''receive from other Government agencies such sums as may be approved by the Bureau of the Budget [now OMB]'' for the performance of authorized functions, and also authorizes ''any other Government agency . . . to transfer to . . . the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations.''[2] It is perhaps worth noting that this process was agreed to in 1949 by voice vote in the Senate and by a vote of 348 to 4 in the House—with only a single Member of either House speaking in opposition.[3]

Members of this Committee will know the current mechanics of this process far better than I do, but it is my understanding that the precise amounts authorized and appropriated for the Intelligence Community are normally known only to the two intelligence committees and select members of the appropriations committees. I am working from the understanding that all fund provided to the Intelligence Community from the federal treasury have, in fact, been appropriated by law and that the process itself is not contrary to any statute. Thus, the issue I am prepared to address is not whether Congress has agreed to the current funding process; but rather, whether that congressionally established process complies with the requirements of the Constitution.

I do not have a sense that the large majority of Americans are upset at the realization that our government keeps many facts concerning intelligence agencies and their work secret—indeed, I suspect a scientific poll would reveal that most Americans would share my own personal preference that such matters ought not to be made public if there is any reasonable likelihood their disclosure will compromise sensitive sources or methods or in any other manner undermine our security or benefit our nation's enemies.[4]

This expectation is predicated upon the assumption that the current practice is consistent with the Constitution; for, if the question were worded ''should the Constitution be obeyed,'' the answer would presumably also be a strong affirmative. So it seems to me that, in deciding whether to change the status quo, the Committee has a two-stage process to undertake:

First, you need to ascertain whether the Constitution requires the publication of the aggregate annual budget for intelligence and intelligence-related activities (or perhaps even a more detailed accounting of those appropriations); and, if the answer is yes, you need to make those figures public.

If the answer to the constitutional question is no, it would seem wise to undertake a thorough policy review to decide whether such figures should nevertheless be made public—and, if so under what constraints or guidelines.

While I understand that my role here this afternoon is to help you answer the first question, with your permission I will also comment briefly upon the broader policy issues.

THE CONSTITUTIONAL ISSUES

Article 1, Section 9, clause 7 of the Constitution provides:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Many respected individuals and groups have concluded on the basis of this language that it is unconstitutional for the Congress not to publish at least the aggregate sum of appropriations for the Intelligence Community.[5] I shall address that issue, but with your permission I would propose to first place the issue in the context of the Founding Fathers' attitude toward secrecy in the areas of foreign intercourse and intelligence. I believe there is a great deal of misunderstanding on this point that may confuse this important debate.

SECRECY, DEMOCRACY, AND THE EARLY AMERICAN EXPERIENCE

There seems to be a common assumption that the Founding Fathers viewed secrecy in government as a terrible evil, a practice quite incompatible with democratic theory. While it is true that they believed that an informed public was essential to democratic government,[6] they were practical men who recognized that intelligence and national security matters often had to be kept secret—not only from the American people, but even from their elected representatives in Congress.

THE COMMITTEE OF SECRET CORRESPONDENCE

The obvious inability of legislative bodies to manage the details of foreign intercourse led the Continental Congress to establish a ''Committee of Secret Correspondence'' on 29 November 1775.[7] Two weeks later, the Committee dispatched Thomas Story as a secret messenger to France, Holland, and England, with instructions to make contact with a network of unofficial ''secret agents'' serving the United States in foreign capitals—people like Silas Deane in France and Arthur Lee in England.

After meeting with Lee, Story returned to America and gave this report to the Committee, as recorded in a memorandum dated 1 October 1776 found among the Committee's official papers:

''On my leaving London, Arthur Lee, Esq., requested me to inform the Committee of [Secret] Correspondence that he had had several conferences with the French Ambassador, who had communicated the same to the French court; that in consequence thereof the Duke de Vergennes had sent a gentleman to Mr. Lee, who informed him that the French Court could not think of entering into a war with England, but that they would assist America by sending from Holland this fall two hundred thousand pounds sterling worth of arms and ammunition to St. Eustatius, Martinico, or Cape François. That application was to be made to the Governours or Commandants of those places by inquiring for Monsieur Hortalez, and that on persons properly authorized applying, the above articles would be delivered to them.''[8]

This may arguably have been the very first ''covert operation'' to which the United States was a party, and the secret offer of £200,000 worth of arms was welcome news in America. But it was also recognized as highly sensitive news, and for that reason Benjamin Franklin and the members of the small committee he chaired agreed without dissent that it could not be shared with their colleagues in the Congress. Their memorandum explains:

''The above intelligence was communicated to the subscribers [Franklin and Robert Morris], being the only two members of the Committee of Secret Correspondence now in the city, and our considering the nature and importance of it, we agree in opinion that it is our indispensable duty to keep it secret even from Congress, for the following reasons:

''First, Should it get to the ears of our enemies at New-York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succours, but of others expected by the same route.

''Second, as the Court of France have taken measures to negotiate this loan of succour in the most cautious and secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that Court cautious of any further connection with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them. For it appears from our intelligence they are not disposed to enter into an immediate war with Britain, although disposed to support us in our contest with them. We therefore think it our duty to cultivate their favourable disposition towards us, draw from them all the support we can, and in the end their private aid must assist to establish peace, or inevitably draw them in as parties to the war.

''Third, *We find by fatal experience that Congress consists of too many members to keep secrets*. . . . [Emphasis added.]''[9]

The memorandum contained the written endorsements of Richard Henry Lee and William Hooper, to whom it had been shown some days later, with the notation that Lee ''concur[red] heartily'' and Hooper ''sincerely approve[d]'' of its contents.[10]

JOHN JAY AND FEDERALIST NO. 64

One of the criticisms of American government under the Articles of Confederation was that all functions of government were entrusted to the Congress, which tended to micromanage military and diplomatic affairs and could not keep secrets. Robert R. Livingston agreed to serve as ''Secretary of the United States of America for the Department of Foreign Affairs'' in February 1782, but by the end of the year he had submitted his resignation in frustration. Nearly two years passed before John Jay was chosen his successor as the ''agent'' of Congress in diplomatic intercourse; and he, too, was quickly frustrated by such things as the demand of Congress to receive every proposal submitted by the Spanish Chargé during treaty negotiations.[11]

Jay was particularly frustrated by the demands by Congress—which, in the absence of any ''executive'' organ of government, had exclusive control over war, treaties, and other aspects of the nation's foreign intercourse—for access to confidential information and diplomatic letter. Professor Henry Wriston, in his classic 1929 study, Executive Agents in American Foreign Relations, explains:

It is interesting, in connection with the submission of Lafayette's letters to Congress, to observe that Jay regarded this as a serious limitation upon the value of the correspondence. *Congress never could keep any matter strictly confidential; someone always babbled*. ''The circumstances must undoubtedly be of a great restraint on those public and private characters from whom you would otherwise obtain useful hints and information. I for my part have long experienced the inconvenience of it, and in some instances very sensibly.'' [Emphasis added.][12]

These frustrations were widely shared, and Jay went on to play a key role both in explaining the Constitution as a co-author of the Federalist Papers and in interpreting it as the nation's first Chief Justice. He took on the issues of secrecy and intelligence squarely in Federalist essay number 64, explaining the benefits of entrusting matters requiring secrecy to the Executive while requiring the approval of two-thirds of the Senate before the President could ratify a completed treaty:

[1] Footnotes at the end of article.

There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the president, but who would not confide in that of the senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although the president must in forming them act by the advice and consent of the senate, yet he will be able to manage the business of intelligence in such manner as prudence may suggest.[13]

Jay added, with an allusion to the shortcomings of the Articles of Confederation: ''So often and so essentially have we heretofore suffered from the want of secrecy and dispatch, that the Constitution would have been inexcusably defective if no attention had been paid to those objects.''[14]

WASHINGTON, THE SENATE, AND CONGRESSIONAL LEAKS

Further contemporary insight into the Founding Fathers' perception that Congress could not keep secrets is found in an informal note made by our first Secretary of State, Thomas Jefferson. Beginning during his service in this capacity, Jefferson made various ''notes''—what he called ''passing transactions''—to assist his memory. These he later combined into three volumes which we today know as The Anas. The following entry is instructive:

April 9th, 1792. The President had wished to redeem our captives at Algiers, and to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower House applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. . . . They said . . . that if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secresy of the Senate, and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. [Emphasis added.][15]

Mr. Chairman, this is an important, if largely forgotten, part of our history. However, in the interest of time, I will mention but one further example of the Founding Fathers' recognition of the value of secrecy: and what example could be more fitting than the Constitutional Convention itself.

THE FEDERAL CONVENTION OF 1787

On 29 May 1787, the fourth day of deliberation,[16] the Constitutional Convention adopted a series of rules as part of the Standing Orders of the House. Rules three through five provided:

That no copy be taken of any entry on the journal during the sitting of the House without the leave of the House.

That members only be permitted to inspect the journal.

That nothing spoken in the House be printed, or otherwise published, or communicated without leave.[17]

The great constitutional historian Clinton Rossiter has described this ''so-called secrecy rule'' as ''the most critical decision of a procedural nature the Convention was ever to make,'' and notes that ''in later years, Madison insisted that 'no Constitution would ever have been adopted by the convention if the debates had been public.' ''[18] Indeed, at his insistence, Madison's own important Notes on the convention were not published until 1840, four years after his death and more than half a century after the convention had ended.[19]

Because the debates of the convention were held in secret, and Madison's Notes were thus not available to the people when they ratified the Constitution, such influential contemporary records as the Federalist Papers and state ratification convention debates probably deserve greater weight in interpreting the document as it was understood by the sovereign American people when it was ratified. Nevertheless, Madison's Notes do provide important details about the give-and-take that produced the constitutional text, and they are certainly worthy of study. The entire debate on this issue occupies approximately one page of the hundreds of pages devoted by Madison to the convention proceedings. It occurred only three days before the end of the debate, seemingly as an afterthought, on Friday, 14 September 1787:

Col. [George] Mason moved a clause requiring ''that an Account of the public expenditures should be annually published'' Mr. Gerry 2ded the motion.

Mr. Govr. Morris urged that this wd. be impossible in many cases.

Mr. King remarked, that the term expenditures went to every minute shilling. This would be impracticable. Congs. might indeed make a monthly publication, but it would be in such general statements as woud afford no satisfactory information.

Mr. Madison proposed to strike out ''annually'' from the motion & insert ''from time to time,'' which would enjoin the duty of frequent publications and leave enough to the discretion of the Legislature. Require too much and the difficulty will beget a habit of doing nothing. The articles of Confederation require halfyearly publications on this subject. A punctual compliance being often impossible, the practice has ceased altogether.

Mr. Wilson 2ded & supported the motion. Many operations of finance cannot be properly published at certain times.

Mr. Pinkney was in favor of the motion.

Mr. Fitzimmons. It is absolutely impossible to publish expenditures in the full extent of the term.

Mr. Sherman thought ''from time to time'' the best rule to be given.

''Annual'' was struck out—& those words—inserted nem: con:

The motion of Col: Mason so amended was then agreed to nem: con: and added after—''appropriations by law'' as follows—''And a regular statement and account of the receipts & expenditures of all public money shall be published from time to time.''[20]

It is perhaps worth noting that the issue of ''secrecy'' had arisen earlier that same day with respect to publishing the journal of each House of Congress,[21] and the statements by Gouverneur Morris (annual publication would be ''impossible in many cases''), Madison (on the need for legislative discretion), James Wilson (''Many operations of finance cannot be properly published at certain times'')—and others who supported Madison's amendment—may have been made with this concern in mind.

That the need to protect certain secret expenditures was, in fact, a primary underlying rationale for the decision to give Congress discretion as to what expenditures could be made public, and when, becomes clearer from a reading of the debates in the state ratification conventions—especially in the Virginia Convention, where both Mason and Madison were present to revisit the original debate. Colonel Mason took a second bite at the apple during the Virginia Convention, arguing on 17 June 1788 that ''the loose expression of 'publication from time to time,' was applicable to any time. It was equally applicable to monthly and septennial periods.''[22] He then explained:

The reason urged in favor of this ambiguous expression, was, that there might be some mattes which might require secrecy.

In matters relative to military operations, and foreign negotiations, secrecy was necessary sometimes. But he did not conceive that the receipts and expenditures of the public money ought ever to be concealed. The people, he affirmed, had a right to know the expenditures of their money. But that this expression was so loose, it might be concealed forever from them, and might afford opportunities of misapplying the public money, and sheltering those who did it. He concluded it to be as exceptionable as any clause in so few words could be. [Emphasis added.][23]

As had been the case in Philadelphia, Mason lost this debate. But, by raising the issue again, this time in public debate, he made a useful contribution to our understanding of the ''original intent'' behind this clause. We now know that the reason Congress was given this discretion was to protect ''matters which might require secrecy,'' that Mason acknowledged that secrecy was sometimes necessary in military and diplomatic matters, and that—even after he warned that this ''ambiguous'' language might allow Congress to keep some secret expenditures ''concealed forever''—Mason's colleagues at the Virginia convention were not persuaded to strengthen the clause and deny Congress this discretion.

THE EARLY PRACTICE OF CONFIDENTIAL EXPENDITURES

Of particular value in trying to understand the original constitutional scheme are the acts of the First Congress, elected in early 1789. Two-thirds of its twenty-two senators and fifty-nine representatives had either been members of the Philadelphia Convention of 1787 or of state ratifying conventions, and only seven of them had opposed ratification. Therefore, their actions are entitled to special weight. As Chief Justice Marshall observed in 1821, in trying to determine the intent of the Founding Fathers ''[g]reat weight has always been attached, and very rightly attached, to contemporaneous exposition.''[24]

It is therefore noteworthy that the First Congress appropriated a ''contingent fund'' of $40,000—a considerable sum at the time[25]—for the President to use for special diplomatic agents and other sensitive foreign affairs needs. The statute expressly provided:

''The President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify.''[26]

Note the language here—the President was not required to account to Congress ''under injunction of secrecy'' for sensitive expenditures, he was required simply to inform Congress of the sums expended so that the fund could be replenished as necessary. Congress was not to be told the details, as the Founding Fathers had learned first hand the harm that could be done by ''leaks.''

It is perhaps worth noting that the contingent account was not only replenished, within three years it was increased to the level of one million dollars—much of it reportedly was used for such expenditures as bribing foreign officials and ransoming hostages.[27]

In this era of Boland Amendments and massive appropriations bills packed with ''conditions'' it may be difficult to realize that the Founding Fathers envisioned something quite different; but it is important, from time to time, to remind ourselves of the original plan. In an 1804 letter to Secretary of the Treasury Albert Gallatin, President Thomas Jefferson summarized the practice during the nation's first fifteen years:

''The Constitution has made the Executive the organ for managing our intercourse with foreign nations. . . . The Executive being thus charged with the foreign intercourse, no law has undertaken to prescribe its specific duties. . . . [I]t has been the uniform opinion and practice that the whole foreign fund was placed by the Legislature on the footing of a contingent fund, in which they undertake no specifications, but leave the whole to the discretion of the president.''[28]

When Jefferson used his contingent account to fund a paramilitary army of Greek and Arab mercenaries to invade Tripoli and pressure its Bey to surrender American hostages, no one seems to have complained that Congress was not informed in advance of the operation.[29] Jefferson's successor, James Madison—a man of some familiarity with the meaning of the Constitution and its ''Statement and Account'' clause—found that he needed additional funds to underwrite a covert action to gain control over disputed territory between Georgia and Spanish Florida in 1811, so he asked Congress to enact a ''secret appropriation'' of $100,000 for that purpose. The need for secrecy having passed, the secret appropriation was discretely made public years later, in 1818.[30]

The modern practice arguably dates back to 1941,[31] but official congressional sanction was provided by the Central Intelligence Act of 1949.[32] Over the years a variety of efforts have been made to change the practice, without success.[33] The political forces behind the current effort are considerable—but so much of the rhetoric is premised upon the need to ''obey the Constitution'' that it is difficult to gave the sentiment on policy grounds alone.

In reality, these constitutional concerns are ill founded. The record behind Article 1, Section 9, clause 7 of the Constitution—whether viewed on the basis of ''original intent'' or with the gloss of historic practice—clearly establishes that Congress is not required to publish either an aggregate figure of the money it makes available to the Intelligence Community or a more detailed accounting at this time. All of these sums, I gather, have been taken from the Treasury ''in consequence of appropriations made by law''—and most apparently have been identified already in broad terms to the public as appropriations for purposes of national security or national defense.

James Mason, to be sure, objected to the argument that the need for ''secrecy'' required that Congress be left with discretion in this area; but in both the federal and state conventions he made his case and failed to carry the day. The First Congress appropriated a contingent fund for which the President did not even have to disclose his expenditures to Congress; and Madison himself—the ''father'' of our Constitution and the author of the successful amendment to the ''Statement and Account'' clause—sought and received a ''secret appropriation'' that was not revealed to the public for many years.

THE VIEW FROM THE FEDERAL JUDICIARY

Any remaining doubts which might exist should be put to rest by a review of the handling of this issue by federal courts. The issue came before the Supreme Court in United States v. Richardson,[34] but the Court found it unnecessary to reach the merits because the Complainant lacked standing. However, in the course of his majority opinion, Chief Justice Burger reasoned in a footnote:

''Although we need not reach or decide precisely what is meant by 'a regular Statement and Account,' it is clear that Congress has plenary power to exact any reporting and accounting it considers appropriate in the public interest. . . . While the available evidence is neither qualitatively nor quantitatively conclusive, *historical analysis of the genesis of cl. 7 suggests that it was intended to permit some degree of secrecy of governmental operations.* . . .

''Not controlling, but surely *not unimportant, are nearly two centuries of acceptance of a reading of cl. 7 as vesting in Congress plenary power* to spell out the details of precisely when and with what specificity Executive agencies must report the expenditures of appropriated funds and *to exempt certain secret activities from comprehensive public reporting.*'' [Emphasis added.][35]

Even more significant is the District of Columbia Circuit Court of Appeal's 1980 decision in Halperin v. Central Intelligence Agency,[36] a very useful case for which we are indebted to Mr. Stern's predecessor at the ACLU, my litigious friend Morton Halperin. Following the Supreme Court's holding in Richardson, the D.C. Circuit affirmed the District Court's summary judgment in favor of the CIA. But it went further, addressing the case on the merits, and holding in the alternative that ''Congress and the President have discretion, not reviewable by the courts, to require secrecy for expenditures of the type involved in this case.''[37]

The Halperin court engaged in a detailed review of Madison's Notes and the state convention debates, concluding that: ''Madison's language strongly indicates that he believed that the Statement and Account Clause, following his amendment, would allow government authorities ample discretion to withhold some expenditure items which require secrecy.''[38] While noting George Mason's argument that ''he did not conceive that the receipts and expenditures of the public money ought ever to be concealed,''[39] the court concluded:

''But the Statement and Account Clause, as adopted and ratified, incorporates the view not of Mason, but rather of his opponents, who desired discretionary secrecy for the expenditures as well as the related operations. . . .

''Viewed as a whole, the debates in the Constitutional Convention and the Virginia ratifying convention convey a very strong impression that the Framers of the Statement and Account Clause intended it to allow discretion to Congress and the President to preserve secrecy for expenditures related to military operations and foreign negotiations. Opponents of the 'from time to time' provision, it is clear, spoke of precisely this effect from its enactment. We have no record of any statements from supporters of the Statement and Account Clause indicating an intent to require disclosure of such expenditures.''[40]

Since the Supreme Court elected not to address the issue on the merits in Richardson, the Halperin case remains the authoritative judicial interpretation on this subject.

OPINION OF THE ATTORNEY GENERAL

Finally, Mr. Chairman, although I have not seen it, I understand that Attorney General Griffin Bell was asked by President Carter to consider this issue in depth and to prepare an opinion for the President. He concluding that the current Intelligence Community funding practices are not in conflict with the Constitution.[41]

ISSUE OF POLICY

Mr. Chairman, I believe that the text of the Constitution, the clear intentions of the Founding Fathers, and more than two centuries of consistent practice, support the conclusion that the current practice of concealing appropriations for intelligence activities in the budgets of other agencies is constitutional. As I have indicated, that conclusion has the support of the D.C. Circuit Court of Appeals, and, I am informed, of the Office of the Attorney General. I believe you may rest comfortably on this point, and the only reasons for departing from traditional disclosure practice would be of a policy nature. At this time I would like to turn briefly to some of those considerations.

A PRESUMPTION OF DISCLOSURE

Perhaps first of all, in a free society there ought to be a presumption in favor of openness and the diffusion of knowledge and information. This may reflect my parochial prejudices as a product of Mr. Jefferson's University, but I am reminded both of his caution against trying to remain ''ignorant and free,''[42] and more directly his statement that the University of Virginia would be ''based on the illimitable freedom of the human mind,'' and would not be ''afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.''[43]

OVERCOMING THE PRESUMPTION

Having said that, I would argue that the most compelling arguments to overcome that presumption of openness are those legitimately based upon the security of the nation. As John Jay noted in Federalist No. 3, ''Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.''[44] Similarly, the Supreme Court noted in Haig v. Agee that ''it is 'obvious and unarguable' that no governmental interest is more compelling than the security of the Nation.''[45]

COMITY AND DEFERENCE TO THE PRESIDENT

In addition, I urge you to recognize that the management of intelligence matters was recognized by the Founding Fathers to be at the core of the President's responsibilities; and, toward this end, I would urge you not to decide to disclose these figures if the President asks that they be kept confidential. To do otherwise would depart from two centuries of precedent. I don't know the preferences of the current Administration on this issue, but I urge you to give them the weight that comity among the branches would warrant.

BALANCING THE INTERESTS

Ultimately, if the President does not object, I would suggest that you apply a balancing test in reaching your decision. You are entertaining a motion to depart from a practice dating back in some respects to the earliest days of our country, and in others to the creation of the agencies you are charged with overseeing. The proponents of change ought to be expected to justify a departure from these well-established practices—and their constitutional arguments are unpersuasive.

Ask yourselves first, what real benefit to the American people or our system of government will likely result from disclosing the aggregate intelligence budget. How meaningful will this one figure be to our citizens? Presumably the sums are already disclosed under the broad ''National Defense'' budgetary category. Will any identifiable good be served by publicly identifying a portion of that larger sum as being earmarked for ''intelligence and intelligence-related activities?'' Would the result of these efforts not be, to borrow from the argument Rufus King made in objecting to a mandatory annual statements, ''such general statements as would afford no satisfactory information.''[46]

AN AGGREGATE FIGURE WILL NOT SATISFY THE CRITICS

You can be certain that releasing a single, aggregate figure will not satisfy those who are demanding meaningful information

about the Intelligence Community. In 1974 a student note in the New York University Journal of International Law and Politics, for example, concluded that ''Not only may the Constitution mandate the reporting of CIA expenditures to Congress as a whole, but it may even require publication of the CIA budget.''[47] Similarly, a 1975 note in the Yale Law Journal argued that ''Even a lump-sum appropriation and disclosure would prevent both Congress and the public from fixing or analyzing internal priorities within the CIA; it would also be impossible to determine if there has been waste, corruption, or spending prohibited by statute or by the Constitution.''[48] The observation would seem sound, and once you start releasing details it will probably become more difficult to draw any bright lines. Ultimately, the very existence of a separate intelligence committee may be called into doubt as your colleagues and the critics demand more and more details and become frustrated with your inexplicably selective cooperation.

EXPOSING YOUR BUDGET TO ''SHARK'' ATTACKS

It strikes me that the most likely result of such a disclosure from the standpoint of the American taxpayer is that this large chunk of money will become highly vulnerable to attack as the budgetary belt is tightened. While Americans may overwhelmingly favor having an effective intelligence service and a strong defense establishment, when it comes down to your being pressured to cut jobs and benefits programs in your districts or taking a few million here and there from this gross ''intelligence'' account—money which will have little clearly identifiable short-term benefits to constituent groups—the intelligence budget is going to be placed at risk.

And then, I suspect, you are going to be asked to ''justify'' such a large budget—and you are either going to have to start ''telling secrets'' or you will face amendments to cut your aggregate budget by 2% here and 3% there so the money can go for health care, education, and other special interests that have far more extensive and effective PR operations than do the agencies you are charged with overseeing. I don't think any of us want to have the CIA or NSA ''propagandizing'' the American voters to pressure Congress for adequate funding; and because of that handicap I suggest that you have a special responsibility to the American people not to allow their intelligence services to be compromised in order to appease more politically powerful special interest groups.

Candidly, I don't see much in the way of identifiable benefits from disclosing the current aggregate Intelligence Community budget. Perhaps they are there—but the burden of proof ought to be placed upon those who are advocating the change.

INTELLIGENCE COMMUNITY BUDGET FIGURES OUGHT EVENTUALLY TO BE MADE PUBLIC

This is not to say, however, that these figures ought to remain perpetual secrets. On the contrary, I can think of no reason why the sums made available to the Central Intelligence Agency and other components of the Intelligence Community in the 1940s, 1950, and 1960s ought not be made public at this time (if that has not already been done). I don't know whether the delay ought to be three decades, two decades, or even less—but I would be inclined to defer to the judgment of the President and the DCI in making such a policy decision.

LIVES AND FREEDOM ARE AT STAKE

Finally, if you can identify genuine benefits to the American people of disclosing this information, you need to ask what harm might reasonably be foreseen to result from such a change—and to weight any such harm against the perceived benefits. Perhaps I am in the minority today, but I believe that when the security of the nation may be at stake we ought to act with a presumption of caution and secrecy. The fact that the rest of the world follows that practice is not proof of its wisdom—but it should give us justification to pause, at least briefly, before moving off in a radically new direction.

Some experts have argued what has been called the ''conspicuous bump theory''—suggesting that a foreign intelligence service might be able to confirm the existence of an expensive new program or technology by spotting a change in the CIA or Intelligence Community budget. Former DCI William Colby—a man of great wisdom and integrity, who has decades of relevant experience on which to judge—has suggested that the introduction of the U–2 program produced just such a ''bump'' in our budget.[49]

I am not privy to the future plans of the Intelligence Community or the current details of its budget, and I can certainly not identify any particular development that might be compromised by publishing an aggregate figure—but I can certainly conceive of such a development. Indeed, I can conceive of a decision of such a development. Indeed, I can conceive of a decision by the United States to curtail intelligence spending dramatically—requiring the termination of programs in many Third World countries—and I can project that public release of figures showing a dramatic drop in funding might well lead a potentially hostile foreign leader to conclude that he no longer needed to abide by his NPT commitments because the Americans no longer had adequate resources to keep good track of his activities.

THE INTELLIGENCE ''JIG-SAW PUZZLE''

The business of intelligence gathering is in many respects much like putting together a jig-saw puzzle. If you are looking at the United States, you certainly want to subscribe to the Congressional Record and Aviation Week & Space Technology, and also to attend scientific conferences and carefully review the latest Statistical Abstract and some of the thousands of other government publications that might reveal some of the many pieces to the puzzle. When you see areas where you are missing key pieces, perhaps you pay off a secretary, seduce a file clerk, break in to a hotel room while an international conference is in session to rifle a briefcase or two, and perhaps eavesdrop on a few million telephone calls. Much of your efforts are fruitless, but more and more of the puzzle falls into place as each week goes by. The ones that remain ''critically important'' are the ones you do not have.

That makes the counter-intelligence function a difficult one; because, without knowing what pieces of the puzzle one's adversaries have already acquired, it is virtually impossible to identify any size piece as being ''vital'' to U.S. security interests. And yet, quite possibly, almost any single piece of the puzzle could be the critical part that allows our enemies to break an important code and do us harm. Thus, the tradition has developed that the intelligence business ought, even in a democracy, be cloaked in a web of secrecy.

Over the years, this Committee and your Senate counterpart have taken testimony from a number of former DCIs and other experts asking what specific harm they could identify that would result from disclosing the aggregate intelligence budget. Many, if not most, of them, I gather, have said they could not point to clearly identifiable harm. Others have urged you not to make the figures public.

I wonder if it might have been useful to ask them another question. Ask them how much they would pay to have the annual aggregate intelligence budget figures for countries like the former Soviet Union, Cuba, Libya, Iran, Iraq, or North Korea. Would these figures be of interest to them? Might the trends in these figures over a decade or more be helpful to them? If they say ''no,'' then I would be less concerned.

CONCLUSION

Mr. Chairman, let me close with the observation that this is an important issue. Other than making us feel good—a byproduct, perhaps, of the strange but all too prevalent belief that keeping secrets from our nation's enemies is somehow ''un-American,'' ''dirty,'' or even ''evil''—I don't believe that publishing the aggregate intelligence budget is going to benefit very many Americans. It may make a few super hawks feel relieved that we are throwing enough money at the problem,[50] I suspect Oliver Stone and others who believe that the United States is an evil force in the world may buy a few extra cases of Malox, and some of your constituents may even accept the allegation that you will have somehow ''saved the Constitution''[51] by passing such a disclosure requirement. But most Americans simply don't know enough about the Intelligence business, about how this money is actually being spent, to be able to evaluate a figure presumably in the tens of billions of dollars.

The most likely consequence of publishing an unsupported aggregate figure is that it will become a sitting duck for colleagues seeking accounts to cut in order to satisfy the demands of special interest constituent groups without further adding to the deficit. You will then be forced to choose between further breaking down the intelligence budget—and then being asked, at minimum, to provide public justification for any future increases—or watching the very important sum of money you are charged with overseeing ripped apart as some of your colleagues go on a feeding frenzy. Members of Congress who do not understand the important business of intelligence—and, equally importantly, who know that this large account can't be publicly defended without disclosing details that its champions will not wish to reveal to our nation's enemies—are likely to argue that their pet ''pork'' project can easily be funded by just taking a few hundred thousand dollars from this vast ''intelligence'' account—charging the DCI with finding a little more ''fat'' to trim from his presumably bloated bureaucracy. It could give a whole new meaning to the term ''graymail''—defend your budget on the merits in public by compromising secrets, or watch large chunks of it vanish before your eyes.

The Intelligence Community could easily suffer the fate of the prized sausage the fabled German butcher is said to have left displayed unguarded on his counter while he swept out one afternoon. He returned to find that a tiny slice had been taken while he was away; but, noting its small size, he concluded it really didn't matter all that much. An hours later, when he returned from his storeroom, he found another piece was gone. This continued for several days. Each missing slice, after all, was quite modest in size and could hardly be said to have destroyed the value of the whole. Little by little, the prized sausage vanished. Pretty soon, only a small piece of string was left—and that wasn't worth fighting for either.

In a very real sense, the Intelligence Community budget is as defenseless as the sausage in the fable. We don't want the CIA ''propagandizing'' the public to pressure Congress for additional funds, and we know they can't discuss the important details of their work without harming their effectiveness even if they wanted to do so. They provide

''services'' to Americans of incalculable value, by helping to keep the world peaceful and identifying threats to our security sufficiently early that we can address them without having to expend the lives of our young men and women in uniform.

Thanks to our Intelligence Community, we learned about the existence of Soviet missiles in Cuba in 1962, and about dangerous nuclear weapons and ballistic missile threats from North Korea three decades later. Each of you could probably add numerous other examples, because you have been entrusted with special access to information that must be denied to the rest of us. But, when the sharks come, you will be precluded by your promise of secrecy from mentioning those examples in public debate. How can you possibly expect to convince your colleagues not to earmark a couple of hundred thousand dollars for a new public building to honor the beloved Tip O'Neil, a few million dollars for a powerful committee chairman's favorite hospital—perhaps to fund some promising AIDS research—or perhaps to pay for the unanticipated earthquake relief needs in Los Angeles?

It would not surprise me if some of your constituents would vote to shut down the entire Intelligence Community if the money saved could rescue one small child trapped in a well, to ease the suffering on a pediatric cancer ward, or to take a real ''bite'' out of crime. After all, the Cold War is over—and many Americans couldn't find North Korea on a map without great effort. One of the nice things about being outside the policy process is that most Americans don't have to worry about long-term strategic solvency or the risks that lurk around the corner in an increasingly complex and not yet safe world. They elected you to represent them in deciding how to allocate the nation's limited resources, and in this regard I would remind you of the famous 1774 speech to the Electors of Bristol, in which Edmund Burke observed: ''Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.''

Because of your membership on this important Committee, you have a special duty—not only to the constituents in your individual districts, but to all of the American people—to oversee and pass judgment upon the work of the Intelligence Community. This system has worked well, in general, by having your colleagues rely upon you to make recommendations based upon the special information to which you are given access. Most of your colleagues hesitate to second-guess your judgments, because they know they lack your expertise. Simply gratuitously tossing out an aggregate budget sum—a figure presumably in the tens of billions of dollars—may well break some of the mystique that has helped guard these critically important funds from the sharks in the past.

As I have said, the potential consequences are great. Imagine the lives that might have been saved had we been able to prevent the Pearl Harbor surprise attack. Consider what might have happened had we not learned of the Soviet nuclear missiles in Cuba. How many more Americans might have died in the gulf during Operation Desert Storm had it not been for the information we were able to gain from our overhead platforms?

Information provided by the American Intelligence Community reportedly helped to convince the International Atomic Energy Agency that North Korea was violating its treaty commitments under the NPT—and that may allow us to avoid a nuclear confrontation in East Asia that could either engulf U.S. forces in South Korea or, in the alternative, provoke Japan to become a nuclear weapons State and undermine the Nuclear Non-Proliferation Treaty. As we meet here today, American intelligence assets are presumably monitoring the efforts by Libya to build new poison gas facilities that could fuel further terrorism and undermine our interests and the cause of peace in the coming years.

Mr. Chairman, the job which you and your colleagues on this Committee have accepted is not an easy one. Today, the American people are still rejoicing at the end of the Cold War. They are turning inward, looking for ''peace dividends.'' But you have a greater responsibility than simply pandering to their short-term desires. You must decide what national resources ought to be allocated to the intelligence functions, and then you must try to protect those funds in a very competitive budget process.

If you err, and the nation is left unprotected, American soldiers may well pay with their lives for your frugality. The stakes in this game are high: they are measured in human lives and individual freedom. In this regard, you may wish to keep in mind that the American people are not very forgiving when their elected representatives fail in their duty to protect the nation's security—even when their actions are initially fully in accord with the public opinion polls. Few of the isolationists who tied President Roosevelt's hands in the 1930s in the name of ''peace'' and ''neutrality'' survived the elections following Pearl Harbor, an event which itself might have been prevented by a serious national intelligence collection effort.[52]

In the backlash to Watergate and Vietnam two decades ago, the American public turned against the Intelligence Community—egged on, I would add, by irresponsible charges from the Hill that the CIA had become a ''rogue elephant.''[53] Our elected representatives responded by cutting back on funding and reducing intelligence assets in several areas—in particular we reduced money for HUMINT in such ''unimportant'' areas as El Salvador. I need not emphasize that by 1981 that cutback had proven to be a costly mistake—both in terms of undermining our efforts to assist a neighbor resist an externally-supported Leninist insurgency and our campaign for important human rights objectives.

When Iranian militants seized American hostages in Tehran in 1979, the American people wanted quick action. Support for the CIA shot up dramatically in the polls. Some of the reductions that had been made in the mid-seventies seemed hard to explain, and the voters turned out an administration in Washington that had, for the most part, been very much in tune with the neo-isolationist sentiments of the Nation prior to the ''wake up call'' from the Ayatollah Khomeini

The Cold War is now over, but, if anything, the world is a far more complex reality than was the case when Moscow held the strings to many of its problem children. The existence of radical regimes like those in North Korea, Iraq, Iran, Libya, the Sudan—to name a few—combined with the growth of ultra nationalism in Eastern Europe, the growing threat of proliferation of weapons of mass destruction, and our own obvious vulnerability to international terrorism, make it more important than ever for us to have a strong and effective Intelligence Community. Human lives are at stake in the decisions you make—not only those of our soldiers, but also those of secretaries and office workers who may find themselves in situations like the World Trade Center bombing.

You invited me here to address the rather technical question of whether the Constitution requires the publication of an aggregate budget figure for the Intelligence Community. My answer is that it clearly does not—a view consistent with more than two centuries of established practice, and one shared by the federal judiciary and at least the Carter Administration's Justice Department. In contrast, it is worth noting that in 1977, when your colleagues in the Senate studied this issue and concluded that the aggregate budget should be released, they relied upon three law review articles (all written in the wake of Watergate and the emotions of the Church and Pike Committee investigations) in concluding that ''the legal commentators outside the government who have studied this clause and publicly commented have concluded that it requires disclosure of at least an aggregate figure for intelligence activities.''[54] What they did not disclose—and what most of the Senators quite probably did not realize—is that each of the three law review articles were nothing more than ''Notes'' written by law students.[55]

The Constitution clearly does not require you to release current aggregate appropriation figures for the intelligence community at this time. Whether to do so is entirely within the discretion of the Congress. That leaves you with the policy question of whether to publish such a figure for other reasons. For the reasons already stated, I urge you to consider the pros and cons of that issue very carefully before making a decision. I honestly believe it would prove to be a tragic mistake.

Thank you, Mr. Chairman. That concludes my statement.

FOOTNOTES

[1] Perhaps the most detailed public account I have seen to date is TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET (1990).

[2] 50 U.S.C.A. §403 f (a).

[3] Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?,* 2 HAST. CONST. L. Q. 717, 731–32 (1975).

[4] I have not had time to search to see if such polls have been taken, but I recall that during the height of the Gulf War the polls showed overwhelming support for the restrictions placed by the military upon the press.

[5] The ''Church Committee' concluded ''that publication of the aggregate figure for national intelligence would begin to satisfy the Constitutional requirement and would not damage the national security.'' *Quoted in,* SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 2 (95th Cong., 1st sess., Sen. Rep't 95–274 (1977). The ''Rockefeller Commission'' identified this as an issue warranting congressional consideration. COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES, REPORT TO THE PRESIDENT 81 (1975). There have also been several ''Notes,'' written by law students, reaching this conclusion. See, *e.g., Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?,* 7 N.Y.U.J. INT'L L. & POLITICS 493 (1974); *The CIA's Secret Funding and the Constitution,* 84 YALE L. J. 608 (1975); and Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?,* 2 HAST. CONST. L. Q. 717 (1975).

[6] Presumably every school child is familiar with Jefferson's famous maxim that, ''If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.'' 14 WRITINGS OF THOMAS JEFFERSON 384 (Mem ed. 1903). Only slightly less popular is Madison's warning that ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance. And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.'' 9 THE WRITINGS OF JAMES MADISON 103 (Gaillard Hunt, ed. 1910).

[7] 3 JOURNALS OF THE CONTINENTAL CONGRESS 392 (1904–14).

[8] ''Verbal statement of Thomas Story to the Committee,'' 2 P. FORCE, AMERICAN ARCHIVES: A DOCUMENTARY HISTORY OF THE NORTH AMERICAN COLONIES, Fifth Series, 818–19 (1837–53). For reasons of readability, I have departed from the practice of italicizing most of the proper nouns followed in the original.

[9] *Id.* at 819.

[10] *Id.*

[11] An excellent discussion of this period is contained in HENRY MERRITT WRISTON, EXECUTIVE AGENTS IN AMERICAN FOREIGN RELATIONS 18–22 (1929).

[12] *Id.* at 23. The internal quotation is cited to a letter from Jay to Thomas Jefferson (then Minister to Paris) dated 24 April 1787.

[13] The FEDERALIST, No. 64 at 434–35 (Jacob E. Cooke, ed. 1961) (J. Jay) (emphasis added). Jay's contribution to understanding the Constitution in this essay can not be understated. Discussing Jay's subsequent role in explaining the meaning of the Constitution—and, specifically, this essay—University of Washington Professor Arthur Bestor (hardly a champion of strong executive power) has observed: ''In this contribution to the *Federalist* Jay was of course examining the completed Constitution, not offering suggestions to those about to frame it. As an interpretation of the original intent of the document. Jay's essay is of the highest importance. *His diplomatic experience commencing* with his appointment as minister to Spain in 1779; followed by his participation, as one of the commissioners, in the negotiation of peace with Great Britain; and continuing, from 1784 on, with his service as Secretary of the United States for the department of Foreign Affairs—*fitted him better than anyone else to judge the intended effect of the new Constitution both on the actual process of negotiation and on the character of the relationship that would have to be maintained between executive and legislative authorities.*'' Bestor, *Separation of Powers in the Domain of Foreign Affairs*, 4 SEATON HALL L. REV. 527, 532–33 (1974). Professor Gordon Baldwin concludes: ''John Jay, an experienced attorney and diplomat, suggested that intelligence gathering arrangements are within the sole power of the President. In his view, they are a purely executive function linked to the treaty negotiation process, and the information so gained need not be reported to Congress.'' Gordon Baldwin, *Congressional Power to Demand Disclosure of Foreign Intelligence Agreements*, 3 BROOKLYN J. INT'L L. 1, 17 (1976).

[14] *Federalist* No. 64.

[15] THE COMPLETE ANAS OF THOMAS JEFFERSON 72–73 (Franklin B. Sawvel, ed. 1903). This document also appears in 1 THE WRITINGS OF THOMAS JEFFERSON 191 (Paul Ford, ed., 1892).

[16] The Convention was to begin on the second Monday in May (14 May), but a quorum did not arrive until the 25th.

[17] 1 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 15 (1966).

[18] CLINTON ROSSITER, 1787: THE GRAND CONVENTION 167 (1966).

[19] FARRAND, THE RECORDS OF THE FEDERAL CONVENTION, SUPRA note 17, at xv.

[20] James Madison, 2 ''The Journal of the Constitutional Convention,'' in 4 THE WRITINGS OF JAMES MADISON 456–57 (Gaillard Hunt, ed. 1903). With only minor changes in punctuation and typography, this same debate appears in 2 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 618–19 (1966).

[21] 4 WRITINGS OF JAMES MADISON 449–50; 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 613.

[22] 3 FARRAND, RECORDS OF THE FEDERAL CONVENTION 326.

[23] *Id.*

[24] *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 418 (1821).

[25] Not being privy to the budgetary figures for the Central Intelligence Agency I can not say with certainty, but I suspect this 1790 appropriation provided the President with a larger portion of the federal budget than is today allocated to the CIA.

[26] Act of 1 July 1790, 1 Stat. 129 (1790).

[27] Ed Sayle, *The Historical Underpinnings of the U.S. Intelligence Community*, 1 INTERNATIONAL JOURNAL OF INTELLIGENCE AND COUNTERINTELLIGENCE 9 (1986).

[28] 11 THE WRITINGS OF THOMAS JEFFERSON 5, 9, 10 (Mem. ed. 1904). For a discussion of Jefferson's theory that the ''executive power'' clause of Article II, section 1, had vested in the President the entire business of external intercourse save for the expressed grants to Congress and the Senate (such as the power of the Senate to approve nominations and treaties, and the veto given Congress over a decision to initiate an offensive ''war'')—a view shared by Washington, Hamilton, Jay, Marshall, and others—see ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY 47–107 (1991).

[29] I discuss this incident in some detail in a forthcoming book.

[30] 3 Stat. 471 (1818).

[31] President Roosevelt appointed ''Wild Bill'' Donovan as ''Coordinator of Information''—which led directly to the OSS and CIA—on 18 June of that year, and funding for the Manhattan Project apparently began around 9 October. *See* TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET 19, 113 (1990).

[32] 63 Stat 208, Pub. L. 81–110, codified at 50 U.S.C.A. § 403 et seq.

[33] The most noteworthy of these, perhaps, was the effort by the Senate Select Committee on Intelligence to change the practice in 1977. While a majority of the committee voted for that end, the dispute was apparently so heated that no one brought the measure to the floor.

[34] 418 U.S. 166 (1974).

[35] 418 U.S. at 178 n.11.

[36] 629 F.2d 144 (D.C. Cir. 1980). Another useful case from the same circuit is *Harrington* v. *Bush*, 553 F.2d. 190 (D.C. Cir. 1977), in which the court rejected on standing grounds a similar challenge brought by a Member of Congress, and in the process concluded with respect to the ''regular Statement and Account'' clause: ''This clause is not self-defining and Congress has plenary power to give meaning to the provision. . . . Since Congressional power is plenary with respect to the definition of the appropriations process and reporting requirements, the legislature is free to establish exceptions to this general framework, as has been done with respect to the CIA.'' *Id.* at 194–95.

[37] 629 F.2d at 162.

[38] *Id.* at 155.

[39] *Id.*

[40] *Id.* at 156.

[41] Letter from President Carter to the Senate Select Committee on Intelligence, *quoted in* SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 6.

[42] *Quoted supra*, note 6.

[43] 15 THE WRITINGS OF THOMAS JEFFERSON 303 (Mem. ed. 1903).

[44] FEDERALIST NO. 3 at 13–14 (Jacob E. Cooke, ed. 1961) (emphasis in original).

[45] 453 U.S. 280 (1981).

[46] *See supra*, text accompanying note 20.

[47] *Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?*, 7 N.Y.U. J. INT'L L. & POLITICS 493, 521 (1974).

[48] *The CIA's Secret Funding and the Constitution*, 84 YALE L. J. 608, 633 n.137 (1975). Keep in mind that the Church Committee said ''publication of the aggregate figure . . . would *begin* to satisfy the Constitutional requirement . . . [emphasis added].'' *See supra*, note 5.

[49] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 8.

[50] Without further details, no one will be able to make an intelligent judgment about the wisdom of the expenditures contained in the aggregate figure; and I predict that if you do release such a figure you will be forced to break it down further (at least by agency or category) within a few years.

[51] If your primary interest is in upholding the Constitution, I can suggest any of a number of measures Congress might take toward that end—such as repealing the 1973 War Powers Resolution, which even Senator George Mitchell admits is unconstitutional, or repealing some of the hundreds of new ''legislative vetoes'' that have been enacted after the 1983 Supreme Court decision (*INS. v. Chadha*) declaring such measures to be unconstitutional. *See, e.g.*, ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY (1991).

[52] *See, e.g.*, 95 CONG. REC. 1948 (1949) (remarks by Sen. Tydings), *cited in* Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?*, 2 HAST. CONST. L.Q. 717, 729 (1975).

[53] To be sure, the Intelligence Community engaged in activities that most of us today would consider improper—but even Senator Church ultimately acknowledged that the ''rogue elephant'' metaphor he coined was inaccurate and the Community has been following instructions from the nation's elected political leaders.

[54] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 4 n.6.

[55] The student Notes in question are cited *supra*, note 5.

Mr. GOSS. Mr. Chairman, this is one of the situations where there is a lot of misinformation, a lot of perception, a lot of misperception frankly. There clearly is a slippery slope here, because the gentleman from Michigan's amendment talks about the annual statement of the total amount for intelligence expenditures. The problem with that is that if we give a number and we say these are intelligence expenditures, then we have to start defining what is intelligence. It is not exactly what other people think it is going to be. We will have to start paring out different programs and different functions to determine what we mean.

Are you talking about the amount we spend on national security? That should surely be a big number. It is required in the Constitution. That is something the Federal Government does. Are we talking about the intelligence function in national security? And if so, what does that number mean and what specifically does it include and what does it leave out? What is intelligence? Is the State Department gathering of information or reading Le Figaro, is that part of intelligence? Is that open source intelligence or not? You have to start making further descriptions and definitions. That is the slippery slope.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think this bill is intelligence. We are the ones that just authorized it. So that is pretty much what it is.

Mr. GOSS. Mr. Chairman, I quite agree. The gentlewoman from California said one of the worst kept secrets in Washington is the intelligence budget. One of the worst kept secrets in Washington is, what is the intelligence part of the intelligence budget? What is the intelligence part of the defense budget?

Some have said that we are hiding something from Americans. We are not trying to hide anything from Americans. We are trying to keep some secrets from our enemies. That is true. We are trying to do that. But I would point out to those who say we are trying to hide something from Americans, we have a representative form of government. This is democracy at its finest in the world. Those of us here represent those of us abroad in our land.

Those of us on the committee are charged with the responsibility of oversight. It was not always such good oversight. It is very good oversight now, and we are accountable. I would say we are hiding nothing from the Americans because there is no American that I would look at right in the eye and say, we are spending the money as wisely and as well as we can and as appropriately as we can. Fifteen men and women, good and true, making that decision about what our intelligence needs are at this time, I have no problem with that. I think that is entirely reasonable.

When I go beyond that and start talking about specifics, I start removing some of the confusion the enemy seize out there. I think confusion to

our enemies is not a bad thing. It is somewhat Biblical, in fact. I think it has worked very well over in the past. I do not see the game. If it is accountability, the accountability is there. We already have it.

The final point of the gentlewoman from California, the President is somehow waiting for the signal; whoever made that statement, perhaps it was not the gentlewoman from California, let me tell my colleagues that it was President Clinton himself who classified the number when he sent his budget submission to Congress in March. It was not the Congress. We do not have the authority to classify anything. It is the executive branch that classifies things.

We are putting money in our bill to examine the question of declassification because we are properly concerned about it. That also in my view means abuse of classification. I know that takes place. So I would suggest the right way to deal with this is to go to the comprehensive study we have called for in our bill, that we have provided for in our bill, authorized funds for and I hope we will get those funds from the appropriators, and I believe we are and that we proceed in an orderly way. That way we protect national security. We provide for accountability. And we give the President and his people the opportunity to chime in on the debate.

Mr. Chairman, I urge a ''no'' vote on the Conyers amendment.

Mr. STARK. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

There is no reason for the intelligence budget to be classified information. How can we justify a multibillion—or is it more—blank check every year without adequate oversight and minimum public discussion?

If this Congress is serious about balancing the budget, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The intelligence budget is routinely reported by the media without compromising national security. When the Government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their Government.

I believe that our intelligence community could better justify the funding they receive from Congress with a disclosed budget. In the same vein, the intelligence community could help to balance the budget by submitting their funding to the same scrutiny faced by domestic priorities.

This amendment is about accountability and the public's right to know. There is no reason to keep this information from a full and open debate.

I urge my colleagues to support the Conyers amendment.

Mr. FARR of California. Mr. Chairman, I rise today in support of the Conyers amendment to declassify the size of our Nation's intelligence budget.

It makes no sense to keep the size of our intelligence budget a secret. It would not threaten our national security. Several former Directors of the Central Intelligence Agency and the bipartisan Brown-Aspin Commission have agreed that disclosure of the aggregate intelligence budget would not reduce our Nation's security. In fact, many other countries disclose the amount they spend on intelligence, with no impact on their own nation's security.

But what such secrecy does do is keep our own citizens in the dark. At a time when so many programs are being drastically reduced in the name of deficit reduction, the American taxpayer isn't even told how much is being spent on intelligence programs.

I am a proud cosponsor of H.R. 753, the Intelligence Budget Accountability Act, which would declassify the aggregate intelligence budget. This is long overdue, and I urge adoption of the Conyers amendment to the Intelligence Authorization Act to accomplish this important goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 237, not voting 5, as follows:

[Roll No. 254]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Riggs
Rivers
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey

NOES—237

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bass Schiff Yates
Edwards Towns

□ 1851

Mr. BOB SMITH of Oregon, Mr. BOB SCHAFFER of Colorado, and Mr. GILMAN changed their vote from ''aye'' to ''no.''

Mr. MANTON and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKAGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I have a brief statement to make about a matter in the bill; and then I believe the chairman will be asking unanimous consent to deal with the program for the rest of the evening. I just wanted Members to be alerted to that. I will be brief.

I just want to talk for a minute about something that is referenced in our report concerning the nonacoustic submarine warfare research program that is conducted by an office under the Assistant Secretary of Defense responsible for intelligence. It is generally referred to by the acronym ASAP, the Advanced Sensor Application Program.

It was created by Congress, and we have always insisted that it be managed independently of the Navy. We have recently learned that there is an effort underway by the Navy and elements within OSD to transfer this program to Navy management, in direct contravention of years of consistent guidance from Congress.

This came too late to be incorporated into our bill, but I want to the make Members aware of it. There is guidance regarding this program in our report. Most particularly, this language was drafted to repeat the congressional intent, and I quote, that ''we have repeatedly addressed the need to maintain two separate independent but coordinated nonacoustic submarine warfare programs within the Department of Defense.'' And it goes on to state that, ''ASAP is expected to continue investigating advanced technology in nonacoustical anti-submarine warfare.''

Mr. Speaker, in my view, this is very important and precludes the Department from transferring this program to the Navy. I think that is the correct course. We have a great deal riding on maintaining the small insurance program in our nonacoustical anti-submarine warfare research programs.

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCINNIS], having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1775), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I rise to make a unanimous consent request which I think will be of great interest to all Members, concerning what we expect to be the events of the next hour and a half or so.

I ask unanimous consent that during further consideration of H.R. 1775, pursuant to House Resolution 179, the Chairman of the Committee of the Whole may, (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the time for electronic voting on the first in any series of questions shall be a minimum of 15 minutes.

I further would like to explain my unanimous consent request, Mr. Chairman, by saying that my understanding and part of the unanimous consent request is that the remaining amendments, which I will outline, on H.R. 1775, my understanding, the Frank amendment and all amendments thereto would be considered for a total of 30 minutes, that would be 15 minutes a side; that the Waters amendment that has to do with the Los Angeles drug problem be limited to 60 minutes, that would be 30 minutes a side, and all amendments thereto, if that amendment is in fact in order, which I am not certain about at this time; and that the Waters Amendment No. 2 and all amendments thereto, which has to do with the Gulf war chemical warfare amendment, be limited to 60 minutes, 30 minutes a side.

That would, by my judgment, wrap up all of the amendments that we have provided, then to get back to the normal motions to recommit and closing out the bill in the normal way. I believe that if there is no opposition to our unanimous consent request, that would ensure Members until approximately 8:30, probably thereafter, before we would have the rolled votes; and that is my unanimous consent request.

I would be very happy to yield if there is a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DICKS. Mr. Speaker, reserving the right to object, is it my understanding that the chairman on the second amendment might have a substitute amendment?

Mr. GOSS. Mr. Speaker, if the gentleman will yield, if the gentleman is referring to the Waters second amendment, which is the one on the Gulf war chemical warfare problem, the gentleman is correct. There is a substitute amendment that will be offered and that, indeed, could extend the time out.

Mr. DICKS. Further reserving the right to object, Mr. Speaker, do we understand that we would roll the votes and we would have a 15-minute vote followed by two 5-minute votes if there were 3 votes requested? Is that the understanding?

Mr. GOSS. If the gentleman would yield further, my understanding is that the first vote in the series would have to be a 15-minute vote and all subsequent votes would be 5 minutes. It is hard for me to say how many there will be because there is a germaneness question on one of these; and my substitute I would not think would take very long.

I am told that there is confusion about whether my substitute is included in the 60 minutes that is set aside for Waters 2.

Mr. DICKS. Mr. Speaker, I thought it was 60 minutes with all amendments thereto.

Mr. GOSS. Mr. Speaker, if the gentleman would continue to yield, that is my understanding. I want to make sure that that is the understanding of the gentlewoman from California (Ms. Waters) also. In that case, there is no misunderstanding.

Mr. DICKS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair would clarify that the Gulf war amendment is amendment No. 6 by the gentlewoman from California [Ms. WATERS].

Mr. GOSS. I am sure the Speaker is correct on that.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1900

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1775.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S.

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 offered by the gentleman from Michigan [Mr. CONYERS] had been disposed of.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT NO. 3 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to offer an amendment that was printed in the RECORD. I ask unanimous consent because I, relying on advice I was given earlier, thought that we were going to have amendments in order at any time. Therefore, I missed the specific time. I ask unanimous consent to offer an amendment which is covered by the time agreement articulated by the gentleman from Florida.

The CHAIRMAN. Is there objection to amending title I of the bill at this point?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. FRANK of Massachusetts:

Page 6, after line 24, insert the following new section:

SEC. 105. REDUCTION IN FISCAL YEAR 1998 INTELLIGENCE BUDGET.

(a) REDUCTION.—The amount obligated for activities for which funds are authorized to be appropriated by this Act (including the classified Schedule of Authorizations referred to in section 102(a)) may not exceed—

(1) the amount that the bill H.R. 1775, as reported in the House of Representatives in the 105th Congress, authorizes for such activities for fiscal year 1998, reduced by

(2) the amount equal to 0.7 percent of such authorization.

(b) EXCEPTION.—The amounts appropriated pursuant to section 201 for the Central Intelligence Agency Retirement and Disability Fund may not be reduced by reason of subsection (a).

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the limitation required by subsection (a) by transferring amounts among accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed, the gentleman from Florida [Mr. GOSS], will each control 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. I thank the chairman and ranking member for allowing me to offer this amendment, although because of the misinformation I missed the time.

We had a long debate about cutting this. We now have a shorter one because we have got a time agreement. The amendment I offer would reduce the authorization by 0.7 percent, seven-tenths of 1 percent. I cannot tell the Members how much that is in dollars because there might be a spy that knows algebra and if a spy knew algebra he could take 0.7, he could multiply, he could do some other things and he would know the total. I certainly would not want to violate the law by indicating the total. So in deference to the algebraic literate Iranians who may be lurking, I will tell any Member who comes to me privately what the dollar amount is. Let me say it is significant. Seven-tenths of 1 percent does not look like a lot, but we are not dealing here with the NEA or the CPB or low-income fuel assistance. We are here dealing with national security, which means it is serious money. So I will be glad to tell people how much we are talking about. I cannot tell it publicly because they are listening. What I am proposing to do is to reduce this to the amount the President requested.

We have had conversations about how the amount was reduced. Ten years ago, we faced a heavily nuclear armed Soviet Union. Fortunately, we no longer have that serious problem. Indeed, the greatest intelligence problem in Europe in the months and years ahead may be to keep track of just how many countries have joined NATO. We certainly have had a substantial reduction in the threat, and we have not had a remotely commensurate reduction in the spending.

I happen to believe that the administration has given in and asked for too much in the national security area, but I accept the judgment of the House, we are not going to make any substantial reduction of the sort I voted for. But I do not understand how we could vote to raise what the President has requested for this item. Because, remember, we are in the zero sum game situation of the budget deal, and every $10 or $100 or $200 million by which we raise what the President has asked for in this account, we must reduce somewhere else. We must reduce elsewhere in defense or we must reduce in transportation. Members here almost voted to increase transportation. So the question before us is, shall we at this point increase by a significant albeit unstatable sum what the President has asked for for intelligence, knowing that we do this at the cost of other important items?

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. The proponent of the amendment is suggesting it is a small amount, it is only 0.7 percent, but what the gentleman assumes with this amendment is the members of the Permanent Select Committee on Intelligence did not pay attention to what was being done when this bill was being marked up. The truth of the matter is that under the chairmanship of the gentleman from Florida [Mr. GOSS] and the leadership of the gentleman from Washington [Mr. DICKS], the ranking minority member, the members of this committee, and the staff looked at every item in this bill and looked at it closely to see where we needed to add or to see where we could save a few dollars to try to come in with as low a number as possible. I think we did a pretty good job. My job as chairman of the appropriations Subcommittee on National Security, the chairman's responsibility, and all the Members of this Congress, our responsibility to our Nation, to the people that we represent, is to keep the Nation secure, and that requires a very effective intelligence community to establish worldwide information that we need. And who needs it? Not only do people at the Pentagon, not only the people at the CIA but the soldiers in the field need it, the people that we send to battle need intelligence. Would it not be a shame to send somebody into combat and not provide them the necessary intelligence?

That is what we are trying to do, is to have an effective intelligence operation, to guarantee a commitment that I and many of my colleagues have made over the years that we are not going to be willing to send an American into a hostile situation unless we know we have done the best to provide him with the best training, with the best equipment, the best technology and the best intelligence, and knowledge of the situation. That is what we

are doing here today. We are trying to guarantee that our soldiers and those responsible for our Nation's security have the intelligence, the knowledge that they need. We have done the very best we could to get as much for the money. I would say that the committee has done a good job, and I compliment the leadership of the committee. I would hope that the Members of the House would be willing to vote a strong no on this amendment as they did on the Sanders amendment earlier this evening.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes. I understand that the chairman, a hard-working diligent chairman of an appropriations subcommittee would argue that we never should change what his committee does. I understand that. I do not think, however, that we should treat every amendment to an appropriations or an authorization bill as a vote of confidence.

I have great confidence in the gentleman from Florida and the gentleman from Washington, but the argument of the gentleman from Florida is that once the committee has done the work, in fact, I do not know why we are here, let us just ratify what the committees do. He argues that my amendment would endanger the troops. Apparently General Shalikashvili did not think so. Secretary Cohen did not think so. The Director of the CIA did not think so, assuming we had one at the time. You are never sure over there.

The fact is that I am proposing what the administration asks for. As much as I agree that the committee did its work, I am unprepared to conclude that the administration and the National Security Council and the Secretary of Defense and all the others did not do their work. So we are not talking here about blind guesses. We are talking about choosing between the administration's figure and this figure.

Second, it is very clear that we could cut 0.7 percent without in any way endangering military intelligence. The intelligence agencies, the CIA in particular, went on a little job hunt after the Soviet Union collapsed. They were a little underemployed, I think. They have now become the source of economic intelligence. I believe we do better with the free market in terms of economic intelligence.

This amendment says the President will reduce after reporting to the committees, and I want to make one statement that I promised betrays no national security. We can cut 0.7 percent of this without in any way endangering military intelligence, tactical, strategic battlefield, global, et cetera. The CIA does a number of other things. It does some better than other intelligence agencies do.

The President and the national security advisers, I believe, cannot be accused of endangering the troops, and that is what this amendment would carry out.

Mr. GOSS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished chairman of the Committee on National Security.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 1775 specifically supports future military needs in terms of planning, operations, and force protection. Part of this support includes making sure that this Nation understands the nature of the threat that we face. For tomorrow's forces as well as the population at large, our major concern is the proliferation of weapons of mass destruction.

The intelligence community plays a vital role in detecting and monitoring the proliferation of weapons of mass destruction. Numerous intelligence sources, including imagery, signals and human intelligence, provide vital information to policymakers and military commanders who must determine ways to deter, prevent, halt or seize the transfer of weapons of mass destruction and associated technologies.

A recently released CIA report on foreign countries' acquisition of technology useful for the development or production of weapons of mass destruction highlights the national security threat posed by the spread of such weapons of mass destruction and technology. This report reveals the following, and I would like to take it one at a time.

Iran aggressively continues to acquire all types of weapons of mass destruction, technology and advanced conventional weapons. China and Russia have been primary sources for missile-related goods, while China and India supply the bulk of Iran's chemical weapons equipment.

During the last half of 1996, China was the most significant supplier of weapons of mass destruction related goods and technology to foreign countries, especially to Iran and Pakistan. China provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs and to their nuclear programs.

In the last half of 1996, Russia supplied a variety of ballistic missile-related goods to foreign countries, especially to Iran. Russia also was an important source for nuclear programs in Iran and to a lesser extent India and Pakistan.

The intelligence community must focus a great deal of effort on monitoring such activities. The fiscal year 1998 intelligence authorization bill will help the intelligence community in its nonproliferation efforts by encouraging investments in new technologies and encouraging the community to work together as a more flexible corporate whole.

Mr. Chairman, I do not believe that it is prudent to make indiscriminate cuts to intelligence programs that the oversight committees have carefully reviewed and recommended to this body.

□ 1915

Consequently I oppose the gentleman's amendment, and I encourage my colleagues to vote ''no'' as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI], a current member of the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Chairman, I was afraid the gentleman from Massachusetts was announcing my resignation from the committee without my knowledge. I thank the gentleman for yielding this time to me, and, yes, I do rise as a member of the House Permanent Select Committee on Intelligence in support of the gentleman's amendment. I think it is a commonsense amendment that is well-thought-out and worthy of the support of our colleagues.

As a member of the committee I with great reluctance voted against the Sanders amendment, which I think deserved this House's attention because it was a big cut, an across-the-board cut, not giving the discretion to the director or to the community to designate where that cut would come from. That was a 10-percent cut; this is a 0.7-percent cut, less than 1 percent.

Certainly, while every other aspect of this budget is subjected to the harsh scrutiny of fiscal responsibility, certainly there is 0.7 percent in the intelligence budget that can be cut, and that will be done, according to this amendment, by the intelligence community, by the director reporting to the committee and, of course, with the approval of the President of the United States, the No. 1 consumer of intelligence in our country, and this figure, the 0.7 percent reduction in the budget, represents the President's request.

Mr. Chairman, certainly we want the President to have all of the intelligence he needs to make the important and crucial decisions for our country, whether they relate to the proliferation of weapons of mass destruction or issues relating to our own military and their activities. So by giving the discretion to the Director of Central Intelligence, our colleague, the gentleman from Massachusetts [Mr. FRANK] says that this cut can be nonmilitary. Certainly there is 0.7 percent in nonmilitary spending, answering the challenge that one of our other colleagues made that this will hurt our troops in the field. I do not think that General Shalikashvili had that in mind when he supported the administration's request for this figure which I cannot mention, but that it is a 0.7 percent reduction.

As some of my colleagues have mentioned, we need information. Intelligence is information, but it is not raw data. It is information that is gathered and then has analysis performed upon it, and then when it is intelligence it is

presented to its consumers, which are the military and policy makers in our country. And as I have said, our commander in chief, our President of the United States, is the biggest consumer of this intelligence information and the most important one. So why would the President be asking for an intelligence budget that was less than he needed?

I supported the Conyers amendment earlier to disclose the aggregate figure of the intelligence budget because I thought, I believed, that the intelligence community should make that figure known to the American people so that it can be accountable for that figure, only the aggregate figure. While every other, as I say, item in this budget has to answer and be accountable to the American people, why does not the intelligence community have to do that as well? Is it because it cannot, in order to resist a small cut of less than 1 percent, if the full figure were divulged, it would have to justify why it could not absorb a 0.7 percent decrease.

I think today we are making some mistakes here. We should be accountable to the American people by disclosing the aggregate figure. We rejected that. But certainly this body should be able to support the administration's request, the request of the leading consumer of intelligence in this country, the President of the United States, for his budget number, and I urge my colleagues to support the Frank amendment.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], a former member of the committee, a very valuable member of the House Committee on International Relations and the chairman of the North Atlantic Assembly Delegation of this body.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I oppose the Frank amendment. This is a case of data-free analysis. It is not based on an assessment of the work of the committee or the needs of the intelligence community. Now admittedly it is difficult for Members to make that kind of an assessment, but we give a special responsibility and privilege to Members of this House to serve 6, now 8 years on the Permanent Select Committee on Intelligence, to make the tough decisions, to make an assessment about what is appropriate. And we rotate them off the committee so they cannot become co-opted, so they are objective. Also I would point out that this is the recommendation of the intelligence authorization committee by unanimous vote.

Now some supporters of cuts in intelligence funding say that since the end of the cold war there is no longer the national security threat. Actually there is, but it is more diverse. The one that we face today is more complicated. Today's problems include terrorism, proliferation of weapons of mass destruction, instability, and the foreign intelligence threat which has not gone away.

Now in May of this year I had the privilege of leading a North Atlantic Assembly delegation to the Aviano NATO base in Italy, and I saw some dramatic improvements we are making which are going to help our tactical leaders on any future battlefield. There have been big changes since the Persian Gulf war. If we ever have to face combat again, in the Balkans or wherever, the kind of intelligence changes we are spending our money on now are going to be making a big, big difference on the safety and success of our troops and other military, naval, and air force personnel.

When I was on the committee I focused during the last 3 or 4 years on high-technology issues, and I would tell my colleagues that our intelligence expenditures in that area protects and serves well our military and our intelligence community. We must protect against the espionage or theft of advanced technologies that represent huge investments of our defense dollars. The files of the Intelligence Committee are replete with stories of how the intelligence community saved tens of millions of dollars for the defense acquisition community by protecting against our technological lead in military and intelligence matters.

I would also say that we cannot talk much about the security threats that we have solved, and about the terrorism threats that we have met. But, for example, we can talk about Ramsi Youssef, who was involved in the World Trade Center bombing. Without the intervention of the Intelligence Committee he successfully would have simultaneously bombed a number of planes crossing the Pacific. We were able to intervene there because of our intelligence capability to stop that threat and save not just hundreds of lives but probably thousands of lives.

So the intelligence protects against the intelligence theft of valuable proprietary investments. The committee has repeatedly encouraged us to adequately fund this area.

Let me say that what committee assessment has shown in budgetary and programmatic shortfalls. Clearly in the current budget environment the President of the committee cannot address all of the needs. What this budget represents is a good-faith effort by the Members we have given the responsibility for this whole House of Representatives to make an assessment about the kind of increases or modest adjustments in our intelligence budget meets the most critical needs. If the Frank amendment passes, funding for some modernization, for training and improved intelligence collection, and especially analysis, will be sacrificed. We are not going to lose it all for we are making progress, but there are dramatic improvements that can be made without this amount of additional money that the committee has recommended.

I urge my colleagues to support the recommendations of the Permanent Select Committee on Intelligence unanimously approved by this authorizing committee and approve them.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

The argument for committee infallibility continues to lack any persuasive effect. The gentleman said I am offering an amendment without analysis. I am offering the President's budget. I very much have to disagree that the President and the National Security Council and the Central Intelligence Agency and the Defense Intelligence Agency and the Joint Chiefs did no analysis. That simply is not worthy of consideration. The argument is that our committee, which we designated, is infallible, and the administration and all of the people involved in national security did no informational work here at all.

The gentleman mentioned that we need to protect private investment. Well, I would disagree that that is an absolute national security priority. I just voted in committee for the Export-Import Bank, to protect it, but the argument that we have got to in a secret budget fund economists and others to analyze economics and that once the committee has put its imprimatur on the figure it is unchallengeable is simply not sensible.

I do think we have a right to say given the priorities, given priorities in the environment and law enforcement on the streets and other things, all of which are hurting in this budget, we would rather not put an extra *x* hundred million dollars into economic analysis by the intelligence people. We may tell people that they can do their own security checking when they are investing. And no, I do not equate terrorism with economic investment, and I insist that the 0.7 percent can come out of areas that have zero, zero to do with physical security, zero to do with the military, zero to do with proliferation. They clearly are doing much more than 0.7 percent in a whole lot of other areas.

But I simply have to reject this notion that what the committee did must be accepted and we dismiss as somehow totally improvident and endangering our troops what the administration proposed.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished ranking member himself, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I appreciate the gentleman's yielding this time to me, and without fear of disclosure here my good friend from Massachusetts [Mr. FRANK], and he and I voted together on disclosing the overall number, but he asked me a very important question. He asked me how much the intelligence budget has been cut in nominal terms and figuring inflation.

Now this does not violate any intelligence prohibitions. I want to tell my colleagues that between 1992 and 1997

in nominal terms the cut is 13.4 percent. In real terms, considering a 2-percent inflation rate, which is very, very low, the cut has been 21.4 percent. So I would point out to our colleagues we have cut this budget. We have also cut defense by about 40 percent.

Now I still believe that intelligence is a force multiplier. By being able to use these national technical means, being able to use UAV's, by getting this information to our commanders, we can save American lives, and I believe that we carefully went through this budget. We added some money, we cut some money, and Mr. YOUNG is here. We did the same thing over the last 2 days in the Appropriations Subcommittee on National Security. So we do not always agree with everything the President does. We see some areas, for example, in analysis where we think more needs to be done. We added money for that.

So I would urge the committee to stay with the recommendations of our bipartisan Permanent Select Committee on Intelligence. Fifteen members voted for this, and I think that the right thing to do is to stay with that recommendation, I would stress again when you consider inflation, we've cut this budget by 21.4 percent since 1992.

□ 1930

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] is recognized for 4 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Washington for his candor. He just said the committee, the infallible, highly respected committee, added money in analysis. So that means we can cut their additions without affecting technical means, without affecting battlefield intelligence. So we are fighting now over the sanctity of the economic and political analysis.

I submit to those of us who have seen this that we are not here endangering anybody's security. We are talking about the extent to which we get political judgments made and economic judgments made. That is what is at issue.

The gentleman said that the amount has been cut in nominal terms, in dollars, 13 percent. He also used a 21 percent real figure, but I have to tell the gentleman, as he knows, his Republican colleagues with whom he is allied on this measure do not accept that. We have people who say, none of this inflation stuff, a cut is a cut. So the argument that we cut by not meeting inflation, he should understand, is repudiated by the honest gentlemen on the other side.

They would certainly never claim that we give an inflation factor for defense and not for Medicare. These are people who repudiate the notion that we fail to keep Medicare up with inflation, you are cutting it, and the gentleman would not want to get them in trouble by arguing contrariwise here.

So then the question is, is it outrageous that we reduce in dollars 13 percent from 1992? The 1992 budget formulated in 1991 was still formulated at a time that was the height of the cold war. The Soviet Union was crumbling. We were not sure of that then.

I agree that terrorism is a problem, but terrorism is not a new problem. There was terrorism in 1982. There was terrorism in 1989; the bombing in Lebanon; terrible things have happened. Terrorism is not a new problem. Nuclear proliferation is not a new problem. India and Pakistan did not get their nuclear weapons a week ago. All those things were there, and we had the heavily armed Soviet Union and the Warsaw Pact. So I would submit that there has been a reduction in the physical threat the United States faces of greater than 13 percent.

I think the capacity of our enemies, particularly the Soviet Union, to damage us has been more than 13 percent. I think when the Warsaw Pact nations switched sides, when Poland, and Hungary, and the Czech Republic go from being our enemies, as we consider them to be in 1980's and early 1990's to being on our side, that is more than a 13 percent reduction in the real threat.

We have a difficult budget situation. We will be underfunding by most measures COPS on the streets. Yes, there are dangers to Americans, but there are dangers to most Americans more immediately, unfortunately, in their own communities from a handful of criminals who terrorize them. We have provided in the past the Federal money to help that. That competes with this.

Money for transportation safety competes with this. Money to clean up the environment, to undo Superfund, competes with this. Money to help poor elderly people heat their homes competes with this.

The question is not in the abstract, is it a good idea to have an extra couple of hundred million, $300 million, whatever, $150 million, I have to disguise it, million. The question is, do we increase the analysis capacity, the economic analysis capacity of the intelligence community over the recommendation of the administration, and take that money from other programs?

If Members vote against this amendment and they vote to give the intelligence community this extra analysis money, I hope Members will be good enough to make that clear when people come to them and say, I would like more money for NIH, more money for cancer research, for COPS on the streets. When Members say to them, I am sorry, I agree but I cannot afford it, have the grace to tell them that one of the reasons we cannot afford it is that we gave this money to the intelligence community over and above what was asked for, because that is what is at issue.

We are talking about a zero sum game. If Members vote to give more than was asked to the intelligence community, more than was asked by the enemies community and the President and his national security advisors, explain to people what we are taking that away from.

Mr. GOSS. Mr. Chairman, I yield 30 minutes to the distinguished ranking member, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the only thing I would want to maybe say to my friend, the gentleman from Massachusetts [Mr. FRANK], is that if we take the money away from the intelligence community, that money is not going to go to NIH, it is not going to go to Medicare or Medicaid. It is going to go to defense spending. That is where it is going to go. It is going to go to somewhere else in the defense budget, because under the 602(b), the defense budget is there. We do not take money from it and move it somewhere else. It is going to be either intelligence or something else in defense. We think that this is the right balance between the two.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment assumes that the Permanent Select Committee on Intelligence just simply plussed up the program funding without regard to the merits of the program, without due deliberation, and simply because we wanted to increase the numbers. That is not true. If we cut 0.7 percent, we do not get the President's budget. We added, we cut, we changed programs, we did all kinds of things. We are not at the President's budget. We are not at the President's program. There may be a number that is similar but we do not have a program that is similar.

We have a program that provides more security for Americans, American interests, whether they are here or abroad, than the President's program does because this House and our Founding Fathers in their divine wisdom created balance of power, oversight, and our opportunity to check and balance with each other. We have a better product as a result of this.

I am proud of our product and I think it is better than what I believe is not thoughtless, a well-intentioned, but an amendment that does come out without sufficient thought to what happens, because a disproportionate share of the gentleman's amendment will fall to important parts of the program; because we have to spend a very large part for architecture, which everybody knows. And 0.7 percent of architecture means one thing, and 0.7 percent of something else which is very small but vital means something else. I do not want to get in that position.

I think we have been extremely thoughtful, and I think that as the gentleman understands the classified documents that we have worked with, as well as the nonclassified, and goes through them all, he would have to come to the same conclusion.

Mr. Chairman, the Permanent Select Committee on Intelligence looked at all the programs we went into. I tried to explain that across-the-board cuts like this do not get into the kind of cost-benefit assessment we did on a program-by-program basis, which is what we do and what we certainly did, and the record will show.

I think to be totally honest, when we go across the board in a cut like this, basically, to be honest, I think an approach that goes to a 0.7-percent reduction gets us to a lack of critical examination and intellectual rigor. It just simply is a number, like 10 percent, 5 percent, 50 percent, or any other percent, it is a number. It is not an intellectual cost-benefit program by program, which is what we have done.

I think that the gentleman's amendment puts the authorization at the level of the President's request but it does not get the President's program, as I said. I want to congratulate the President because I think he made a pretty good effort. But I think we have done a value-added approach, which is what our job is, value-added, next branch of government. We did it.

Mr. Chairman, the other thing I have to say is that unanimously on the committee every Republican and every Democrat saw areas where funding was clearly inadequate for intelligence needs. We are short on some programs that I worry about. I think the ranking member would say the same.

We could have done much more. We would love to have done much more. The gentleman mentioned a 13-percent reduction. Boy, I would hate to be one of the casualties in that 13-percent area that I had to go to the parents and say, gee, we just picked a number and we reduced it, and unfortunately you were in the target zone; oh, gee, that is too bad. The fact of the matter is we could have done better. The fact of the matter is we did do better. Where we did better was in our bill.

Mr. Chairman, I think that it is fair to say that for the gentleman from Washington [Mr. DICKS] and myself, that we have made painful decisions to forego funding for some very important intelligence activities, but we both agree that we do not have all that we would like to have. I think we are down at the point now where my conscience says, any more and we are in deep trouble.

I have talked about the disproportionate problem because we do have fixed infrastructure, fixed overhead, as the gentleman well knows. We cannot accept reductions in our efforts to detect weapons proliferators, I am sure the gentleman would agree, locate terrorists, I am sure the gentleman would agree, determine nefarious activities from rogue states, and on and on. We just cannot give up anymore.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the previous order of the House, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. DICKS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DICKS. Mr. Chairman, does that mean that the gentleman from Massachusetts [Mr. FRANK] has to re-request a recorded vote when we go back to vote on this at a later point?

The CHAIRMAN. The request for a recorded vote will be the pending business.

Mr. DICKS. I thank the Chair.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 6 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 6.

The Clerk read as follows:

Amendment No. 6 offered by Ms. WATERS:

Page 10, after line 15, insert the following new section:

SEC. 306. STUDY OF CIA INVOLVEMENT IN THE USE OF CHEMICAL WEAPONS IN THE PERSIAN GULF WAR.

Not later than August 15, 1999, the Inspector General of the Central Intelligence Agency shall conduct, and submit to Congress in both a classified and declassified form, a study concerning Central Intelligence Agency involvement (or knowledge thereof) of the use of chemical weapons by enemy forces against Armed Forces of the United States during the Persian Gulf War. Such study shall determine—

(1) Whether there is any complicity of Central Intelligence Agency agents, employees, or assets in the use of chemical weapons;

(2) whether there is any use of appropriated funds for such purposes; and

(3) the extent of involvement of other elements of the Intelligence Community of the United States or foreign intelligence agencies in the use of such weapons.

Ms. WATERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. GOSS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. GOSS. Reserving the right to object, Mr. Chairman, I want to be clear which amendment we are on, Mr. Chairman. I do not have the same numbering system. There are two amendments.

Ms. WATERS. If the gentleman will yield, it is amendment No. 6.

Mr. GOSS. The subject of this amendment is chemical weapons, chemical weapons in the Gulf?

Ms. WATERS. A study of the Central Intelligence Agency involved in the use of chemical weapons in the Persian Gulf war.

Mr. GOSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Under a previous order of the House, the time will be alloted, 30 minutes to the gentlewoman from California [Ms. WATERS], and 30 minutes to a Member opposed to the amendment.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

Ms. WATERS. I yield myself such time as I may consume, Mr. Chairman.

Mr. Chairman, I offer this amendment to establish a study of the Central Intelligence Agency, the CIA. This study is designed to explore the involvement and the use of chemical weapons in the Persian Gulf war. Specifically, this amendment requires the Inspector General of the Central Intelligence Agency to conduct a study and submit to Congress in both a classified and declassified form a report of its findings.

Mr. Chairman, I think it is important to expand a little bit on why I would want such a study. In order to do that, I would like to read information from the New York Times, May 6, 1997, the Tuesday late edition. It starts with the information concerning George J. Tenet, the fifth nominee for director of Central Intelligence in the last 4 years.

It states that he would be questioned by a Senate committee on that Tuesday, and the betting is, they said, that his nomination will be quickly approved by the panel and then promptly confirmed by the full Senate. The article goes on to explain what has been happening in trying to keep directors of the Central Intelligence Agency, and the turnover and the turmoil that this agency has been experiencing.

Mr. Chairman, they say, ''This turmoil at the top of American intelligence has no parallel except in the Watergate era, when five men served in rapid succession as director of Central Intelligence from 1972 to 1977, years when the agency was devastated by a disclosure of its Cold War history of assassination plots, coups, and dirty tricks.''

What is important about this article, however, is that it identifies much of the turmoil, much of the criticism, much of the faux pas, much of the problems that this agency has been experiencing. But this amendment today centers on what happened in Iraq. It talks about secret operations were exposed in Iraq, France, Japan, India, and Italy, but then it really targets in on the agency, the fact that the agency sat on evidence that chemical weapons had been present at the Iraq munitions dump blown up soon after the Persian Gulf war.

Members have heard references to this today, when they talk about the

20,000 soldiers that were exposed to sarin gas. Mr. Chairman, this is unacceptable. As Members know, I served on the Committee on Veterans' Affairs. I learned a lot in the period of time that I served on that committee.

□ 1945

I gained deep respect for the sacrifices that are made by families and members in our armed services. I also witnessed a lot of other things having served on that committee.

These loyal individuals who gave of themselves, most of whom were very proud to serve their country, many of them belonging to families where they had other family members who had served their country, had died serving their country in previous wars, many of them now ailing and sick and disabled, many of them fighting day and in and day out because they cannot get their claims adjudicated with their own government. I learned deep respect for the veterans of this country, having served, watched them come to the Congress of the United States oftentimes asking for assistance and not getting that assistance, many of them not being taken care of properly in the veterans hospitals around the Nation, but they continued to be very loyal, very committed, very patriotic.

And I learned something else: Members of this House could wax eloquently about their support of the Members who had served, our veterans, members of the armed services. They could say over and over again how much respect they had for them, how much they honored and cherished them and how we should do everything in our power to make their lives comfortable once they had served. But it is very interesting, when we look at what the Central Intelligence Agency did to them in Iraq, how they had information about the chemicals that were stored there and they did not share this information, they did not tell them they were at risk and they exposed these 20,000 individuals.

How can we be comfortable with this agency that has been identified over and over today as an agency with serious problems, with serious trouble, an agency that is too closely associated with trafficking in drugs, an agency that has relationships with some of the worst people in the world, murderers, drug dealers, terrorists, an agency that has broken down where we have members who are there to protect and serve, who are selling us out, identified in a most prominent way in all of the news media of this country? Knowing all of this we do not want to in any way touch them.

Why are we so afraid of the CIA? Why are we as public policymakers not willing to pull them in? Why are we not ready to rap their wrists?

I have heard Members on this floor talk about all of the agencies that have failed and how they want to cut them. I have heard many times about the poverty programs and how they have not worked and how they have been fraught with problems and troubles. Well, we have an agency that is embarrassing us, an agency where our allies are telling us, get them out of their country, an agency that has committed just about every ill and every sin that any intelligence group could commit. Do we want to cut them back a little bit? Five percent? No, we do not want to do that. Do we want to share information about the budget? Do we want to shine the spotlight on this agency in any way? No, we do not want to do that.

In this post-cold-war era, we are satisfied to continue to let them run rampant. But I do not think we ought to do that. I think if we do nothing else, if we do not care about the children and communities that are the victims of drugs having been brought into this country where we have identified CIA involvement, which will be in my next amendment, if we do not care about the terrorists, who we claim to want to get rid of in the world, being associated with our own intelligence community, if we do not care about the fact that the breakdown in the agency is causing too much strife and dissemination of information, do we not care enough about the veterans to send a message to them to say to them, yes, the CIA was wrong; no, you should not have been put at risk; no, they should not have withheld this information; yes, they should be punished for having done so; yes, we should do everything that we can to make sure it does not happen again?

This is not about a movie. This is not something somebody made up. This is not gossip or speculation. This is fact. The fact of the matter is 20,000 soldiers exposed to sarin gas, information withheld, information that the CIA simply could say, oh, yes, we forgot to tell you; yes, we apologize; no, we should not have done it. That is not enough. Thirty billion dollars being spent on an intelligence community, no real oversight, no real transparency, no real understanding by the public policymakers who come to this floor year in and year out and simply give their vote to the intelligence community, not knowing how it is spent and what they are doing.

I think it is about time we live up to the responsibilities that have been bestowed upon us as public policymakers. It is about time that we say, no agency is so big and so bad that it threatens us in ways that cause us not to be good public policymakers.

Yes, there is a need for intelligence. I am not naive. I do understand that we need intelligence. But I am saying to my colleagues, the CIA does not deserve our support. I am saying to my colleagues, on the Senate side, Senator MOYNIHAN has said, strike them from the budget. Get rid of them. Over here, a modest amount tried, just cut them by 5 percent. And we sit and hold our hands and get up and make excuses about why we cannot control the CIA, why we do not have a right to do the oversight that we must do, why they are different from every other agency that we deal with, why we do not want to know, why we want to keep our heads in the sand.

It is not right. We can do better than this. So I offer this amendment. It is a very modest amendment. This amendment would simply, again, establish a study of the Central Intelligence Agency and their involvement in the use of chemical weapons in the Persian Gulf war. This is a limit to design, to do that, and I would like to send a message to the veterans that we all honor and cherish, the ones that we love so much because of the sacrifices that they have made, the ones who may die from this exposure, the ones whose families may never be satisfied that their health needs will be taken care of. I would like us to send a message here this evening, if we have got the guts to do it, I would like for us to send a message that we care. And not only do we care, we are going to do something about it. It is time to get rid of the rhetoric and step up to the plate and put our actions where our mouths are in terms of loving the veterans and the soldiers that have given to us and do this modest, very modest amendment that would shed some light on what happened in the Persian Gulf War; why did it happen and how do we prevent it from ever happening again?

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. GOSS TO THE AMENDMENT NO. 6 OFFERED BY MS. WATERS

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss to the amendment No. 6 offered by Ms. Waters:

Strike all after ''Sec. 306.'' and insert in lieu thereof the following:

''REVIEW OF THE PRESENCE OF CHEMICAL WEAPONS IN THE PERSIAN GULF THEATER

''The Inspector General of the Central Intelligence Agency shall conduct a review to determine what knowledge the Central Intelligence Agency had about the presence or use of chemical weapons in the Persian Gulf Theater during the course of the Persian Gulf War. The Inspector General shall submit a report of his findings to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, no later than August 15, 1998 in both classified and unclassified form. The unclassified form shall also be made available to the public.''

The CHAIRMAN. The amendment is not separately debatable. Pursuant to the previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 30 minutes.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I originally rose in opposition to the Waters amendment, but now I am rising in support of my substitute amendment.

I think it is very important that we understand here that this is not a new subject and that there are unclassified documents available to the public on

Khamisiyah and what happened there. One is entitled Khamisiyah Historical Perspective on Related Intelligence of 9 April 1997. And the second, more to the point, is CIA Supports the U.S. Military During the Persian Gulf War of 16 June 1997, which deals very directly with the subject at hand. These are available for all Members and the public at large, any veterans or soldiers or military civilians or anybody who would be interested. It is a very important subject. I quite agree with that.

The gentlewoman has pointed to her love of veterans and soldiers, and I certainly admire that and I will also say that I agree with it. I have a great many veterans in my district. We have a very large veterans population, seems to grow larger every day, which is not surprising given the wonderful area where I live in southwest Florida.

I think it is very important, however, that we understand that this is not an issue that has been ignored. I would like very much, therefore, to explain a little bit further what my substitute amendment will do in addition to these reports that are already out.

The gentlewoman is seeking an IG report and we have designed an approach that would bring about a result, I think, while avoiding some of the pitfalls I see in going with the gentlewoman's original amendment.

The Intelligence Committee is obviously very concerned about the issue of chemical weapons exposure during the gulf war or any other time, and we have been closely monitoring the DCI efforts to examine this subject fully. Again, the committee was very pleased to see the April release of the unclassified report from the DCI, that would be director of the Central Intelligence Agency, related to the events at the Khamisiyah storage facility where Iraqi, and I underscore, Iraqi chemical weapons were stored and were subsequently destroyed by U.S. troops. And in that process it is apparent that some have suffered exposure to chemical weapons.

The question has to be asked. What happened? What went wrong? We tried to find out. Since this is the first I have heard from the gentlewoman on this subject but not the first I have heard on the subject, I am going to encourage her to read these reports. And I will make them available if she has not already.

From the report we know that there was a breakdown in analysis and communications between the intelligence community and the Department of Defense related to the knowledge of chemical weapons storage at this particular facility. There was a ground location problem involved and how it was referred to.

We also know that steps are already being taken by both the intelligence community and the defense to make sure that this does not happen again. Again it is addressed in these reports.

Our committee remains very vigilant about monitoring the progress of that effort and other efforts because we know the catastrophic consequences of mishandling or not knowing the maximum amount about chemical warfare and all its ramifications. The Waters amendment implies that the CIA or CIA employees were complicit, and I think that word was used in her amendment, in the use of chemical weapons against U.S. troops. That is an accusation that obviously disturbs me and any American very greatly and warrants immediate consideration.

The facts that I know are that intelligence and defense were never closer in their working relationship even though there were opportunities for things to go wrong as there are in any hostile combat situation or any peacetime situation, as we know. But former chairman of the Joint Chiefs of Staff, Colin Powell, is I think, a man well regarded and certainly was well regarded in accomplishments of his duties in these events stated, and I quote: No combat commander has ever had as full or complete a view of his adversary as did our field commander. Intelligence support to operation Desert Shield and Desert Storm was a success story.

I am not making that up. That is not a newspaper story. That is something that Colin Powell said.

Mr. Chairman, I note that there are many, many studies that have been or are being conducted, several under the watchful eye of the Presidential Commission on Gulf War Illness. This is entirely appropriate. This committee will continue its oversight responsibilities and continue to look at activities related to this issue that belong in the area of the intelligence community, as I have said we are doing, as witnessed by these reports.

□ 2000

I have said in my substitute that the gentlewoman's amendment calls on the CIA's Inspector General to conduct a review to determine what knowledge the Central Intelligence Agency had about the presence or the use of chemical weapons in the Persian Gulf theater during the course of the gulf war. This report would be submitted to the intelligence committees of the Congress, that would be both committees, no later than August 15, 1998 in both classified and unclassified form. And, frankly, I think it will happen much sooner because much of the work has already been done.

I believe the substitute will reach the goal the gentlewoman seems to have, the goal of getting as much information as possible about what we knew of the presence or use of chemical weapons during the gulf war without prejudging the outcome or implying complicity on the part of the men and women who work so hard on behalf of our national security.

I want to point that out. People are watching this debate. We are on C–SPAN. I know that it is for the benefit of the Members, but inevitably there are other observers who watch what goes on here, including the men and women of our intelligence community. I am sure that they feel a little bit let down when somebody implies that they may have been using or complicit in chemical warfare against American troops overseas.

I have trouble with that. I hope they do not believe that that is the feeling of the Permanent Select Committee on Intelligence because it is clearly not. I believe very strongly in oversight, the need for good discipline, a piercing look at what we are doing, calling it when we see it when there is a problem, not shrinking from that, but I certainly do not think we want to denigrate the men and women who are working so hard for our national security if it is not warranted. And in my case I have not seen any facts whatsoever to warrant it.

I hope the gentlewoman will support our approach, which is offered for our mutual interest of getting at the truth. And that is what we seek, the truth. I will urge my colleagues to support the substitute to the Waters amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to deal with the way in which the gentleman from Florida [Mr. GOSS] characterized the inquiry that I am seeking. I asked that a study be done to make determinations. I did not come to any conclusions about the involvement of the CIA. The idea of asking for the study is to make certain determinations, and I think that should be clear.

Further, allow me to share with the Members of this House that I believe that the gentleman from Florida and I are saying the same thing. It needs to be looked at. I brought this to the floor today because I intended very much to create a platform for a discussion about this issue. I am extremely concerned, even though the gentleman from Florida believes that I should know that some studying has been done, that just as I do not know other Members of this House do not know, the public does not know, and that we are left with the accounts that we have learned about. We have heard the CIA say, yes, we had the information and, yes, we should have revealed it. That much we know.

I think the gentleman from Florida and I and other Members of this House want to shed some light on this. We want more information. We want to be able to share with the American public everything that we know about what happened, and we want to be in a position to use whatever power we have to make sure it never happens again.

So I am pleased, Mr. Chairman, that I am joined and embraced, by way of this substitute amendment, because while it may be structured a little bit differently, I am pleased that it would get the information a little bit sooner than the way that I had structured the amendment. Either way, whether it is 1

year from now or 2 years from now, and for some reason it falls on my birthday, August 15, that is all right with me.

So let me just say that I think that having brought it here, it served a purpose. It got me what I wanted. It forced the discussion. It created the debate about something that never should be in the dark, and it got my colleagues on the other side of the aisle joining with me to have a study so that we can reveal everything that we know. And with that, that is all I ask. I am pleased to accept the substitute and I thank the gentleman from Florida for recognizing that it needed to be done.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in support of the substitute, and I appreciate the efforts of the gentlewoman from Los Angeles, who has been very interested in this subject. I think the language drafted by the chairman gets to what we all want to get to.

Let me just say that when this happened, I had some serious reservations about the studies that were done by the Defense Department, the work that was done by the CIA on this. I asked Mr. Deutch, when he was still the director of the Central Intelligence Agency, to have the Inspector General start a study.

So the chairman is right, the Inspector General has already engaged in this, and particularly about the destruction of chemical weapons at a storage site in Khamisiyah. I also asked them to look at the whole question of what did the CIA know, when did it know it, and what did it say to the Department of Defense and to the Army and to the other units that were there about their knowledge about what was stored at these various sites.

This is one of those situations where knowledge may not have been shared in a timely way, and there was destruction of some of these weapons, and I am not sure we still, even to this day, know exactly what all those weapons were. I am worried that this goes beyond just chemical weapons; that we may have had biological or other infectious agents that were released on our own people. And whether it was done by the Iraqis or it was done in our destroying these weapons, there are a lot of unanswered questions.

I think one of the big problems here is the Department of Defense did such a lousy job of investigating this thing initially that it created suspicion everywhere. We had all these veterans coming home with these various symptoms and it just did not add up, and the Department's continued denial after denial after denial, and then finally having to say, oh yes, we may have made a big mistake here and there may have been something that actually happened, is one of the reasons why there is such suspicion, not only on the part of Members of Congress but on the part of the American people, about what actually happened over there.

That is why I insisted with Mr. Deutch that the Inspector General, Fred Hintz, out at the CIA, would do the investigation. I did not want the CIA, in essence, investigating itself. I wanted the independent Inspector General of the CIA tasked for this.

So I think what this study does is expand upon that, and I think it does get the information that my colleague wants sooner by making the date August. I am certainly glad it is on her birthday. I hope the report is something that she will find joyous. And hopefully this is not a report we will all be embarrassed about, and I hope it is not.

The bottom line here is I think the chairman has crafted a good compromise. I would like to see us accept it and then move on to the next amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I simply want to rise first of all to support the substitute amendment. I think what the chairman of the committee has offered is a perfectly logical proposal, and that is that the Inspector General report, after a review, what knowledge the Central Intelligence Agency had about the presence of the use of chemical weapons in the Persian Gulf theater during the course of the war over there.

I am, however, very disturbed by the language that was in the underlying amendment, and I do want to point this out. I think it needs to be reiterated. There is not a shred of evidence that I know of, anywhere in my tenure in looking at this matter, and I have been involved as a member of the Permanent Select Committee on Intelligence looking into this matter for some time now, that would support the idea that we need a study, which the language of this original underlying amendment said, a study concerning the Central Intelligence Agency's involvement in the use of chemical weapons by enemy forces against armed forces of the United States during the Persian Gulf War.

The insinuation or the implication, not that they knew something about the chemical weapons or that they had some knowledge in the efforts that were going on over there to destroy those weapons, but that they, the CIA, was involved in some way supporting the use of those weapons, involved in the use of those weapons by our enemies, by our enemies, is outrageous in my opinion. And I do not appreciate the underlying premise here.

So I think the substitute is terribly important, and I am appreciative of the fact the gentlewoman is willing to accept the substitute because, as I said, there is no shred of evidence whatsoever anywhere that our intelligence community in any way aided or abetted the enemy, which the implication, whether she intended it or not, is there in the underlying amendment.

So I am very supportive of this substitute, I urge its adoption, and I wanted the RECORD to be very clear that our men and women, as far as I can determine, as long as the eye can see, operating for our intelligence community, have been honorable supporters of the American cause and patriots. Whether we agree with everything they do or do not do, certainly they have not been working for the enemy.

Ms. WATERS. Mr. Chairman, may I inquire of how much time I have remaining?

The CHAIRMAN. The gentlewoman from California [Ms. WATERS] has 10½ minutes remaining, and the gentleman from Florida [Mr. GOSS] has 21 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume, because I think it is important to point out that not only did I accept the gentleman from Florida's substitute amendment, but I also offered, prior to that acceptance, an explanation of the wording that the other gentleman from Florida [Mr. MCCOLLUM] now is trying to latch on to in order to in some way imply that I made accusations unfairly.

If I had not accepted the substitute, perhaps he could do that kind of spinning. But the fact that I accepted the substitute explains very clearly, and in a way that cannot be misunderstood, what I am doing and why I am doing it, and that I congratulated them for embracing me, I think, does away with that kind of specious argument.

Certainly it is honorable for Members of this House, elected by the people, to come to this floor and raise the questions, no matter how hard they are, no matter how unpopular they are, no matter how difficult they are. And oftentimes when that is done, it is misunderstood by people who do not have the guts or the nerve to do that themselves. And sometimes it is embarrassing to take this floor and kind of push and nudge people into doing what they should be doing anyway. I understand that. But there comes a time when we need to do that.

I chose this moment, at this time, on this legislation to make an issue of what had happened in the Persian Gulf. I chose at this time, at this moment to point out that 20,000 of our soldiers were at risk. No matter whether it was intended or not, it happened. I chose at this time to demand more information, to share with the public, to demand an investigation so that we could have in writing something that people could pick up and read and know where we are going and what we are doing. I chose to do that because I think that is my responsibility and I do feel strongly about this.

So we can spin it any way we want, we can define it any way we want, but

I know what I have said and I know what I am doing and I am pleased that the gentleman has joined with me to do it, no matter how much he may not have liked the fact that I brought it, no matter how much the gentleman may not have liked the fact that I raised the kinds of questions that are oftentimes embarrassing. None of us like to think that we invest so much in our intelligence community to have those kinds of terrible costly mistakes.

Having said all of that, Mr. Chairman, the bottom line is we move forward with the substitute amendment that I have embraced. And, hopefully, this is a bipartisan concern, a bipartisan effort to do the right thing, to focus the attention on what happened there, get the answers that we can get and then move to make sure that it does not happen again.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Washington.

☐ 2015

Mr. DICKS. Mr. Chairman, I think that we ought to accept what the gentlewoman from California [Ms. WATERS] has said here. She is willing to accept this compromise. I would like to see this be a bipartisan study supported on both sides of the aisle, and I would urge that we all yield back our time and have a vote and move forward.

Mr. GOSS. Mr. Chairman, we are prepared to yield back. We have no further speakers on this subject at this time, and as long as we understand that this satisfies the full unanimous-consent request we had for the 30 minutes on either side and includes my substitute amendment, and that is the issue we will be voting on first, we are prepared to yield back.

Ms. WATERS. Mr. Chairman, I am prepared to yield back my time. I thank the gentleman from Florida [Mr. GOSS] for joining with me in this very special and important effort.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS] to the amendment offered by the gentlewoman from California [Ms. WATERS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 7.

The Clerk read as follows:

Amendment No. 7 offered by Ms. WATERS:

Page 10, after line 15, insert the following new section:

SEC. 306. CLANDESTINE DRUG STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Clandestine Drug Study Commission'' (in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall—

(1) secure the expeditious disclosure of public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the Central Intelligence Agency or others on their behalf or associated with the Central Intelligence Agency;

(2) report on the steps necessary to eradicate any Central Intelligence Agency involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers; and

(3) recommend appropriate criminal sanctions for the involvement of Central Intelligence Agency employees involved in drug trafficking or the failure of such employees to report their superiors (or other appropriate supervisory officials) knowledge of drug smuggling into or within the United States.

(c) MEMBERSHIP.—The Commission shall be comprised of nine members appointed by the Attorney General of the United States for the life of the Commission. Members shall obtain a security clearance as a condition of appointment. Members may not be current or former officers or employees of the United States.

(d) COMPENSATION.—Members of the Commission shall serve without pay but shall each be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—A majority of the Members of the Commission shall constitute a quorum.

(f) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission.

(g) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is empowered to investigate by this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses). Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(j) CONTRACT AUTHORITY.—The Commission may enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission with any public agency or with any person.

(k) REPORT.—The Commission shall transmit a report to the President, Attorney General of the United States, and the Congress not later than three years after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(l) TERMINATION.—The Commission shall terminate on upon the submission of report pursuant to subsection (k).

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 to carry out this section.

Ms. WATERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order against the amendment.

Under the previous order of the House, the gentlewoman from California [Ms. WATERS] will be recognized for 30 minutes in support of her amendment and a Member opposed will be recognized for 30 minutes.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Ms. WATERS].

MODIFICATION TO AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Ms. WATERS of California:

In subsection (h), strike paragraphs (2), (3), and (4), and strike ''(1) IN GENERAL.—''.

Strike subsection (i) and redesignate subsections (j), (k), (l), and (m) as subsections (i), (j), (k), and (l), respectively.

In subsection (k) (as so redesignated), strike ''subsection (k)'' and insert ''subsection (j)''.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, I would like to know from the gentlewoman, if she can explain, is the modification designed to correct the germaneness problem with the underlying amendment?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Yes, it is, Mr. Chairman. I was advised that any reference to ''immunity'' would not be appropriate in this legislation, and it is designed to delete all references to ''immunity'' in this amendment.

Mr. MCCOLLUM. And is it further my understanding from the gentlewoman, if I might continue the reservation, that the agreement would be that she would have the 1-hour time limit that we have agreed upon to apply to this? I believe that is the Chair's understanding of this, regardless of the modification, is that not correct, 30 minutes to a side? Or is it 15 to a side? What is the time limit, Mr. Chairman?

The CHAIRMAN. The Chair would inform the gentleman that under the previous order of the House, the gentlewoman from California [Ms. WATERS] is entitled to 30 minutes and a Member opposed thereto is entitled to 30 minutes.

Mr. MCCOLLUM. And that would be applicable, Mr. Chairman, to this modification if the unanimous consent is agreed to?

The CHAIRMAN. The gentleman is correct.

Mr. MCCOLLUM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from California [Ms. WATERS]?

There was no objection.

The CHAIRMAN. The amendment is modified.

Mr. MCCOLLUM. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Florida withdraws his point of order.

The gentlewoman from California [Ms. WATERS] is recognized for 30 minutes.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to establish a clandestine drug study commission. This commission would be composed of nine members appointed by the U.S. Attorney General and would be required to report on the following:

Report on the steps necessary to eradicate any CIA involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers.

No. 2, secure disclosure or the gathering of Government public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the CIA or others on their behalf or associated with the CIA.

In addition, my amendment would authorize funds to be appropriated in the amount of $750,000.

Mr. Chairman and Members, I am sure there are those both within this House and within the sound of my voice who would wonder why would we need such an amendment, why would I take this floor and talk about taking steps to make sure that the CIA is not involved in drugs or drug smuggling.

Mr. Chairman, I do this because over the past year I have learned more than I have ever wanted to know about the CIA and drugs. How did it get started? It got started with a revelation about drug smuggling and drug trafficking that ended up in South Central Los Angeles back in the 1980's.

Oh, there has been a lot of controversy about the report. Many are aware that the San Jose Mercury News revealed that there was a drug ring and the basic points of that report remain uncontested. There are some points in the report that are contested. For example, the report said that as a result of the drug trafficking, millions of dollars were funneled to the Contras from the sale of drugs, crack cocaine in particular.

The exception that was taken to that identification simply was an exception that said instead of saying millions of dollars, they should have said they estimated there were millions of dollars. I can accept that. I maintain there should not have been $1 from the sale of drugs to support the Contras.

But this revelation got me involved, and I have spent a lot of time looking at the CIA and the allegations of their involvement in drug trafficking in south central Los Angeles. It has taken me to many places, all the way to Nicaragua, where I have gone up to a place called Grenada and interviewed a prisoner who is well known to have been connected with the Cali cartel and sold drugs both for the Sandanistas and the Contras.

Since my visit there, I made it known to the Inspector General, who is involved in an investigation, and the Inspector General further has sought out information from this individual. Even members of the House Permanent Select Committee on Intelligence fold followed me to Nicaragua and interviewed the same person that had been revealed to me.

But that is just a small part of the information that has come to me. As a result of my involvement, a lot of things have happened. The sheriff's department of the county of Los Angeles filed an extensive report about many of the allegations. The investigations continue.

The House Permanent Select Committee on Intelligence is involved. The Inspector General of the CIA, the Inspector General of the Justice Department, they are still doing interviews, and I do not know what is going to happen. Hopefully there will be a report. Hopefully there will be hearings. But I have learned enough to know that the CIA has come too close, rubbed shoulders with, and been involved in some ways that should make us all uncomfortable, with drug dealers.

Mr. Chairman, I have been involved for a long time and taken a closer look at the Central Intelligence Agency and these allegations that CIA operatives or assets have been involved in or had knowledge of drug trafficking in the United States. I mention South Central Los Angeles, but one need look no further than the current newspaper to find there are recent occasions of CIA involvement with drugs.

Let us look at Venezuela. Earlier this year, there was a general named Gen. Ramon Guillen Davila, Venezuela's former drug czar, who was indicted by Federal prosecutors in Miami for smuggling cocaine into the United States.

And according to the New York Times, uncontested by the CIA, this article that appeared as early as November 1993, they talked about the CIA and its so-called antidrug program in Venezuela and guess what? They concluded, and it is documented, that our CIA shipped a ton of nearly pure cocaine into the United States in 1990. That is a fact, uncontested.

When you unravel this story, you find that the CIA concocted some scheme to talk about the only way it could apprehend drug dealers was to get involved in shipping this cocaine and selling this cocaine. They went to the DEA to get their permission to do it, and the DEA turned them down flat and said they would not be involved in this scheme in any shape, form, or fashion.

But the CIA defied the DEA and they shipped this pure cocaine into the United States in 1990, and they have since acknowledged that they defied the laws of this government and allowed the drugs to be sold on the streets of the United States of America. I challenge anybody to tell me that it did not happen, because it is documented.

Now let me tell you what unnerves me about this. We spend a lot of money in this House, we spend a lot of money in this Government to apprehend drug dealers, to try to get rid of drug trafficking. We spend a lot of money on drug education and prevention. We even spend money on alternative crop development in countries that we want to get out of the business of raising the coca leaf. We spend billions of the taxpayers' dollars.

Knowing this and being involved in this struggle, it really unnerves me to find out that my own CIA brought cocaine into the United States and allowed it to get on the streets and be sold. Do you know what that means? We are representing communities

where drugs are devastating our communities. People are becoming addicted. Oh, and it is not simply in inner cities, it is in rural communities, it is in suburbia, it is everything, everywhere. It is swallowing us up.

I do not know what kind of cockamamie scheme they could have cooked up to talk about this would help them to apprehend drug dealers by allowing drugs to be sold on the streets of the United States of America. How many more people became addicted? How many more people got involved in crime? How many more people became a part of the destruction that we all hate so much? I do not like it and I am not going to get off this business about who they are and what they do and their involvement with drugs until this body has the guts and the nerves to do something about it.

□ 2030

The joint CIA/Venezuela force was headed by General Davila and the ranking CIA officer, I am going to call the names, was Mark McFarlin, who worked with the antiguerrilla forces in El Salvador in the 1980's. Not one CIA official has ever been indicted or prosecuted for this abuse of authority. I will give it to my colleagues again. General Davila and Mark McFarlin. Look it up.

What happened? Why can we not ask the questions? Why are we not outraged that these drugs found their way into our cities?

Let me go a little bit further and talk about this alignment, this association, the CIA being involved, coming too close to people who traffic in drugs. In a March 8, 1997, Los Angeles Times article, it was reported that Lt. Col. Michel Francois, one of the CIA's Haitian agents, and I defy anybody to tell me he was not, a former army officer and a key leader in the military regime that ran Haiti between 1991 and 1994, he was indicted in Miami and charged with smuggling 33 tons of cocaine into the United States. The article detailed that Francois met face to face with the leaders of three Colombian cartels to arrange for drug shipments to pass through Haiti via a private airstrip that he helped to build and protect. The CIA was right there in Haiti while he was building this airstrip. He was trained by the CIA. Francois is the CIA's boy.

Lieutenant Colonel Francois was trained by the U.S. Army in military command training for foreign officers in Georgia. He was a senior member of the Service Intelligence Agency, a Haitian intelligence organization founded with the help of the CIA in 1986.

After the 1991 coup put Francois in power, the cocaine seizures in Haiti just plummeted to near zero. He could do whatever he wanted to do. He built a strip. He met with the cartels. All of this is in DEA reports. U.S. prosecutors have requested the extradition of Francois from Honduras, where he has been living under a grant of political asylum. When I tell my colleagues our own CIA is documented as having brought cocaine in, in the Venezuelan fiasco, and when I tell my colleagues that Francois is a creation of the CIA and that the apprehension of drugs and drug smuggling and trafficking went down once he took charge, I am accusing the CIA of being too close, of being too involved, for turning its head.

Mr. Chairman, let me just wrap up my comments by saying I have pointed out today on several occasions some of the problems with the Central Intelligence Agency. I have pointed out the fact that some of our allies and our friends around the world have been sending us this quiet but stern message. They are asking us to leave. I have talked about something that none of us are proud of, the fact that there is a breakdown in this agency and we have people that we pay to protect and serve literally endangering us all with the selling of information. I have pointed out that not only do we have all of this occurring, but that our own soldiers were put at risk because something is wrong in this CIA. I am disturbed that we could not get much support in trying to slap them on the wrist, cut the budget just a little bit, but I am convinced that the American people will join us in the struggle because this is a struggle and a battle that we are going to have to wage for a long time.

I am not accusing the Members who have taken this floor in efforts to protect the CIA. I understand. There are responsible Members of this House who really believe, despite the problems of the CIA, everything should be done to protect them, to make sure they have all the money they need to operate with, that somehow if we question them, we are going to put at risk their ability to gather the intelligence information we need.

We need to redefine the role of the CIA in this post-cold-war era. Who are they and what do they do? Someone pointed out to me today that in every aspect of our society, with the new technology we have been able to reduce personnel, we have been able to put in systems and processes to better manage information, we have been able to reduce cost, and many on the opposite side of the aisle have made these arguments time and time again as they have gone about cutting and redesigning and privatizing and all of those things that we hear about on the floor.

Why is it the CIA escapes any of this? Why has the new technology not caught up with the CIA? Why can we not shine the light in ways that we understand, where the money is going? Why can we not redesign the ways in which we relate to them and still respect some of the secrecy and privacy that is needed?

I say to my colleagues, today I have been afforded the opportunity to take this floor and talk about this issue in the hopes that we can focus, we can really put this on our radar screen and begin to raise questions and get the American public involved in raising questions. I hope that this debate will allow that.

I am under no illusions about everything that I want being embraced by the protectors of the CIA, right or wrong. But I know one thing: This platform that is afforded to me by the voters on this floor of Congress is an important tool to be used to create a discussion. I see my responsibility to create discussions that maybe others will not. I am not afraid of the CIA, I am not going to run from the CIA, I am not going to tuck my tail and duck my head and talk about their untouchables. This day we unveiled some of the problems, along with other Members who have taken this floor.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] is recognized for 30 minutes.

Mr. GOSS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I rise in reluctant opposition to the Waters amendment, reluctant for several reasons. The gentlewoman from California [Ms. WATERS] is the chairman of our Congressional Black Caucus. She represents a community that I represent, Los Angeles County, cities in that community, but probably most importantly because I think we, both of us, as well as most Members of this House, are seeking accurate and truthful information as it relates to the CIA involvement in crack cocaine in Los Angeles, or any other community of this country, and any involvement it has had with members or assets of the community in either aiding or abetting or having knowledge of the CIA involvement in the distribution of drugs.

The reason I rise in opposition to it, this commission that is being offered here as an amendment suggests that the process that we have here is either not operating in good faith or is broken. As most of the Members know, the inspector generals of the CIA and the Justice Department are investigating this matter at this point in time. Both gentlemen have reputations for not only being independent but calling it like it is, and I doubt if anyone here feels that if they find some wrongdoing or some culpability on the part of the CIA that in fact they will not include it in their reports.

It has been my experience as a member of the Permanent Select Committee on Intelligence that no member of that committee is an apologist or tries to represent the interests of the CIA, but as the gentlewoman from California [Ms. WATERS] does, represents the

interests of the citizens of this country. And so I stand here not as an apologist for the CIA, but with the same goal that the gentlewoman from California [Ms. WATERS] has, to get to the facts in this matter.

Mr. Chairman, we all know that facts that are suggested or alluded to in newspaper articles, there may be some truth to them, they may be entirely true, or they may be entirely untrue. But I think it is the responsibility of the House and the inspector generals to take the first cut at sorting out those facts.

The gentlewoman from California [Ms. WATERS] is right, that other than the publisher of the San Jose Mercury, no one has contested the points made in the article. No one has contested those points at this point in time because factually no one knows exactly what has occurred. This committee is about verifying facts in that report. I daresay we would be derelict if we came to the House on a bit-by-bit basis to either sanction what was in the article or criticize it, the point being that the investigations, if they are to go forward, will come to some conclusions about the validity of the arguments and the points made in the article.

As it relates to the CIA and drug trafficking, I can say that I think the CIA has made some terrible blunders in the past. I do not think that there is anyone here that would deny that. But the issue before us is whether or not they were either involved in trafficking by aiding and abetting, or knew of, had knowledge of, drug traffickers.

The reports that I have read thus far do not lead me to that conclusion at this point in time. Let me say that again: The reports that I have read thus far do not lead me to that conclusion at this point in time.

I have read the newspaper articles, I have read other materials and interviewed people, and at some point in time I may be joining the gentlewoman from California [Ms. WATERS] on this floor asking for some type of public commission. But now is not the time, I suggest to the members of this committee. Now is the time to let the structure of the Justice Department, the CIA inspector general and the House to move forward in an objective evaluation.

I am not naive enough to think whatever this committee finds and whatever the Inspector Generals find, that in fact there will be a consensus opinion. And if there is not a consensus opinion and there is fault to be found with either a lack of thoroughness or professionalism or even covering up, that would be the time to move forward with some commission. I have reservations about the composition of the commission and some of the structure, but I am sure that the gentlewoman from California [Ms. WATERS] and I at the appropriate time could work that out.

For example, there is a prohibition in here that any employee of the U.S. Government, past or present, could not be a member of that commission. I think that there are many people who have been employed by the U.S. Government who have expertise and abilities that could appropriately serve on the commission, and I would feel it is certainly insulting to say that anyone who has ever worked for Government could not be objective in this issue.

As it relates to the issue of people who have been assets of the CIA, whether they be in Venezuela or Haiti, there is no doubt that some of the assets should never have been employed by the CIA. There is no doubt that some of them have been involved in drug trafficking. But that is like saying some Member of Congress being arrested for drugs, that the Congress of the United States is responsible for it.

□ 2045

Let us sort through the facts without emotion. Then let people come forward and criticize the report, scrub it, examine it, and then at that point in time I may be joining the gentlewoman from California [Ms. WATERS] on some outside citizens panel to review that material and to carry the investigation forward, but now is not the time.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentlewoman from California [Ms. WATERS] has 12½ minutes remaining, and the gentleman from Florida [Mr. GOSS] has 16 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I hold the gentleman from California [Mr. DIXON] in the highest esteem and respect, and I have worked with him, and we do share this area of Los Angeles where the drug trafficking took place, where the CIA is alleged to have been deeply involved in trafficking in drugs and the profits of which, some of them, went to fund the contras, the contras having been created by the CIA. That was their body, and the FDN, the army of the contras, was a creation of the CIA's.

And I am working to get to the bottom of this, but my commission that I am asking for is not only about that. This is more generic, and it encompasses the question of drug trafficking, period, by the CIA.

And I would like to raise a question of the gentleman from California [Mr. DIXON] so that I can help make a determination about his representations regarding the investigations that are going on and the possibility that he may join me, depending on what he has discovered or they discovered as a result of the House intelligence investigation.

Has the gentleman's committee investigated the Venezuelan dope dealing of the CIA where I have in no uncertain terms identified on the floor of Congress the fact that they were responsible for tons of cocaine coming into the United States that got sold on the streets of America? Has the gentleman done anything about that? Has he looked at that?

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. DIXON. Mr Chairman, yes, there has been testimony before the committee. There has not been a thorough investigation, but there has been testimony before the committee by the CIA.

The CIA, as I recall their testimony, one, denied that they ever approved it because they recognized that in fact it would be hard to trace once it got into the United States and also DEA rejected it.

It is true that this man was an operative in form at some point in time with the CIA, but they deny ever having approved or sanctioned this activity, and this activity, according to them, was taken on independently by the general.

Ms. WATERS. May I ask of the gentleman whether or not there has been any report on it, and since this exposure was given to this in the New York Times, we have not seen a response of any kind, we have not seen the work of the gentleman's committee answering this in any way.

Mr. Chairman, we cannot have the New York Times or any other newspaper documenting and court records documenting trafficking in cocaine by the CIA and CIA operatives, and we just sit mum and not tell the American public anything.

So is there a report on this in any way? If there is no report, would the gentleman be willing to issue some kind of report between him and the chairman? Could the gentleman from California make some representation about what he will be willing to do, given we know this information about drug trafficking by the CIA?

Mr. DIXON. Yes. The staff informs me that in fact there has been a report to the House Permanent Select Committee on Intelligence by the inspector general, and I am sure with certain permission that the gentlewoman from California could review that report. But I will indicate to her since she has raised it and created the inference that the CIA was involved, I feel duty obligated to go forward and look at this once again.

Ms. WATERS. Mr. Chairman, yes, let me be clear about this one, and I do not go this far even in the South L.A. one. I am accusing the CIA on this one based on the information that I have of having been responsible for tons of cocaine coming into the United States that got sold on the streets of America. That is an accusation that I am making clear, simple, and without any reservations.

So what I am saying to the gentleman:

It is not enough for me to see the report. What can we do to share this information with the American public? Is

there anything that can be done to shed some light on this?

Mr. DIXON. If the gentlewoman will continue to yield, first of all I think that it would be good for her to read the report.

Ms. WATERS. I will do that.

Mr. DIXON. So that the CIA's perspective on this is there, and perhaps the committee chairman or others, since this issue has been raised that the report can be scrubbed and that some materials could be released; but I do think, Mr. Chairman, that we have a responsibility with the charge made just on the floor that the CIA was responsible for the Venezuelan drug transaction, to either refute or make some statement about this based upon an investigation in the materials that we have already collected. I think that is a very serious allegation.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield to me?

Ms. WATERS. I yield to the gentleman from Florida.

Mr. GOSS. As far as I am concerned, if the gentlewoman has some new information that is additional or supplemental or complementary to any of the previous work that has been done on this, that she would bring it to the committee's attention, that we will obviously attend to it forthwith. My understanding is that there has been some work done on this; I do not know the exact status, because we are dealing with somewhat of a new subject that is just a little bit off the record here of what I thought we were talking about, but I am certainly willing, as we have been all along the way on this, with the gentlewoman, with the gentleman from California [Mr. DIXON], and as seen with the gentlewoman from California [Ms. MILLENDER-MCDONALD] earlier in our colloquy.

Ms. WATERS. Mr. Chairman, I do not want to be snowed, I do not want to be patronized, I do not want to be talked to in that way. I have asked. I have made an accusation on the floor of Congress about the CIA and the Venezuelan drug deal, and I am asking the gentleman based on the information that he has, is there any way that he can shed some light or share this information with the American public?

I want to know.

Mr. GOSS. If the gentlewoman will continue to yield, the gentlewoman is referring, I think, to events that transpired before I was privileged to be on this committee, and that is why, since I had no forewarning that that was going to be a subject today, I am simply not prepared to give her any specific information.

I am certainly welcome to assure that we will attend to her request to see if there is anything into it, as we would with any Member who brings forward that type of a serious allegation.

Ms. WATERS. Could the gentleman be a little bit clearer about what it is he is committing to? The gentleman said he would attend to it. Could the gentleman tell me how he can satisfy the concerns that I have raised, and I am not being facetious at this point, but I have made a specific charge, and I am asking the gentleman, even though he was not the Chair, the records did not leave with the last Chair; I want to know what can the gentleman do to shed some light on this information?

Mr. DIXON. If the gentlewoman will yield and if I could suggest to the gentleman from Florida [Mr. GOSS], one, that a lot of this evidentiary material will come out in the trial. As I understand, he is on trial in Florida. Second, I do think, Mr. Chairman, we have an obligation to go back and look at the inspector general's report, and, as I recall it, it did not in any way involve the CIA and the transportation or distribution of the drugs that the gentleman is being charged with.

But this is a very serious accusation that the gentlewoman from California [Ms. WATERS] is making, and I want to emphasize it. She is alleging that the CIA was involved with the Venezuelan general in bringing drugs into the country. I assume that means either aiding, abetting, or being a sponsor of those drugs.

Ms. WATERS. That is right.

Mr. DIXON. And I think that we have a responsibility to, once again, go back and look at this case, notwithstanding the prosecution that is going on in Florida and notwithstanding what the inspector general has said.

Ms. WATERS. And also would the gentleman add to this discussion whether or not the former drug czar who worked with the CIA is going to be extradited for this case? Is there an extradition problem?

Mr. GOSS. If the gentlewoman will yield to me, I presume these questions are being directed to me.

Ms. WATERS. The gentleman from Florida or anybody else who can answer that.

Mr. GOSS. Let me clearly tell the gentlewoman that I have tremendous respect for the gentleman from California [Mr. DIXON], and I think Mr. DIXON has said exactly the right thing.

The specific facts that the gentlewoman is basing her allegation on, I would like to know what they are. I will then deal with those facts, and I will advise the gentlewoman of relevant information, and the gentleman from California [Mr. DIXON] will be part of that process, as he has been, because he has been doing stellar service for our committee on this matter in Los Angeles because it is clearly part of his representation.

Ms. WATERS. The gentleman from California [Mr. DIXON] said that he felt a responsibility to answer my charge. What the gentleman from Florida is saying is if I can bring him more information——

Mr. GOSS. No, I am saying, if the gentlewoman will continue to yield, I will be very happy to join Mr. DIXON in responding as exactly as he has done. But it would be helpful to me to know all of the details of what the gentlewoman knows.

I take very seriously, living in Florida, which is not unlike the problem in California, of drug smuggling and the impact we see on our streets. We have a problem. We are not insensitive to this, I assure my colleague, and I assure her that there are unfolding events every minute in the war on drugs, every minute, and the intelligence part of that we are attending to. We are committing dollars, and we hope we have the gentlewoman's support for our budget for those dollars.

Ms. WATERS. Oh, no. I have been to every budget committee, every appropriations committee where there are appropriations for drugs to talk about the Black Caucus' No. 1 priority of eradicating drugs in this Nation. It is not only our No. 1 priority, we have come, we have testified before the committees, we have supported the drug czar, we have supported the President's budget, we have even asked for more money, and we have come up with ways by which to work closer with the drug czar on this issue.

So we are serious about this, but let me just say this:

Given my friend and my colleague's representations, along with the gentleman from Florida, about feeling a responsibility to respond to the very serious accusation that I have made here today, I accept that as not only a representation for himself, but for him and others, and the committee; and even though we are clear that my bringing forth new information is not a condition for his moving forward, if I have or can locate new information, I will be happy to work with the gentleman on it. But I do expect that this commitment on the House of the floor that has been made about shedding light per the gentleman from California [Mr. DIXON] and supported by the gentleman from Florida [Mr. GOSS] is something that we can rely on.

So let me just say this:

My colleague whom I have worked with not just since I came to Congress 6 years ago, but about 30 years now, having served with him in the State of California in the assembly and prior to that when I managed campaigns and all of that, I accept——

The CHAIRMAN. All time of the gentlewoman from California [Ms. WATERS] has expired.

Mr. GOSS. Mr. Chairman, I am very happy to yield 1 more minute to the gentlewoman from California to wrap up.

Ms. WATERS. I thought when the gentleman heard the word ''accept'' he would be generous, and I thank him very much.

I accept his representations that these investigations are going on now, and I know that. And I do think that perhaps it is a little premature, and maybe that is something we will do after if, in fact, we do not believe that the information is credible, the work

has been good, or we learn more about it.

□ 2100

I do think that that would be the correct order of things. Today provided us with the opportunity to shed more light, to get something moving. I accept that he rejects, he does not accept, my amendment. He believes the commission is premature. He will work with me. I will work with the gentleman, I will work with the other gentlemen, and everyone else.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title III of the bill?

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting ''(a)'' after ''SEC. 5.'';

(3) by striking ''and'' at the end of paragraph (5), as so redesignated;

(4) by striking the period at the end of paragraph (6), as so redesignated, and inserting ''; and'';

(5) by inserting after paragraph (6) the following new paragraph:

''(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years that are not otherwise authorized pursuant to section 8 of this Act.''; and

(6) by inserting at the end the following new subsection:

''(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for (A) the entire lease, or (B) the first 12 months of the lease and the Government's estimated termination liability.

''(2) In the case of any such lease entered into under clause (B) of paragraph (1)—

''(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

''(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs in respect of such lease shall remain available until the costs associated with termination of such lease are paid;

''(C) funds available for termination liability shall remain available to satisfy rental obligations in respect of such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability in that subsequent year; and

''(D) annual funds made available in any fiscal year may be used to make payments on such lease for a maximum of 12 months beginning any time during the fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to multiyear leases entered into pursuant to section 5 of the Central Intelligence Agency Act of 1949, as amended by subsection (a), on or after October 1, 1997.

SEC. 402. CIA CENTRAL SERVICES PROGRAM.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''CENTRAL SERVICES PROGRAM

''SEC. 21. (a) ESTABLISHMENT.—The Director may—

''(1) establish a program to provide the central services described in subsection (b)(2); and

''(2) make transfers to and expenditures from the working capital fund established under subsection (b)(1).

''(b) ESTABLISHMENT AND PURPOSES OF CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a central services working capital fund. The Fund shall be available until expended for the purposes described in paragraph (2), subject to subsection (j).

''(2) The purposes of the Fund are to pay for equipment, salaries, maintenance, operation and other expenses for such services as the Director, subject to paragraph (3), determines to be central services that are appropriate and advantageous to provide to the Agency or to other Federal agencies on a reimbursable basis.

''(3) The determination and provision of central services by the Director of Central Intelligence under paragraph (2) shall be subject to the prior approval of the Director of the Office of Management and Budget.

''(c) ASSETS IN FUND.—The Fund shall consist of money and assets, as follows:

''(1) Amounts appropriated to the Fund for its initial monetary capitalization.

''(2) Appropriations available to the Agency under law for the purpose of supplementing the Fund.

''(3) Such inventories, equipment, and other assets, including inventories and equipment on order, pertaining to the services to be carried on by the central services program.

''(4) Such other funds as the Director is authorized to transfer to the Fund.

''(d) LIMITATIONS.—(1) The total value of orders for services described in subsection (b)(2) from the central services program at any time shall not exceed an annual amount approved in advance by the Director of the Office of Management and Budget.

''(2) No goods or services may be provided to any non-Federal entity by the central services program.

''(e) REIMBURSEMENTS TO FUND.—Notwithstanding any other provision of law, the Fund shall be—

''(1) reimbursed, or credited with advance payments, from applicable appropriations and funds of the Agency, other Intelligence Community agencies, or other Federal agencies, for the central services performed by the central services program, at rates that will recover the full cost of operations paid for from the Fund, including accrual of annual leave, workers' compensation, depreciation of capitalized plant and equipment, and amortization of automated data processing software; and

''(2) if applicable credited with the receipts from sale or exchange of property, including any real property, or in payment for loss or damage to property, held by the central services program as assets of the Fund.

''(f) RETENTION OF PORTION OF FUND INCOME.—(1) The Director may impose a fee for central services provided from the Fund. The fee for any item or service provided under the central services program may not exceed four percent of the cost of such item or service.

''(2) As needed for the continued self-sustaining operation of the Fund, an amount not to exceed four percent of the net receipts of the Fund in fiscal year 1998 and each fiscal year thereafter may be retained, subject to subsection (j), for the acquisition of capital equipment and for the improvement and implementation of the Agency's information management systems (including financial management, payroll, and personnel information systems). Any proposed use of the retained income in fiscal years 1998, 1999, and 2000, shall only be made with the approval of the Director of the Office of Management and Budget and after notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) Not later than 30 days after the close of each fiscal year, amounts in excess of the amount retained under paragraph (2) shall be transferred to the United States Treasury.

''(g) AUDIT.—(1) The Inspector General of the Central Intelligence Agency shall conduct and complete an audit of the Fund within three months after the close of each fiscal year. The Director of the Office of Management and Budget shall determine the form and content of the audit, which shall include at least an itemized accounting of the central services provided, the cost of each service, the total receipts received, the agencies or departments serviced, and the amount returned to the United States Treasury.

''(2) Not later than 30 days after the completion of the audit, the Inspector General shall submit a copy of the audit to the Director of the Office of Management and Budget, the Director of Central Intelligence, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'central services program' means the program established under subsection (a); and

''(2) the term 'Fund' means the central services working capital fund established under subsection (b)(1).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for the purposes specified in subsection (b)(2).

''(j) TERMINATION.—(1) The Fund shall terminate on March 31, 2000, unless otherwise reauthorized by an Act of Congress prior to that date.

''(2) Subject to paragraph (1) and after providing notice to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the Director of Central Intelligence and the Director of the Office of Management and Budget—

''(A) may terminate the central services program and the Fund at any time; and

''(B) upon any such termination, shall provide for dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such Fund, as may be necessary.''.

SEC. 403. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''powers only within Agency installations,'' and all that follows through the end, and inserting the following: ''powers—

''(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound and in the streets, sidewalks, and the open

areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet; and

''(B) within any other Agency installation and in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any such installation and extending outward 500 feet.''; and

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

''(2) The performance of functions and exercise of powers under paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that their performance of such functions and exercise of such powers is reasonable to protect against physical attack or threats of attack upon the Agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency or of any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations promulgated by the Director and shall only be applicable to the areas referred to in paragraph (1).

''(5) On December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Agency.''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

''§ 2161. Joint Military Intelligence College: academic degrees

''Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

''(1) The degree of Master of Science of Strategic Intelligence (MSSI).

''(2) The degree of Bachelor of Science in Intelligence (BSI).''.

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Joint Military Intelligence College: academic degrees.''.

SEC. 502. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

''(a) PROHIBITION.—Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following (or any colorable imitation thereof):

''(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

''(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

''(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

''(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.''.

(b) TRANSFER OF ENFORCEMENT AUTHORITY.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting ''AUTHORITY TO ENJOIN VIOLATIONS.—'' after ''(b)''.

(c) REPEAL OF REORGANIZED PROVISIONS.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

''424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

''425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.''.

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

SEC. 503. EXTENSION OF AUTHORITY FOR ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.

Effective October 1, 1997, section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out ''fiscal years 1996 and 1997'' and inserting in lieu thereof ''fiscal years 1998 and 1999''.

TITLE VI—MISCELLANEOUS COMMUNITY PROGRAM ADJUSTMENTS

SEC. 601. COORDINATION OF ARMED FORCES INFORMATION SECURITY PROGRAMS.

(a) PROGRAM EXECUTION COORDINATION.—The Secretary of a military department or the head of a defense agency may not obligate or expend funds for any information security program of that military department without the concurrence of the Director of the National Security Agency.

(b) EFFECTIVE DATE.—This section takes effect on October 1, 1997.

SEC. 602. AUTHORITY OF EXECUTIVE AGENT OF INTEGRATED BROADCAST SERVICE.

All amounts appropriated for any fiscal year for intelligence information data broadcast systems may be obligated or expended by an intelligence element of the Department of Defense only with the concurrence of the official in the Department of Defense designated as the executive agent of the Integrated Broadcast Service.

SEC. 603. PREDATOR UNMANNED AERIAL VEHICLE.

(a) TRANSFER OF FUNCTIONS.—Effective October 1, 1997, the functions described in subsection (b) with respect to the Predator Unmanned Aerial Vehicle are transferred to the Secretary of the Air Force.

(b) FUNCTIONS TO BE TRANSFERRED.—Subsection (a) applies to those functions performed as of June 1, 1997, by the organization within the Department of Defense known as the Unmanned Aerial Joint Program Office with respect to the Predator Unmanned Aerial Vehicle.

(c) TRANSFER OF FUNDS.—Effective October 1, 1997, all unexpended funds appropriated for the Predator Unmanned Aerial Vehicle that are within the Defense-Wide Program Element number 0305205D are transferred to Air Force Program Element number 0305154F.

SEC. 604. U–2 SENSOR PROGRAM.

(a) REQUIREMENT FOR MINIMUM NUMBER OF AIRCRAFT.—The Secretary of Defense shall ensure—

(1) that not less than 11 U–2 reconnaissance aircraft are equipped with RAS–1 sensor suites; and

(2) that each such aircraft that is so equipped is maintained in a manner necessary to counter available threat technologies until the aircraft is retired or until a successor sensor suite is developed and fielded.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1997.

SEC. 605. REQUIREMENTS RELATING TO CONGRESSIONAL BUDGET JUSTIFICATION BOOKS.

(a) IN GENERAL.—The congressional budget justification books for any element of the intelligence community submitted to Congress in support of the budget of the President for any fiscal year shall include, at a minimum, the following:

(1) For each program for which appropriations are requested for that element of the intelligence community in that budget—

(A) specification of the program, including the program element number for the program;

(B) the specific dollar amount requested for the program;

(C) the appropriation account within which funding for the program is placed;

(D) the budget line item that applies to the program;

(E) specification of whether the program is a research and development program or otherwise involves research and development;

(F) identification of the total cost for the program; and

(G) information relating to all direct and associated costs in each appropriations account for the program.

(2) A detailed accounting of all reprogramming or reallocation actions and the status of those actions at the time of submission of those materials.

(3) Information relating to any unallocated cuts or taxes.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) The term ''congressional budget justification books'' means the budget justification materials submitted to Congress for any fiscal year in support of the budget for that fiscal year for any element of the intelligence community (as contained in the budget of the President submitted to Congress for that fiscal year pursuant to section 1105 of title 31, United States Code).

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to fiscal year 1999.

SEC. 606. COORDINATION OF AIR FORCE JOINT SIGINT PROGRAM OFFICE ACTIVITIES WITH OTHER MILITARY DEPARTMENTS.

(a) CONTRACTS.—The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not modify, amend, or alter a JSAF program contract without coordinating with the Secretary of any other military department that would be affected by the modification, amendment, alteration.

(b) NEW DEVELOPMENTS AFFECTING OPERATIONAL MILITARY REQUIREMENTS.—(1) The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not enter into a contract described in paragraph (2) without coordinating with the Secretary of the military department concerned.

(2) Paragraph (1) applies to a contract for development relating to a JSAF program that may

directly affect the operational requirements of one of the Armed Forces (other than the Air Force) for the satisfaction of intelligence requirements.

(c) JSAF PROGRAM DEFINED.—For purposes of this section, the term ''JSAF program'' means a program within the Joint Signals Intelligence Avionics Family of programs administered by the Air Force Joint Airborne Signals Intelligence Program Office.

(d) EFFECTIVE DATE.—This section takes effect on October 1, 1997.

SEC. 607. DISCONTINUATION OF THE DEFENSE SPACE RECONNAISSANCE PROGRAM.

Not later than October 1, 1999, the Secretary of Defense shall—

(1) discontinue the Defense Space Reconnaissance Program (a program within the Joint Military Intelligence Program); and

(2) close the organization within the Department of Defense known as the Defense Space Program Office (the management office for that program).

SEC. 608. TERMINATION OF DEFENSE AIRBORNE RECONNAISSANCE OFFICE.

(a) TERMINATION OF OFFICE.—The organization within the Department of Defense known as the Defense Airborne Reconnaissance Office is terminated. No funds available for the Department of Defense may be used for the operation of that Office after the date specified in subsection (d).

(b) TRANSFER OF FUNCTIONS.—(1) Subject to paragraphs (3) and (4), the Secretary of Defense shall transfer to the Defense Intelligence Agency those functions performed on the day before the date of the enactment this Act by the Defense Airborne Reconnaissance Office that are specified in paragraph (2).

(2) The functions transferred by the Secretary to the Defense Intelligence Agency under paragraph (1) shall include functions of the Defense Airborne Reconnaissance Office relating to its responsibilities for management oversight and coordination of defense airborne reconnaissance capabilities (other than any responsibilities for acquisition of systems).

(3) The Secretary shall determine which specific functions are appropriate for transfer under paragraph (1). In making that determination, the Secretary shall ensure that responsibility for individual airborne reconnaissance programs with respect to program management, for research, development, test, and evaluation, for acquisition, and for operations and related line management remain with the respective Secretaries of the military departments.

(4) Any function transferred to the Defense Intelligence Agency under this subsection is subject to the authority, direction, and control of the Secretary of Defense.

(c) REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees named in paragraph (2) a report containing the Secretary's plan for terminating the Defense Airborne Reconnaissance Office and transferring the functions of that office.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on National Security of the House of Representatives.

(d) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

The CHAIRMAN. Are there further amendments to the committee amendment in the nature of a substitute?

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on the amendment on which further proceedings were postponed: amendment No. 3 offered by the gentleman from Massachusetts Mr. FRANK].

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 238, not voting 14, as follows:

[Roll No. 255]

AYES—182

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Doggett
Dooley
Doyle
Duncan
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Largent
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Ramstad
Rangel
Riggs
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOES—238

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riley
Rogan
Rogers
Ros-Lehtinen
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Berman
Collins
Edwards
Fattah
Johnson, Sam
Manton
McDade
Oxley
Reyes
Schiff
Slaughter
Towns
Wexler
Yates

□ 2120

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. McDade against.

Messrs. FOLEY, WATTS of Oklahoma, and STEARNS changed their vote from ''aye'' to ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. PAUL, SPRATT, JEFFERSON, HALL of Texas, and STENHOLM changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments to the bill, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 179, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1775, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1775, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A TALE OF TWO WOMEN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GIBBONS. Mr. Speaker, I rise today to share with my colleagues a letter I received from a constituent of mine from Sparks, NV. This letter tells a story of two women. The first, and author of this letter, works 60 hours or more a week in hopes of saving enough money to get married and have children. The second woman, her cousin, has three children and has been receiving welfare for 13 years. The closing paragraph of her letter sums up the state of things better than I have ever heard. She writes, ''Yes, the liberals take good care of people like my cousin who were smarter than I by deciding to have children, not get married and not go to work so that the Federal Government would take care of her and her children. I was the stupid one, who worked hard and waited to get married before having children. Now my taxes and hard work help pay for my cousin to enjoy her life.''

The Republican tax reduction will help restore common sense and accountability to the process and lift the burden off the shoulders of the hard-working, tax-paying men and women of America.

JULY 1, 1997.

Congressman JIM GIBBONS,
Reno, NV.

DEAR CONGRESSMAN GIBBONS: I thought you might enjoy reading about how Clinton and the liberals have proved they are pro family.

This is a tale of two women.

One is 37 years old and has worked since she was 14 years old busing tables at a Holiday Inn. The other woman is 30 and has never had a regular job in her life but she has received welfare assistance since she was 17.

The 37 year old recently got married for the first time, became a first time home buyer and has no children. The 30 year old has never been married, lives with her current boyfriend and has three children.

The 37 year old owns a car that is 10 years old and only seats two people. Her husband has a 9 year old pick up truck which also only seats two. They would like to purchase a moderately priced used four door car to carry children that they plan to have. The 30 year old recently bought a new Toyota Camry.

The 37 year old and her husband now pay more taxes since they got married and the 30 year old pays no taxes.

When the 30 year old and her husband have children they will not qualify for the proposed $500 tax credit per child because they make a little more than $75,000 per year on a combined income and are considered rich. The 30 year old will receive a $500 per child tax credit even though she does not pay taxes.

The 37 year old recently took a second job at $6.75/hour and her husband works as much overtime as he can to help pay off debt associated with buying the new house so she can afford a new car and have children. The 37 year old woman works 60+ hours a week and sees her husband 1 day a week and in passing during the rest of the week. The 30 year old has lots of free time, as her mother and sisters take turns baby-sitting the three children, while she goes out with her friends and spends time with her boyfriend.

When the 30 year old loses her welfare, she plans to take a job but her child care will be paid for by the government. The 37 year old will have to quit her job to take care of children, when she has them, because child care will eat up most of her salary so she has decided it would be better to stay home.

The 37 year old is myself and the 30 year old is my cousin who had her first child at 17 because her older sister had a child and received more attention.

I make $28,500 per year as a marketing coordinator for an engineering firm. I have worked hard all my adult life and put myself through college. My husband's base salary is about $36,000 per year as a postal worker (for 16 years) but he works a lot of overtime and averages about $47,000 per year. We bring home about $48,000 per year. We both have some money withheld for retirement. When we did our taxes last year we discovered that we are considered to be wealthy (because of our combined incomes) and should therefore pay more taxes.

We were penalized for working hard and getting married.

Now we find that we cannot afford to have children. If we have children, I will probably have to quit my job to take care of them because day care would cost about $7,800 per year for one child and I don't have relatives nearby who could care for them and I don't qualify for assistance by the federal government to help pay for day care.

But I guess quitting my job would be okay because I would then qualify for the $500 per child tax credit because our family income would be under $75,000 per year. Of course we wouldn't have a car that we would all fit in. But at least the child would be safe in the front seat of both vehicles since they don't have air bags.

My husband would have to give up his 401K because we would need that extra income too. But that would be okay since we will now have the federal government to take care of us when we get old.

So now, we will be penalized for having children.

Yes, Clinton and his liberals take good care of people like my cousin who was smarter than I by deciding to have children, not get married and not work so the federal government would take care of her and her children.

I was the stupid one, who worked hard and waited to get married before having children.

Now my taxes and hard work help pay for my cousin to enjoy her life.

Yes, Clinton is pro family.

Sincerely,

SHELLEY READ,
Sparks, Nevada.

□ 2130

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

[Mr. BONIOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. PICKERING] is recognized for 5 minutes.

[Mr. PICKERING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NORTH AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise at this moment to talk about something that is near and dear to the hearts of many Americans, and that is the North American Free Trade Agreement, otherwise known as NAFTA.

When the United States enters into trade agreements, the objective should be to advance the standard of living for working families in our country and abroad.

Just like the average family in Illinois' 7th Congressional District who are impacted by this trade agreement whether they like it or not, my hope is for them. They want what we all want, to provide to the best of their ability for their loved ones.

My hope is for the people in the district, so that they can obtain a living wage, a wage that allows workers to lead a dignified life while working in a safe and healthy environment, an environment that respects their needs as a worker. Their struggles and desires are not so different from mine and my colleagues. They want to put clothes on their children's back, they want to put food on the table, have access to reliable transportation, live in adequate housing, and afford child care for their children. Their issues need to be taken account of and they want to be an active part of the debate.

I hope for a trade agreement that will help to broaden our economy, help eradicate poverty, while bringing jobs and a decent quality of life to all of those involved. However, based upon recent reports, NAFTA, the trade agreement and trade model, has not met its promises. Therefore, I believe that any standard of trade, based on the NAFTA model, will further threaten the standard of living for working families, not only in the United States but in other countries as well.

The growing trade deficit with Canada and Mexico since NAFTA was passed is well-known. As this trade deficit has developed, thousands of United States jobs have been lost.

''Free traders'' often state that those opposed to NAFTA need to get on with the times, often asserting that we are opposed to this treaty out of fear for the future. I pronounce that this is just simply not the truth. As a matter of fact, those individuals and unions who are opposed to NAFTA do so as a result of their great desire to create a different kind of future, a future that says that the standard of living in this country ought to be spread throughout the world, a future that says we do not believe that further reducing the standard of living in Third World developing countries is the way for America to rise.

So, Mr. Speaker, I would hope that this country would object, reject, extricate itself from the concept that America can advance by allowing its businesses and industries to flow away seeking a different kind of labor pool, seeking a labor pool that is willing to work because of the difficulties that it has had, that is willing to work by undercutting and undermining the standard of living that the American society has become accustomed to.

We need to make sure that people all over the world can subscribe to the idea that they ought to be paid for the work which they provide; that is, they ought to be paid a livable wage that affords them the opportunity to seek the very best of what the world has to offer.

I am grateful for the opportunity to share these thoughts and ideas with my colleagues and the American people and suggest that NAFTA is not good for America.

TAX RELIEF TO THE MIDDLE CLASS IS MORE IMPORTANT THAN EVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, what if we were to go on a 6-month diet to lose 30 pounds and we got to the 4th month and we had already lost 28 pounds? Would we quit exercising and quit dieting because we were so far ahead of schedule? We had not reached our goal yet but we were way ahead of the game.

The United States Congress and the American people are in that situation right now with deficit reduction. An article today in The Washington Post shows that the deficit, the projected deficit may go down to $45 billion, which is way lower than the expectation. Now, what this means is that Congress and the American people may not have to wait until the year 2002 to see a balanced budget. We may see it a lot sooner, even potentially as soon as next year.

So how do we react? Well, all over America people will be very pleased to hear this. But how do certain big-government liberal types in Washington react? Hey, we are ahead of schedule; that means we can relax and we do not have to cut so many programs and we can spend more money. We can have more pork back home. It is very good news to some of them.

I would say to my colleagues that, if we change from the path of having fiscal responsibility and lower spending, then we will get back into the hole that we are just now digging out of. A balanced budget to the folks back home is not about numbers, it is about opportunities, it is about lower interest rates. Lower interest rates on a home mortgage of $75,000 over a 30-year period means we would pay $37,000 less. On a $15,000 car loan, lower interest rates means that we would pay about $900 less. It means that college education is more affordable because student loans are lower. Also, Mr. Speaker, it means taxes are lower because we do not have to spend so much on deficit spending.

Now, the Republican plan to lower and give middle class tax relief is very simple. Under that, 76 percent, and I have a chart, Mr. Speaker, but 76 percent of the tax relief goes to people, households, making below $75,000 a year. This is what a middle class tax cut is all about.

Now, a lot of folks say, well, this tax cut only benefits the rich. Well, that is true if the definition of rich is people who make below $75,000. And incidentally, the interesting way the Clinton administration and some of the liberals get there is by playing games with paychecks, by adding to it, for example, the rental value of a house. So if a person makes $45,000 a year, under the Democrat liberal formula that individual is making over $75,000 a year, so they can say this tax cut does not apply to them.

I would say this. If we go try to get a loan or buy a house based on the numbers the President tells us we are making, it will not work.

Ninety percent of this tax relief goes to families and to education. I am from Georgia. We have the HOPE scholarship. The HOPE scholarship is for students who make a B or above in State schools, and they have their tuition paid for. The national HOPE scholarship is not as generous as the Georgia HOPE scholarship, but it is still very good, because if students and children want to compete in the world today, they have to have a college education. The Republican plan makes college education more affordable.

Tax relief at this time is proper. Why is tax relief important? Because the more money Americans have in their pocket, because the Government is taking less out of it, the more shoes they will buy, the more clothes they will buy, the more shirts, the more cars, and so forth. And when Americans do that, small businesses respond by expanding. When businesses expand, more jobs are created. When more jobs are created, more people go to work, less people are on welfare, and more people are paying taxes.

Is tax relief consistent with deficit reduction? Absolutely. It certainly is,

Mr. Speaker, and that is why we need it. Because the easiest way to balance the budget is to have economic growth.

COMMEMORATION OF THE LIBERATION OF GUAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I take the opportunity to come to the floor to just simply commemorate an event that is very important to the people of Guam, and that is the liberation of Guam from the hands of the Japanese during World War II.

The actual liberation of Guam occurred on July 21, 1944, with the landing of troops from the Third Marine Division and the First Marine Provisional Brigade and the 77th Army Infantry. We paid tribute to this event yesterday at Arlington National Cemetery with about 200 people from the local Guam community as well as various officials from the Federal Government. We laid a wreath at the Tomb of the Unknowns, and joining with me in laying this wreath was General Krulak, the Commandant of the Marine Corps.

Of course, this is entirely appropriate because it is in fact the Marines who were the shock troops of the landing which occurred 53 years ago on Guam. Among the Marines that landed on Guam on that day were Capt. Louis Wilson, who won the Congressional Medal of Honor and who, unfortunately, could not be with us yesterday, but he won the Congressional Medal of Honor on Guam. Captain Wilson later went on to be Commandant of the Marine Corps.

Also, last year, in commemorating this event, someone who joined in commemorating this event with us was former Alabama Senator Howell Heflin, who was wounded on Guam on July 21, 1944.

The island of Guam was devastated by this conflagration, and the men in uniform, as liberators from the sea, deserve our gratitude and certainly the gratitude from the people of Guam for a job well done and for the honor of a sacred mission that was fully completed.

But there were also liberators from within. There were also the people of Guam who suffered and who sacrificed and endured much hardship while awaiting their deliverance, but displaying all the while their courage and their capacity for survival, their ingenuity and their indomitable spirit.

There are many dates in this month, in July, which testify to the intensity of the emotions of the Chamorro people and the endurance of the Japanese occupation. On July 12, the date in 1944, some 9 days before the arrival of the American troops, the Japanese ordered a massive roundup of all civilians and had a forced march into the interior of the island.

□ 2145

July 12 is also the date on which four men were beheaded, including Father Duenas, in a place called Tai. Father Duenas was beheaded for his continual insistence and protestations to the Japanese authorities that his people be treated fairly. And the same day that the Japanese decided to round up the entire population of some 20,000 Chamorro civilians and force them into camps into the interior of the island, was the day that they also beheaded Father Duenas.

On July 15 there was the massacre of some 16 villagers on the southern end of the island in the caves of Tinta Malesso, and July 16 the massacre of 30 other villagers at Faha, which is also in the village of Malesso. And on July 20, one day before the arrival of the Americans, the brave actions of some young men who were armed only with one rifle and several homemade spears under the leadership of Tonko Ayes of Malesso, overcame a squad of Japanese soldiers in Malesso in fear of their lives.

So as we reflect upon this, certainly for the people of Guam there were numerous other beheadings, executions and beatings, but the people of Guam persevered because of their faith in the American flag and belief in their abilities. Today we pay respect to those who liberated Guam in 1944, from within, from without, from the sea and from the hills. The people who came from places like Kansas and Florida and North Carolina, but certainly also people that came from the interior of Guam, we honor all of you.

It is important to remember that Guam was the only American territory which was occupied during World War II with civilians in it, and is in fact the only American territory occupied since the war of 1812.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I want to commend the gentleman from Guam [Mr. UNDERWOOD] on the special order that he is conducting here this evening. When I visited some of the battlefields in Guam and saw the activities and learned of the heroic activities of the Guamanian people, I was moved and impressed.

I think we have not given the Guamanians the recognition they really deserve, so I appreciate the gentleman's offer on behalf of his constituency tonight.

FAMILY ECONOMIC INCOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, about a month ago, when we were leading up to the debate that we had and the successful passage of the tax reform bill, the treasury department kicked off a major debate in this country by releasing some statistics, suggesting that the congressional tax relief bills were tilted toward the rich. In other words, the tax relief bill that we were passing was going to give larger tax breaks to the rich than it was to the middle class.

And, of course, Secretary Rubin made a big point that we were not doing enough to take care of the less well off. As we began to look into it, and this is not new news anymore, but as we began to look into the situation, we found out that one of the things Secretary Rubin did was to fail to report his findings in a fashion that the American people could understand.

And I guess I would have to conclude that Secretary Rubin did that on purpose. Because instead of talking about family income in a way that we would all normally talk about it, either in someone's annual salary as it is reported, when somebody comes home and they are sitting around the family dinner table and their little boy or girl says to dad, ''How much do we make?'' and dad says, ''Well, my salary is $40,000,'' or ''My salary is $55,000,'' or whatever it is, we all understand that. Or we can also understand that when we fill out our income tax form each year, we get some deductions and we get down to what we really pay taxes on under the current tax code. That is called adjusted gross income. The American people and I and everybody else can understand what that is.

But Secretary Rubin computed family income by using a term called family economic income. That means he took the gross salary that everybody made, not adjusted gross income, but the total amount, and added in a number of other income factors to that which Americans do not normally relate to as income to their family.

For example, let us say a family makes $60,000 and let us say they live in a house that is worth $150,000. Well, the economic rental income of that house, now remember they have a mortgage and they are paying the mortgage and they are paying their taxes on the house, but if it is worth $150,000 and the rental value of that house if it were on the market for rent would be maybe $1,200 a month, Secretary Rubin took $1,200 a month and multiplied it by 12 and said, OK, let us see, that is $12,000 plus another $2,400, that is $14,400 a year that the family has in family economic income. So you take the salary level that the family earns, say it is $60,000, and add $14,400 to it and that is part of family economic income.

And if you are like most people have some kind of retirement plan, the buildup of money in the retirement plan also became part of family economic income. And so, as was pointed out by the gentleman from Georgia [Mr. KINGSTON] just a few minutes ago, a family that had an income of $50,000 or $60,000 could look at Secretary Rubin's charts and find out that they

make $85,000 or $90,000 a year, when, in fact, nothing could be further from the truth.

Now this was done I think as a way to skew the numbers to make it look like the Republican tax plan actually gave bigger tax breaks to people who were more well off than they did to people who were less well off. So when we began to analyze this, we used the more normal numbers that would be used by most anyone who is thinking about how much families make, and this chart depicts what we found when we looked at how the tax code the new tax plan will affect taxpayers in various economic groups.

For example, here is the lowest 20 percent of taxpayers on this end and the highest 20 percent of taxpayers on the other end. Now, 63 percent of the American people, under the current tax code, 63 percent are in the highest tax bracket, the highest 20 percent. And under the new tax plan, guess what, there is no change whatsoever in that number, continues to say that 63 percent of the people are still in the top tax bracket.

I will just conclude, Mr. Speaker, by saying, as we move on down, we see very clearly that there is no change whatsoever in any of the numbers as it relates to people who pay taxes and how much they pay under the new tax plan, it is the same identical amount as the old.

ARMY CORPS OF ENGINEERS REFUSES TO CONDUCT STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as I walked over to the Capitol tonight and saw the lights on the dome, I felt, as I always feel as I look at this magnificent structure, I felt a deep appreciation for the opportunity to serve in this place and I felt a deep responsibility to my constituents who have sent me here. To represent the people of southern Ohio I consider a sacred responsibility.

I come to the floor again tonight to talk about a little village in my district located on the Ohio River in Lawrence County, OH, a little village called Chesapeake, OH, a place where people for years have decided to build their homes and their lives on the banks of the beautiful Ohio River because they love the river, they love the environment, they love the community.

A few months ago, a large barge towing company applied to the Army Corps of Engineers for a permit to build a large fleeting facility directly across the river from Chesapeake, OH. Now, I recognize the fact that the Ohio River is a river of great commerce and that we need to utilize it to its fullest to provide jobs and transportation for coal and products. I am not against a fleeting facility, and I am not against this particular company's location of a fleeting facility along the Ohio River.

I simply object to the fact that this facility would be permitted to be located directly across the river from Chesapeake, OH. It would greatly diminish the property values of my constituents. I believe it would provide additional safety problems, air and water pollution, perhaps soil erosion.

The Congressman before me requested that the Army Corps of Engineers require that an environmental impact statement be made and conducted before such a permit was granted. After I came to this office, I requested the Army Corps of Engineers to conduct an environmental impact study leading to an environmental impact statement.

Such a study would require the corps to look at a range of issues, certainly the commercial aspects of the permit, but also factors like quality of life, air, water and soil issues, recreational problems that may be encountered as a result of such a facility, and property values.

The corps steadfastly refused to conduct such a study. I would say that the citizens of this country would not have been required to pay for such a study, that would have been the responsibility of the corporation, a large, wealthy corporation that was asking for the permit.

Why did the Corps refuse to conduct a study? I think it is because such a study would have revealed factors which would have made it nearly impossible for them to have legitimately issued a permit. Some 2,000 of my constituents signed petitions directed to the Corps of Engineers asking them for the study.

Two Members of Congress requested such a study. And yet the Army Corps of Engineers put the well-being of a large corporation above the well-being of my constituents, of hundreds, even thousands, of the citizens who live in the vicinity of Chesapeake, Ohio. The company claimed that they would create 30 jobs. They were certainly not able to convince me, nor were they able to say with surety that these would be 30 new jobs rather than simply a consolidation of existing jobs. I am not against fleeting operations.

I am not against the barge and towing industry. In fact, I strongly and enthusiastically support the commercial use of the Ohio River. We need it to provide jobs and transport for our goods. The question is should this facility have been located directly across the river from an established community. I think any reasonable consideration of the facts would lead to the conclusion that this was an unwise decision.

The truth is that the Army Corps of Engineers ignored the representative of the people, it ignored the petitions of the people, and it decided that the well-being and the interests of a single large corporation should take priority and precedence over the well-being and the safety of hundreds, even thousands, of my constituents.

What the Army Corps has done is wrong. Their policies and procedures need to be evaluated. I ask my constituents to continue the fight, and I ask my colleagues in this body for their assistance in righting this terrible wrong.

□ 2200

The SPEAKER pro tempore (Mr. CHRISTENSEN). Under a previous order of the House, the gentleman from California [Mr. HERGER] is recognized for 5 minutes.

[Mr. HERGER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESIDENT'S TAX CUT PROPOSALS BENEFIT TYPICAL AMERICAN FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it has been noted that many of us have come repeatedly to the floor of the House in trying to explain to the American people this whole debate on tax cuts. There have been an extensive amount of rhetoric, allegations of welfare deadbeats getting tax cuts, allegations that those who really work and really pay taxes would benefit under the Republican plan, but yet where are the facts?

This is so important an issue that I think, Mr. Speaker, we should continue to come and come and come so that those individuals who pay our salaries can fully appreciate the intensity of this debate, but the realism of this debate.

Just a few speakers ago, there was someone standing with a very pretty chart trying to discern between the Secretary of the Treasury's analysis and the Republican analysis. Let me, however, share with my colleagues words from the Congressional Research Service, the Library of Congress. Many of us go to libraries. We recognize that libraries have a myriad of resources. Most of all, libraries do not try to convince us of anything. They give the pros and the cons. They give the fiction and the nonfiction.

In this report, the CRS service has made a very simple analysis. No one has paid them to make a statement in favor of one versus another. But it simply says estimates by the Treasury Office of Tax Analysis suggest that these tax cuts will favor high-income individuals while certain estimates taken from the analysis of the Joint Committee on Taxation indicate the cuts will favor the middle class.

What does did CRS say? The CRS says that the Office of Tax Analysis, that is in the Secretary of the Treasury's Office, provides a more comprehensive measure, more consistent

with how economists would measure the bill's benefits to individuals in different income classes. Therefore, as compared to the Joint Committee on Taxation used by Republicans, the OTA, as assessed by an independent body, is the more accurate assessment of how these funds will be distributed, and the Secretary of the Treasury clearly says the high-income, over $100,000 individuals, of which we have no animosity toward, will be the beneficiaries of the Republican tax plan, not hardworking and continually working middle-class and poor Americans. The OTA measure of income is the more accurate measure of economic income because it is more comprehensive, again from the Library of Congress.

If we simply look at the President's plan in contrast, if we consider a family of four who makes $40,000, the father is a carpenter and makes $25,000 and the mother makes $15,000 working in a local department store. They have two kids, a son that is a freshman in high school, and a college student at a community college where tuition is $1,200. The President's tax proposal will benefit this family in at least two ways. The tax credit for $500 plus a HOPE scholarship of $1,100. In total they will receive a $1,600 tax cut. But they make under $50,000. But they work every day. No, they are not on welfare, they are not deadbeats.

Here is another situation. Consider a family of four with two children living in a medium sized southern city. The father is a rookie police officer. How many of us applaud those men and women in the blue that put their life to line making $23,000, a year and the mother is taking off a few years from working because she has a small, growing family.

Federal tax situation before any child tax credit: income taxes owed, $675 before the earned income tax credit that the Democrats want to ensure continues; payroll taxes, the employee's share, $1,760; excise taxes, $354; Federal out-of-pocket taxes owed before EITC, $2,789; employer share of payroll taxes, $1,760; Federal taxes before the EITC, that is the earned income tax credit, $4,549. Benefit that they would get from the earned income tax credit, $1,668, the same tax credit that the Republicans want to cut out.

The child tax credit for the family of a rookie police officer making $23,000, President Clinton's proposal, $767; the House bill, they would get zero; the Senate bill, zero.

What do we say to this working family with a mother who is caring for children? Do we say that they do not deserve fairness? This tax bill is important, Mr. Speaker, but the most important thing is for the American people to understand who is on their side and who can understand that than those who look in their pocket and find zero? Mr. Speaker, I hope this debate will be continued.

TRIBUTE TO LT. COL. DONNA K. DOUGHERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, for myself and for the House delegation to the North Atlantic Assembly, I rise today to recognize Lt. Col. Donna K. Daugherty for her distinguished and exemplary service to the U.S. Air Force and this great Nation and her lengthy tenure as the Deputy Chief of the Air Force House Liaison Office from February 29, 1991, to July 3, 1997.

In this capacity, Colonel Daugherty truly has excelled in providing the House of Representatives with outstanding service and unselfish commitment above and beyond the call of duty. She quickly established a solid reputation with both Members and staff and continued to build onto those strong relationships during her time in the liaison office. Her keen wit, good judgment, genial personality, and intelligence have helped her represent the Air Force and the Department of Defense in outstanding fashion.

For the past 6 years, her assistance was routinely sought by members of the Committee on National Security and their staff to arrange briefings on a wide variety of national security issues. Throughout her work, Kim's sound judgment and keen sense of national priorities are attributes or talents that have greatly benefited Congress and the U.S. Air Force.

In the challenging arena of assisting Members of Congress in international travel, she was of outstanding assistance in planning, organizing and executing assigned congressional delegation trips to locations all over the world. Actually, she assisted in the planning and executions of 35 CODEL's to 41 different countries involving 143 current and former Members of Congress.

As the chairman of the House delegation to the North Atlantic Assembly, this Member has been assisted by her on several North Atlantic Assembly trips, and her sound performance was always stellar. It certainly has been this Member's pleasure to have worked and traveled with Lt. Col. Kim Daugherty. She has served with great distinction and has earned our respect and gratitude for her many contributions to our Nation's defense and assistance to the U.S. House of Representatives.

Mr. Speaker, this Member confidently speaks for the many colleagues who know Colonel Kim Dougherty when a fond farewell is extended to her along with sincere best wishes and continued success to her and her family as she moves on to the National War College.

Mr. Speaker, the House can be thankful, however, that Colonel Dougherty will be returning to the Legislative Liaison Office next year. We look forward to working with her in the future.

NEW EPA RULES THREATEN ECONOMIC REVITALIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, as I have in the past several weeks, I come to the floor of the House again asking my colleagues to give some consideration to becoming cosponsors to a bill that I have done with the gentleman from Michigan [Mr. UPTON], a Republican from Michigan, and the gentleman from Virginia [Mr. BOUCHER], a Democrat. It is a bipartisan effort to try to say to the Environmental Protection Agency that we in the United States of America, we the people, are working toward cleaning up our air. We have done a tremendous job of cleaning up the air of this Nation. Industries have spent hundreds of millions of dollars. Workers have done their part. Automobile owners have done their part. We have gone to catalytic converters and unleaded gasoline. I will tell my colleagues, coming from southwestern Pennsylvania in an area that was once referred to as ''hell with the lid off'' that we in fact have made tremendous strides in cleaning the air and even according to Carol Browner, Director of the EPA, we will continue to do that.

But now comes the Director of the EPA and now comes the President of the United States refusing to talk to those of us who are from their own party, the Democratic Party, refusing to even acknowledge our letters when we say to them that you are threatening the very livelihood of the people of our district. You are threatening the economic revitalization that has been decades in coming by changing the target at the midway point in the race.

The President, at the suggestion of Ms. Browner, at EPA is going to change two standards, that dealing with soot or fine particulate matter, and that dealing with ozone, or smog. There is no reason to do that. By their own admission, we are making progress. By their own admission, particularly when dealing with fine particulate matter, there are only 50 monitors in this entire country which will deal with what is known as PM–2.5. That is something about 1/28th the width of a human hair.

Why are we doing this, Mr. Speaker? Why are we changing the rules and regulations for industry? The governors certainly do not want it. They have encouraged this President, who was a Governor, not to make this change at this time, many Governors.

State legislators have urged us. The burden will fall on them. The Mayors Conference overwhelmingly suggested to this President, do not change the rules, the burden will fall on us. We are the ones that will have to come up with methods of complying. We are the people who will have to say, no building permits if you want to expand your industry, no building permit if you want to bring a new industry into this

region. We are the people who have to make the decision. It is not the EPA, it is not Carol Browner.

It is going to be something that is mandated, new standards, by the Federal Government, that according to the scientists who testified before our Committee on Commerce, the Committee on Science and other committees on both sides of the Hill, that there is no bright line which defines an improvement in human health. So why are we spending billions of dollars, costing millions of people their jobs, costing the economic recovery of this Nation at a time when we have no definitive reason to believe that there will be a positive impact?

And the President has said, wait a minute, take a look at our compliance. We are going to set these standards down but, with a wink and a nod, you do not have to obey them for years to come.

Why institute them? Why institute them? And if you do not have to comply, then why do we have them? And it is not the Federal Government that is going to force you to comply; it is those same local elected officials, the mayors, the county commissioners, the State elected officials, the Governors who are going to have to say, if my district all of a sudden, these hundreds of counties across this Nation, are going to be out of compliance, then we have to begin the process of setting up the standards. We will be the people that will have to make the decisions as to whether or not we issue building permits, whether we allow industry to expand, what we do about centralized emissions testing of our vehicles, and on and on and on.

So you are right, Mr. President. With a wink and a nod, you can say we are going to keep the environmentalists happy by seeming to make more stringent laws, but with a wink and a nod to our friends in labor, to our friends in industry, we will say, ''But you don't have to obey those rules.''

You cannot have it both ways. We in southwestern Pennsylvania have lost 155,000 jobs. We are beginning to come back. We are beginning to see a new investment by companies that want to come back to people with a good work ethic and want to create employment. We do not want that to be undone, and so we have introduced H.R. 1984. It will stop the EPA. It is a common sense bill. In the meantime, we will authorize money to study the problem, to build the PM–2.5 monitors and to take us forward with good science.

TAX RELIEF FOR MIDDLE CLASS WORKING FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I want to talk a little bit tonight about tax relief, and particularly tax relief for middle class working families. All of us were home for about 10 days in our districts and most of us had a chance to meet with folks in community events. I was at Spam Jam in Austin, Minnesota, where we celebrate the world's greatest lunch meat. I was at 6 parades in my district. I got a chance to talk to a lot of people. What they told me was pretty simple. I think they are generally pleased with what we are doing in terms of balancing the budget, but frankly they do want some tax relief, they want it to be fair, they want it to be part of a balanced budget plan, they would like us to save Medicare.

I am happy to report tonight, Mr. Speaker, that we are doing exactly that. I want to talk a little bit about the differences in the debate that the American people are being subjected to about whether or not this tax relief plan that we are offering to the American people is fair.

□ 2215

And I would suggest that there is a big difference in the debate, and the debate is between real and potential, real and potential. In fact, if you listen carefully to the debate, we are going to talk about real tax relief, they are going to talk about potential tax relief. They are going to talk about potential income, we are going to talk about real income.

And I do not fault completely our current Secretary of the Treasury, Mr. Rubin. He was not the first to come up with a concept of imputed income.

Now what is imputed income? And earlier we had one of our colleagues from Texas talk about a family that made $40,000. Now someone, if we had been able to, and sometimes it is rude to interrupt people and ask them to yield, but is that real income or is that imputed income? Because imputed income, as the gentleman from New Jersey [Mr. SAXTON] said earlier, includes potential rent that you could get from the house that you currently live in.

As a matter of fact, David Brinkley a couple of years ago opined about this issue. Imputed income is income that you might have had but did not. It is potential income.

For example, the example has been used several times about the young fire-fighter or the young policeman who earns $25,000 or $35,000 a year. Well, if he lives in his own home and could have rented his home out, actually then his real income might have been $40,000 or $45,000. If he has a vested interest in a pension plan, that would be part of his imputed income.

So if we are going to calculate people's income using imputed income, let us calculate the taxes.

But the real fact of the matter is that if you look at this chart that earlier was presented, nothing really changes with the tax bill in terms of who is going to pay the taxes. What this chart shows is that under the current tax formula the top 20 percent of taxpayers pay 63 percent of all the taxes paid in the United States. Under the new tax formula that we are proposing from the House, the top 20 percent will still pay 63 percent.

Now we are going to have this debate, and they are going to use imputed income, we are going to use real income. They are going to use potential taxes, we are going to use real taxes.

We should not even have this argument, and we are not going to ask the American people just to trust us and do not trust them. Trust yourself. And what I am going to invite people to do is to calculate the tax cut for themselves, and this is available now, I think, on the World Wide Web. We are going to make these worksheets available so people can calculate their own tax relief.

This is a very simple little work sheet: Number of children in your family under the age of 17; under our tax relief, the first year, 1998, you multiply times 400, and the second year and years after, you multiply it times 500. If you have two children it is worth $800 next year and $1,000 the year after. If you have a capital gain, if you earn more than $41,200, you multiply times 8 percent. If you have income, household income, of less than $41,200, you multiply times 5 percent. That is what you are going to save. And finally, if you have youngsters who are in their first 2 years of college, you multiply times a $1,500 credit.

Do the calculations yourself, but I can tell you this: If you are an average family in my district earning $32,500 a year with 2½ children, in fact let us just say 2 children, it is worth over $1,000 to that family.

Now that is real money that they can spend themselves or they can save for their own future.

So do not take our word for it, do the calculations yourself, and these are real tax cuts for real people, not potential tax cuts for potential income.

Finally let me just say there are additional benefits in this tax relief package, and you have choices as to whether you want to take the credit on higher education costs or you can take a $10,000 deduction depending on your situation. Penalty-free withdrawals from your IRA's for college expenses, exclusion of capital gains on a home up to $500,000; this is real tax relief for real families, not potential tax relief based on potential income.

REPUBLICAN TAX PROPOSALS PRIMARILY BENEFIT THE WEALTHY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for one-half the time remaining before midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, as you note this evening, some of my colleagues on the other side of the aisle,

some of my Republican colleagues, made reference to Treasury Secretary Rubin's report which was released over last weekend that illustrated very clearly how the Republican proposals primarily benefit wealthy individuals. In addition, Secretary Rubin expressed serious concern regarding the potential for the Republican tax cuts to explode the deficit, and I just wanted to mention this report again because I think it is significant. It says that only 38 percent of the tax cuts would be for middle-class families under the Republican House proposal while 55 percent of the tax cuts would go to the affluent.

Now President Clinton's tax cuts are more targeted to the middle class. Eighty-three percent of the tax cuts under his proposal would be targeted to the middle class, and only 10 percent would be targeted to the wealthy.

Now we are hearing all these statements from the Republicans about how these Treasury numbers are inaccurate, the Republican plan does give more money to the middle class. Unfortunately, these Republican arguments are without basis and they basically ring hollow. It is the Treasury numbers that examine the full 10 years of this balanced-budget agreement in their calculations. What the Republicans do is they only look at the few years in the agreement that they think favor them and then skew their numbers to make it seem that they are helping the middle class, and in fact they are not.

One of my colleagues, the gentlewoman from Texas [Ms. JACKSON LEE] mentioned the Congressional Research Service report which was issued on July 2, just last week, and this is a nonpartisan analysis. And what that report stated was that the Treasury office's numbers, the Treasury Office of Tax Analysis, and I quote, ''provides a more comprehensive measure more consistent with how economists would measure the bill's benefits to individuals in different income classes.'' They go on to state the OTA, the Treasury analysis, is a better representation of the permanent distribution.

So this Republican argument is baseless because the facts back the Democrats' argument. The Democratic tax plan primarily benefits the middle class, and the Republican scheme primarily benefits the wealthy.

I just wanted to use an illustration now, if I could, under the Republican tax scheme to show how a typical family is not really helped, and I use as an example here, as you can see on the chart, of Joe and Betty who do not fare well under this Republican proposal. Basically Joe cannot figure out why the CEO of his company is getting a $24,000 tax break under the GOP plan while he gets almost nothing. Joe's wife, Betty, works part-time and worries that she will get a pay cut and possibly lose her pension under the GOP plan because her boss may turn her into an independent contractor.

One of the things that the Republicans do not tell you is not only that the Republican plan does not provide much in the way of tax cuts to the middle class, but they also have these little provisions in the bill that change the definition of workers and their rights and whether or not they get minimum wage. And one of the things they do is to turn a lot of people into independent contractors, so they may lose a lot of the benefits that they now have.

Now Joe and Betty again, they have a daughter Susie who is headed for a community college in a few years, and she would likely face $750 in tuition costs under the Republican plan compared to the zero tuition under the Democratic alternative, because we are a lot more generous in what we do to help families pay for higher education.

Finally, little Joe Junior in this family of four and his sister would not receive a child tax credit under the Republican plan, even though both parents work and pay taxes.

Now meanwhile we have got this CEO here of the company where Joe and Betty work, and just to give you an illustration, Joe found out that they have a memo from their accountant that they project that this CEO was going to get a $24,000 windfall of extra income due to the Republican tax breaks. In addition, the CEO is thinking about how turning low-wage women employees like Betty into independent contractors is going to mean big bucks for the company and could mean a raise for him under the GOP bill. Of course Mr. CEO's gains are the country's losses because the Republican tax scheme will cause the deficit to explode.

I have a number of my colleagues here tonight that I would like to yield some time to to talk about what is going on here, but the bottom line is that the GOP plan is giving most of the tax breaks to wealthy individuals. The Democratic plan is aimed towards the working class, towards the middle class. That is what the Treasury report shows, and no amount of rhetoric on the other side of the aisle is going to change the facts as they exist.

I would like to yield now to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I think the examples the gentleman gives are exactly right. Those examples do show that the benefits of the Republican tax cut plan go very much to wealthier Americans and that the Democratic alternative, those benefits, the President's plan, go to working middle class American families.

Now we have heard a lot of information tonight, and I want to go over some of that information. Two of the previous speakers referred to the Clinton Treasury Department numbers, and I want to talk about these numbers a little bit. One of them said Secretary Rubin developed these numbers, but the last speaker, the gentleman from Minnesota on the other side, was more accurate. He said, ''I do not fault Secretary Rubin, he was not the first to use those numbers.''

That is right. He was not the first. They were used in the Bush administration. For all of this talk of imputed rental income, this way of measuring the economic impact of tax cuts on families has been used for some period of time. It was used during the Bush Administration, it was used during the Reagan Administration.

In fact, those numbers, this approach was first developed by William Simon, Secretary of the Treasury, 1977. The Treasury Department has been using this analysis for 20 years. It was not developed recently, it was not developed to have anything to do with the Republican plan in this Congress or the Democratic plan. Twenty years the numbers have been used.

So why? Let us ask ourselves why all this talk of imputed income? Why all this confusing rhetoric?

Well, I submit the answer is very simple because of another chart that was put up earlier tonight by the gentleman from Georgia, and that chart said 76 percent of the benefits go to people earning less than $75,000 a year. But if that were true, I say to my colleague from New Jersey, he would vote for that bill, I would vote for that bill, all the Democrats would stand up and vote for that bill. It is not true.

Let us take an example. Let us suppose you have a family earning $30,000 to $40,000 a year in wages and salaries, and let us suppose they also have $100,000 in interest, in dividends, in investment income. How is that family categorized under the Joint Committee on Taxation numbers, the numbers relied on by the Republican side? They call that family a $30,000 to $40,000 family because they say all of their investment income is irrelevant, all of their interest income is irrelevant, all of their dividend income is irrelevant. We are just going to look at their wages and salaries.

That is how they do the math. It is completely bogus. The fact is when the gentleman from Minnesota stood up and said one side is talking about imputed income and one side is talking about real income, what he neglected to say was that real income just included wages and salaries, not dividends, not interest, not investment income. In other words they take all of the wealthy, many of the wealthy, and call the middle class, call them middle-income families, and it is not true.

So the question is who wins and who loses under the various plans. And let us for a moment forget about how we described family income. Let us just look at the middle 60 percent in family income. Let us take those at the bottom 20 percent in family income and set them to one side, and let us take those at the top 20 percent in income, set them to one side. Let us look at the 60 percent in the middle.

Well, under the President's plan, under the Democratic plan, 67 percent of the benefits of that tax cut go to those families, middle income working Americans, 67 percent of the benefit goes to them.

□ 2230

What about the House bill that was passed over our objection? Thirty-two percent of the benefit of the Republican House bill goes to those working families, 32 percent, less than half of the benefit that flows to middle America under the Clinton tax cut plan.

On the Senate side they do slightly better. Thirty-four percent of the benefits of the tax cut go to that 60 percent of Americans in the middle. Those are the cold, hard facts. That is why we have stood up as Democrats and said, if we are going to have a tax cut in this country, and we are, and we support a tax cut of the same size as those on the Republican side, but we are saying the benefit of this tax cut has got to go to working Americans, to middle-income Americans.

Mr. Speaker, I have just one other point I would like to make. I think we have to decide, is this tax cut bill fair. That is the first issue. The truth is the Democratic plan is fair and the Republican plan is not.

The second question is this: Is this plan fiscally responsible? What the House Republicans have done is they have indexed capital gains to inflation. They have backloaded IRAs. The effect of those two decisions is to explode the deficit in the outyears. After you get past 15 years, that second 10 years, this bill becomes fiscally irresponsible.

Today in the Washington Post there was a report that we now have driven the deficit, the annual deficit in this country, down to $45 billion; from $280 billion when the Clinton administration started, down to $45 billion. Almost all of that is the result of the 1993 tax cut bill, for which not one Republican voted.

The work has been done. We have balanced the budget. This is the wrong time to enact policies that explode the deficit in the outyear. The Republican tax cut plan is not fiscally responsible. It explodes the deficit. It is not fair to middle-income working Americans. We need to stand up for the Clinton plan, stand up for the Democratic alternative tax cut plan that passed this House, and I look forward to working with the gentleman from New Jersey [Mr. PALLONE] toward that end.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I think one of the points the gentleman is making that we need to stress over and over again is, when I was making reference before to this Congressional Research Service report that basically says that the Treasury Department report is the accurate one, and defies what the Republicans were saying tonight, what this Congressional Research Service report primarily is saying is that the Republicans are in effect pulling the wool over our eyes, because they are looking at how this tax cut is distributed under the 5-year plan rather than the 10-year plan. That is what we have to look at really, is the 10-year plan, because that is where these tax cuts are generated primarily to wealthy Americans in the latter part of that 10 years.

They are the ones who are really being tricky about this on the Republican side by not looking at the broader picture and at this plan over the 10 years. It is particularly true with capital gains and with IRA's, because those are the things where the benefits really increase at the latter end of that 10-year period. That is where wealthy people get most of the benefits and the average person does not. I think the gentleman is making a very good point.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I thank the gentleman for yielding to me. I agree with the gentleman from Maine. This is not a question of is there going to be a tax cut. There is going to be a tax cut, it is going to be the same amount of money. The issue is what is the best tax cut for working middle-class Americans.

Of course, being from Arkansas, I am concerned about working middle-class Arkansans. There has been a lot of discussion about who is going to benefit the most under this plan. Every responsible analysis I have seen, looking at this plan in its totality over the next 10 years, clearly states that the President's plan and the Democrats' plan most helps working middle-class families.

Over the weekend I was really pretty outraged by some of the statements in the press made by Republican leaders in this country that somehow we Democrats advocating for working middle-class families were trying to turn a tax cut bill into a welfare bill. I would like to talk about real folks here for a minute.

I have a constituent who was kind enough to share with me her paycheck stub; you know, that thing that you get at the end of the month and it just gets your heart to beating fast when you realize how much money went to the government. We all go through this every week or every month.

This top portion is her particular paycheck stub. She and her family make about $14,000 to $15,000 a year, not a lot of money these days, but I have made it before; it is what a lot of us make when we are first starting out. This family has 2 children. One of our colleagues on the other side of the aisle earlier had a little chart about how to calculate the family tax savings, I believe was the way the chart was titled. He said just take the number of children and multiply it times two, by either the $400 or $500. You take this family here with two children and multiply it times two, and you come out with a $1,000 tax cut.

Under the Republican bill that passed out of this House with no votes or very few Democratic votes, this family does not qualify for that tax cut, so that chart was inaccurate. Why is that? It is because under the Republican tax bill that was passed, they do not consider the taxes that you pay that are called payroll taxes, those taxes that say, sometimes it says FICA, sometimes it says Social Security or Medicare, but their tax bill says no, those are not really taxes. We did not consider those taxes during the campaign when we were talking about folks who play by the rules and pay taxes. We did not mean this family, we meant the families we were thinking about.

So this family on that chart does not qualify for that tax cut. It is not advocating a welfare program for me to stand up for Arkansans who are in this situation and say this family and these kids also deserve a tax cut.

Another issue that came up a few minutes ago by one of our colleagues across the aisle, again going to the family tax savings chart, again talking about the second calculation you make is the number of kids in the first 2 years of college, and you multiply that times $1,500, that number of kids.

That all sounds good, but that is not what happens under the Republican tax bill, and both the Democrat version and the President's version are an improvement. Why does that not work? In Arkansas, and I know I am going to show my parochial interest, we have a lot of 2-year colleges: Foothill Technical Institute in Searcy County, Arkansas, and in White County, Pulaski Technical College in North Little Rock; I have several of them around the State that have tuitions, annual tuitions and fees of less than $1,500 a year.

Now, under the President's plan and the Democratic House version, if the tuition is $1,000, this family, those kids, say we have two kids in that college in the first 2 years, two times a $1,000, that is $2,000. If you did the Republican version, it is a 50 percent credit, so you are taking $1,000 tuition, two kids, $2,000, and 50 percent is $1,000. They only get half the credit.

If we say, well, that is okay, they can go to more expensive schools, but we are trying to stand up for working middle class families that may not have the resources to send their kids to more expensive schools. These are the schools that we work very hard in Arkansas for the last several years to develop a two-year college system. I know they are the schools the President has cared about when he came up with the HOPE scholarship program. It is just not fair that these families have to be left out of the full tax relief because they choose or are forced to send their children to less expensive schools.

Mr. Speaker, finally, if I might make a comment about the estate tax relief, I know for some of us that is less important than for others. In Arkansas we have a lot of farms. We also have a lot of small business folks. In estate tax relief, the ability to be able to pass the small business or farm on to your kids without being at risk of having to sell a portion to pay estate taxes is important to a significant number of Arkansans.

Under the Democratic versions of estate tax relief, for folks with small

businesses and farms the relief is immediate. So if a person, as soon as the bill was signed into law if a person were to die, their family would be able to benefit from the full estate tax relief. Under the Republican version, it does not kick in until the year 2007.

So to my friends my friends in Arkansas who have small businesses or farms, if the Republican version becomes law, all I can tell them as their tax adviser is do not die any time soon if you want full relief.

I appreciate the opportunity, I would say to the gentleman from New Jersey [Mr. PALLONE] to share my concerns about the Republican bill. I think we as Democrats have an obligation to stand up for working middle class families throughout this country, and by doing that we are not advocating welfare, we are only advocating what just about every candidate in America promised in the last election: tax relief for working middle class Americans, all of them, not just the chosen few.

Mr. PALLONE. I appreciate the gentleman's comments, Mr. Speaker. When he was talking before about the payroll tax, what the Republicans are trying to do is to just look at the Federal income tax and say, unless you are paying a certain amount in Federal income tax you should not get any tax relief. The gentleman pointed out very vividly how payroll taxes for many people, working people, are even a bigger chunk of what they have to pay to the Federal Government than the income tax.

When we think about other taxes, I know in New Jersey, for example, we have one of the highest property tax rates in the country. People are paying a tremendous amount of property tax. Why is it that all these other taxes, whether they be Federal, State, local, whatever they are, cannot be considered? People are paying them to the government.

I do not think we should really make a distinction whether or not it is income, payroll, State, local, whatever it is. It is still taxes that you have to pay. People need relief. Plus the thing that really bothers me is that when this balanced budget agreement was struck between the President and Congress it was made quite clear by the President that the tax relief had to go to middle-income people and primarily to working people. Now the Republicans are basically breaking the deal, the way I see it.

Mr. SNYDER. Mr. Speaker, this issue of payroll taxes is particularly important. Before I was elected to Congress I am one of the people in the last 15 years that has been considered self-employed. Again going back to small business folks, farmers are often for tax purposes self-employed, as are shop operators, gas stations, the mom and pop stores self-employed.

They can all tell us, they pay almost double the payroll tax, so this is a big concern to them when they hear that this Republican bill, the one that passed out of the House that the Republicans want signed into law, that they may not get the relief, that is of great concern to self-employed people.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey [Mr. PALLONE], and it is a pleasure to join with my colleagues tonight.

I would just say that I think it is important to really refute the misinformation that is being given out by our colleagues on the other side of the aisle. When we talk about who was getting shortchanged, the critical question is who is going to benefit from the tax cuts. It is the Democratic view that working middle class families ought to have the bulk of that benefit.

Our colleagues on the other side of the aisle would say that they are doing that, but in fact if we examine their proposals, as some have done here tonight, we will find that working middle class families come up short. They get shortchanged on education, education initiatives, on the HOPE scholarship. They do not get any benefit for the third or fourth year of colleges, for a working family to be able to send their kids to college.

So we cannot, one, make the principle of education a universal for 14 years, rather than 12, which would be a bold, new idea, to make education universal for 14 years in this country.

Second, if you are a junior or senior, you do not get the advantage of any assistance at all.

They would shortchange those families who are working, who they claim are getting an earned income tax, and they somehow have lost the definition of what earned income is, because only if you earn an income are you eligible for the tax credit, and only if you pay taxes. My colleagues here tonight have described the payroll tax.

Third, whether it is estate tax or capital gains, it is targeted to middle class families. They are the families who are getting shortchanged. We have to ask ourselves, why they are get shortchanged in this equation, and who benefits? I think I want to point out just one area, and the contrast of why working middle class families are getting the short end of the stick from the Republican tax cut proposal, which is because, in just this one area, of the alternative minimum tax.

The alternative minimum tax was put into place in order for the richest corporations in this country to be able to have to pay taxes, the way everybody else does. It was done in 1986. It has been working fine all these years, though I will say in the last session of this Congress that the Republicans wanted to repeal and eliminate the alternative minimum tax, which would provide a $34 billion windfall to the richest corporations in this country.

So they lost that battle in the last go-round, but they have come back again this time to try it again. The public was outraged in the last Congress that they would do this, so that Joe and Betty, Dick and Jane, we are paying taxes every year, but the Boeings, the Exxons, so forth, would have to pay zero in taxes. So they have tried it again this time.

Why we see this shortchanging of working families here is because what they would like to try to do is one more time to try to scale back on the alternative minimum tax, so that it is not $34 billion windfall to the richest corporations in this country, but at the outset it is $22 billion, with ultimately the notion that you phase out the alternative minimum tax.

□ 2245

Once again, to provide the richest corporations in this country with the opportunity to pay no tax, where you will say to that struggling family that wants to send their youngster to a community college, and I have a lot of community colleges in the State of Connecticut where the tuition is $1,800, but you cannot have $1,500 because we cannot afford to do that.

We will only give you 900 because what we want to do with the balance of that money is to make sure that the Boeings and the Exxons can pay zero in taxes in this Nation. That is what this is about.

I will tell you, the American public is not being fooled, because 61 percent of Americans believe that the Republican Congress is out of touch with the American people. According to Newsweek magazine, that is before, at the 61 percent, it is before middle-class voters even learned that the GOP wants to give a big chunk of their tax cut to Donald Trump. That is a quote from the Newsweek article, not something that I made up, not something that a Democrat has made up but a third party that says this is the direction they want to go.

I will make one more comment because I think it is relevant to make. It is that family that is making the $23,000 a year, again in an article in the Wall Street Journal, certainly not a liberal Democratic newspaper, where it says the Republican tax-cut dog will not hunt. That is because a police officer in Speaker GINGRICH's district, paid $23,000 a year, family, has two kids, gets $1,668 in the earned income tax credit, offsets it, $675 in Federal taxes and yields a check for $993. The family pays $1,760 in payroll taxes. His family out of pocket, even after the earned income tax credit, would have to pay at least $1,100 in taxes. Mr. GINGRICH and company ''apparently believe giving that young police officer and his family the child credit is welfare.''

On the other hand, what the tax cut proposal on the Republican side would provide is for Mr. Bill Gates, richest man probably in the world when he gets his capital gains and his estate tax reduction and even a new IRA provision that would let him take a $4,000

tax break for educational expenses for his kids, and a $23,000-a-year rookie cop would be denied a tax credit for his kids.

What this tax bill is about is values. It is about priorities. It is what this Nation is about. The Republican tax program is not for working middle-class families in this country. The Democratic proposal, the President's proposal, is for working middle-class families. I am proud to join my colleagues tonight in this special order.

Mr. PALLONE. What we are hearing is Republican tax breaks are going to big business, special interests, wealthy families and all at the same time limiting tax cuts for education and families with children. It is just incredible.

I yield to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I have been listening. This morning also we were listening to our colleagues across the aisle talk about in their 1-minute speeches, one by one come up and complain about the Democrats engaging in class warfare.

Our budget agreement that we voted on earlier this year called for $825 billion in tax cuts. Each party came up with a plan to distribute those tax cuts. The President presented a plan that would place our priority on giving those tax cuts to families to help them support their children, pay for college, and to provide for retirement. I proudly voted for that package, which I believed was a responsible way to cut taxes while we were making significant spending cuts along the way.

Our colleagues across the aisle created their own blueprint also for the distribution of these taxes. According to the office of tax analysis, as the gentleman has already spoken of a few minutes ago, this Republican plan would give two-thirds of the tax breaks, two-thirds to the wealthiest one-fifth of American wage earners.

By comparison, the President's plan would provide two-thirds of the tax breaks to the middle 60 percent of American wage earners. And they have the temerity to accuse Democrats of class warfare. If this is war, then let us examine who each side is fighting for.

The Republicans want to repeal the alternative minimum tax, as we heard also a few minutes ago, thereby helping the largest and most profitable corporations avoid paying income taxes. The Republicans accuse Democrats of class warfare.

Mr. Speaker, I told the people in the ninth district in Texas that if they elected me to Congress, I would fight for working families and not for special interests. I see an America today where our stock exchange continues to shatter records, but middle-class families still struggle to make ends meet.

I see those families and I want to help them. I cannot help but wonder if our colleagues across the aisle do not see those struggling families at all or if they are simply blinded to their needs. The priorities of the two political parties are crystal clear on this issue. I am proud to stand beside the families in Galveston, Texas, Beaumont, Texas, in Baytown, Texas who will use these tax breaks to improve their day-to-day lives.

If the Republicans want to call this class warfare, that is just fine. This is a battle of our national principles.

Mr. Speaker, I am proud to stand with the gentleman and our Democratic colleagues who are here tonight. I am proud to fight for tax relief for working families.

Mr. PALLONE. Mr. Speaker, I wanted to say quickly to the gentleman, and I think we all realize that we are not in the business of redistributing wealth, the bottom line is the economy is really good. Wealthy people, wealthy corporations are benefiting from it. You mentioned the stock market. We read these statistics every day.

All we are really saying is, this was the promise that was made when this balanced budget agreement was signed, is that we only have a limited pot of money. This tax relief should go primarily to working families. That is where the Republicans have broken the deal on this balanced budget agreement. It is just not fair.

Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for this special order and allowing us to talk about the presidential tax proposal because it is absolutely crucial what comes out of this tax vote. It is absolutely crucial to our children and to our Nation. We know it. That is why we are here tonight in the middle of the night making sure that our public knows this.

What is the key to the President's proposal and why is it so much better than the proposal that the Republican majority put forth? Well, it is pretty simple. Our plan provides more tax relief for middle-income Americans. It is that simple. If you want to provide a huge April bonus to the very richest in the Nation, it is clear that the Republican bill will make that happen. If you want to explode the deficit in the coming years, then the Republican plan is actually the best choice.

If you want to go back to the good old days when huge profitable corporations paid no taxes, then the Republican bill is the one. That is what we are talking about tonight. But if you want to ensure that the bulk of the tax cuts go to the middle-income American and if you want to make sure that we provide our kids with a real tax break for education, then the President's plan is it.

After all, the Republican bill gives only a third of its tax breaks to middle-income individuals. We have said that tonight many times and in many ways. But the Democratic alternative provides more than two-thirds to the middle class.

Let me tell you something else that is absolutely urgent for all of us to understand. The Democratic bill gives our kids the tax breaks that they need to get ahead in school and get ahead in life. Almost every Member of Congress acknowledges on a bipartisan basis the importance of education. So why, why then does the Republican majority skimp on the key education tax breaks proposed by the President? Why does it break the deal that we reached on a bipartisan basis earlier this year?

Just listen to the differences between the two proposals. We have said them tonight. I am going to say them again. The President's plan provides a much larger tax credit for the first 2 years of college. The President's plan provides a significant new credit for lifelong learning.

Unlike the congressional plan, the President's plan covers all students, including part-time students, graduate students and workers who are improving their job skills. It makes student loan interest tax deductible once again. It provides tax incentives for the construction or rehabilitation of schools in distressed areas. It provides tax incentives for the private sector to donate much needed computer equipment for schools, something we all know we desperately need to prepare our kids for the jobs of the future.

It creates terrific Kidsave accounts that allow parents to make tax-free withdrawals for higher education costs. And let us look at the numbers for education. When you add it all up, the President's plan contains $45 billion for different education initiatives, while the bill we passed in the House, the majority's plan, the Republican plan, provides only 31 billion.

Now, I am a true believer that the best way we can move our Nation forward is by providing quality education and training to every person in this country. After all, when we strengthen education, we prepare our young people for jobs that pay a livable wage, jobs where they will be paying taxes. We prevent families from relying on welfare. We reduce crime and we reduce violence and we increase respect for our health, our environment and respect for each other. I am a true believer that our families need help with the costs of higher education and all education.

After all, the annual cost of a public college education increased from 9 percent of a typical family's income in 1979 to 14 percent in 1994. Middle-income families are struggling to pay these costs, and they deserve some real assistance.

But we cannot do this by talk alone. No, we can stand here every night and talk about taxes. But we have to get behind proposals that really make a difference for our kids. The President's plan is the one that does this. The difference between the President's proposals and those of the Republican majority are so significant that they could truly mean the difference between success and failure for our kids, the difference between economic success and failure in the coming years.

I have two words for those on the other side of the aisle who think that it is okay to pass a tax plan that provides most of its help to corporations and the super-rich and, too, to those who believe it is okay to pay lip service to education without getting behind the tax proposals that will give us the best education system in the world. Those two words are ''get real''.

The American people are crying out for real tax relief. They are crying out for real education benefits. They do not want us to abandon the bipartisan budget plan. They want us to live up to it. And that is what the President's plan does. It gives middle-income families what they need and deserve: lower tax bills and a big boost in their education.

We still have a chance to make a real difference in the lives of local families. Let us get 100 percent behind the President's plan. We will all reap the long-term rewards for our kids and our Nation. I thank the gentleman for the opportunity.

Mr. PALLONE. I want to thank the gentlewoman for stressing the education tax cuts and the ways to improve on the access to education, because again we are talking about very limited resources here in the context of this balanced budget plan. It certainly makes so much sense to spend that money on ways to provide access to higher education and relieve the burden, if you will, on families that are trying to put their kids through college rather than spend it on some of the other things that the Republicans have proposed. It just makes sense in terms of investing in our future. I want to thank the gentlewoman.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. Listening to this debate reminds me of Victor Hugo, who once said that there is always more misery among the lower classes than there is humanity in the higher. It seems to me that the Republican tax bill further promotes the misery and suffering of the lower class and illuminates the inhumanity of the higher.

It is true that the Republican tax bill takes from the poor and gives to the rich. This bill embodies the very essence of the Robinhood concept. Only it is Robinhood in reverse; take from the poor and give to the rich. I agree with those who suggest that this bill is bad for America.

□ 2300

The Republican tax cuts make the wealthy wealthier and the poor poorer.

The New York Times said of this cut that the Republican tax scheme unfairly benefits the top 5 percent of income earners by providing them with over 50 percent of the tax cuts. It showers tax cuts on the Nation's wealthiest families. It actually shortchanges the citizen, as we have heard, who wants to go to a community college.

I believe that it is clear that the Democratic plan rewards the working class while the Republican plan rewards the wealthy. I stand for those who stand with the working people of America. I agree with those who believe that we should start where the people are and move from there. I thank the gentleman for the opportunity to be here with him.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I think we have made the point quite clearly tonight that Democrats are not talking class warfare. What we are saying is with the limited amount of resources in the tax cuts that are available under this balanced budget plan, it certainly makes sense to provide the tax cuts in ways that are going to help the average family, the working family and invest in the future so that there are opportunities, whether it is education or whatever it happens to be.

It makes no sense to just shower most of these tax cuts on wealthy individuals or big business, because it will just not help the country in the long run. So I appreciate the gentleman's comments.

Mr. Speaker, I yield to my colleague from Michigan.

Mr. STUPAK. Mr. Speaker, I want to thank the gentleman for yielding. I was in my office catching up on some mail and signing some letters, and I listened to the speakers in the previous special order and the beginning of this special order, and I was so pleased to see so many of our Democratic freshmen here, the gentleman from Arkansas [Mr. SNYDER], the gentleman from Illinois [Mr. DAVIS], the gentleman from Texas [Mr. LAMPSON], and the gentleman from Maine [Mr. ALLEN] joining with us here.

Something is sort of lost in this whole debate here. I remember when I came in in 1993 with the gentlewoman from California [Ms. WOOLSEY], our concern then was the budget deficit and how big it was. It was $293 billion. I remember that first year, our first year here in Congress, still unsure of what had to be done and procedures of the House, but we were very concerned about reducing the deficit. It was about $289, $293 billion.

We came up with the world's largest deficit reduction plan. Our friends on the other side of the aisle would like to call it other things, but it was the largest deficit reduction plan. I remember being in this Chamber on a very long August night trying to get that package through; and we pushed it through, strictly Democratic votes, and we did it by one vote. It went to the Senate and they passed it eventually by one vote. In fact, the Vice President broke the tie.

We promised in 1993 we would lower that deficit, and we were at $293 billion when we came in. And 4½ years later we are down to, now the latest prediction is we will be at $45 billion on September 30 when we close this fiscal year. How did we get there? It was because the Democrats came together with a Democratic President, and we did a tough vote. We lost some Members over that and we are now in the minority, but it was the right thing to do for the country.

I think the thing that is lost in this whole debate is how did we get from $293 billion on the verge of balancing the budget? I think that has often been lost. And we as Democrats should take credit for standing up, taking the tough vote. I remember all the predictions: We will throw this country into complete chaos, economic depression, massive unemployment, there would be rioting in the streets. And the economy has gone crazy. It has given business a shot in this administration, a shot of confidence in the U.S. Congress that we knew what we were doing; that we are finally going to get this deficit under control.

And we have done it. I think in this whole debate we have to remind ourselves how did we get to the verge of balancing the budget. And many of us, while we may have voted for the President's plan to give a tax break, many of us feel strongly that we should finish the job. In less than 12 months we could finally balance this budget and then give the tax breaks.

I may have only been here 5 years, but I know in the U.S. Congress tomorrow never comes. We are always worried about today. And we are spending money with these tax breaks that we do not have. But we are predicting a robust economy for the next few years. So if we are going to do tax breaks, they must be so specifically focused because, again, the gentlewoman from California knows that when we came here in 1993, what was it, the rich were getting richer, the poor were getting poorer, and we in the middle class were getting squeezed.

So even with the bill put forth by the Democratic Party, it is a very targeted bill, targeted to help those people who need the help, not give away the money, not spend money we do not have. We have done it over 5 years with a very controlled fiscal policy. We must continue it and it must continue in any kind of tax breaks.

Now, if I can go to the First Congressional District of Michigan, which I proudly represent, that is the north half of Michigan, I will tell my colleagues the median family income in my district is $27,482. In my poorest county, Keweenaw County, it is $18,459. That is the median income. And these are the folks we are trying to help. My State, the State average is $36,562. Again, my congressional district, the average is $27,482. So there is a big difference. I have a very rural, sparsely populated district.

So take a person or family income of $27,000, or let us be realistic here, a working mother, a mother with two children, who probably has an annual salary of $17,000 or $18,000. She receives $2,316 from the earned income tax credit last year, $2,300. Remember, that was

in the deficit reduction package we did. We helped out those who needed help; $2,300 she receives.

Under the Democratic bill that we passed earlier, she would get $600 from the child credit for 1998, 1999 and 2000, in addition, to her earned income credit. So she would get about $3,000. This is a mother, two children, trying to work and stay off welfare. So we are going to give her approximately $2,900.

Under the Republican bill, what would she get? Nothing. Nothing. In fact, she loses money because they take money away under the earned income tax credit because she already has an earned income tax credit. The $600 she would have received, they take away. The poor get poorer and the rich get richer. We in the middle class get squeezed.

How about a community college student? We were talking about education, the gentleman from Illinois and others did. Let us take a college student who completes his first year of college. Tuition in my district is about $1,400 a year. Parents making $75,000 a year; under the Democrat bill, his parents would have received for that first year of college tuition about $1,100 in tax credit for his community college. He would be eligible for 20 percent tax credit for tuition costs in his 3d and 4th year.

Under the Republican bill, what do they receive for sending their son to community college for $1,400 a year annual tuition? He would receive $800, not the 1,100 we would give, and the third and fourth year they get nothing. There is nothing there. What do they do for the 3d and 4th year if they want to get a 4-year degree?

So these proposals we speak of, the tax breaks, have to be very targeted, very specific, and be real to the people we represent. That is what I think the Democrat plan does. We do not want to see the rich get richer but we hope they would help us out.

We took the tough votes, and I just wish that we would just finish balancing the budget and if there is money left over, give some tax breaks. But if we are going to give these tax breaks, then let us make sure the folks who need the helping hand, not a handout but a helping hand, get a little help. We are a rich country, we are doing well, the economy is doing well. Can we not help out the folks who need a little extra?

These figures about median family income, that is my district. I have the top half of Michigan, 43 percent of Michigan. It is a large State with a median income of only $27,000. That is what we are talking about. These are not folks who have all kinds of stocks in the stock market, do not have to worry about capital gains tax or estate taxes over $600,000. That is just not the folks I represent. And I would hope those are the folks we help out instead of the rich getting richer and the poor getting poorer and the middle class getting squeezed.

Again, as I say, I was down writing and signing some letters and I could not help reminding myself that 1993 was pretty bleak around here. We took the tough votes and we are on the verge of balancing. Let us balance this budget and worry about the tax breaks later, but if we are going to do it, let us be very specific for the middle class.

I thank the gentleman from New Jersey for all his hard work in this area, and the rest of my colleagues joining me here tonight, and I enjoyed the opportunity to discuss this tax package and where we have been and where we are now.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Michigan for those remarks and really bringing home how this Republican proposal impacts the average American and why the Democratic alternative is so much better.

I will end with this. I want to thank all my colleagues for participating in the special order tonight and really urge that my Republican colleagues will come along to the Democratic alternative and support it. It is not too late. We are in the process of doing the budget reconciliation now and certainly hopefully we can come together on a tax package that benefits the average working American.

TAX CUTS

The SPEAKER pro tempore (Mr. CHRISTENSEN). Under the Speaker's announced policy of January 7, 1997, the gentleman from Mississippi [Mr. PARKER] is recognized for the remaining time before midnight as the designee of the majority leader.

Mr. PARKER. Mr. Speaker, I appreciate the opportunity to be able to come before the House and discuss some issues of importance, and I must tell my colleagues that I have enjoyed listening to my colleagues over the last hour talk about their view of the tax situation that we have in this country and what their views are as far as cutting taxes.

I appreciate the fact that they are now in a position and their party is in a position where they are supporting tax cuts. That means a lot to me. That is very different than what we had experienced in the past. But I also think that it is very important that people understand exactly what we are talking about as far as the tax cuts that the Republicans are presenting.

Now, my intention tonight is to talk about the death tax and the repeal of the death tax, but for all my friends on the other side of the aisle who are discussing tax breaks and how they feel they should be done, it is very important that we talk about the facts about the taxes. They are all honorable people. They believe strongly in their views, and I can appreciate that, but let us talk seriously about what is exactly happening.

I have to tell my colleagues that I think the average American in this country understands that people who pay income taxes should get a tax cut if we are going to have tax cuts. Now, there has been a lot of talk about this class warfare thing. And I heard some of my colleagues say we do not want class warfare, we do not want to create any types of problems as far as the different socioeconomic classes in this country.

Even though they do not intend to do that, that is exactly what they are doing when they start playing this game as far as taxes. Because what they do not say is this: In 1972 we had a Republican President by the name of Richard Nixon, who began a program called reverse income tax. It has since been renamed EITC, the earned income tax credit. It was a wealth redistribution program, which was an odd thing for a Republican to do, but Richard Nixon was not a strong conservative; he was somewhat liberal in a lot of areas. So he determined that he would have and present a program that was referred to as reverse income tax.

What they did was they took individuals who were at the poverty level and that paid no income tax and returned money to them that they had not paid. That is EITC. Those people who are getting EITC, they were getting it then and they are still getting it today. That was 25 years ago. They are still getting the earned income tax credit. People who do not pay income tax are receiving a check from the Federal Government for taxes they never paid, and they get that money every year at tax time.

Now, I am not going to argue that point. Even though I am not a fan of EITC, I will not argue that point. But we have watched the Federal Government take money from people for no reason. We have seen the Federal Government take money and waste it, trillions of dollars. Those individuals have worked and earned that money and they have sent it to Washington. And now we have Members of the other party, Members across the aisle who are saying, hey, what we want to do is we want to give even more money to those that do not pay income tax.

Well, I think the average American in this country believes that if they pay income tax, it is time for them to get a break. It is time for the Federal Government to realize that they have been paying the bill; that they have been paying income tax for years and they have not gotten a break. It has been 16 years since they have gotten any type of break in their income tax.

So let us be clear about what we are talking about. We are talking about individuals who pay income tax getting a tax break.

□ 2315

We are not talking about individuals who do not pay income tax. They are still going to receive their EITC, and people need to realize that. We need to move away from this point of saying we want the working poor to get a tax

break. The individuals that members of the other party are talking about do not pay income tax. They already receiving EITC, reverse income tax.

We are talking about the people in this country who take money out of their pocket every week, out of their children's hands, out of the needs of their families, and they are sending it to Washington. It is time for them to get a break.

Let me address one other thing that I heard tonight about the alternative minimum tax. We in this country have screamed, and yes, especially the liberals, they have screamed and yelled for years about businesses in our country not reinvesting. They have talked about businesses not putting money back into their own companies to buy new equipment, to modernize, to become more efficient, to create goods and products that they can sell, and because of that we have seen our industry base in this nation deteriorate. Now I have heard tell, all of this, I have heard some of the people in the last aisle were talking about how terrible it is for the AMT, the alternative minimum tax.

Understand what the chairman of the Committee on Ways and Means did. He removed, in his bill he removed that part of alternative minimum tax which dealt with depreciation. What that said was this, and if you are in business you understand this but those that are not in business do not.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, is the gentleman from Mississippi [Mr. PARKER] suggesting that most liberals in fact work for government, therefore, have not the slightest clue what it is like to be in the business world? Is that what the gentleman is suggesting?

Mr. PARKER. Mr. Speaker, I suggest that most people in this country do not understand business.

Mr. KINGSTON. Well, if the gentleman would continue to yield, I would suggest that most of the government employees do not understand what the small businesses that provide most of the jobs in America are up against each day because of increased Government bureaucracy and regulations, and they do not understand why businesses might need a more favorable tax code in order to create more jobs for working people.

Mr. PARKER. Let me tell my colleague, the gentleman from Georgia [Mr. KINGSTON], an interesting thing. The change in the depreciation on the alternative minimum tax, let me tell him what it means.

If you have got a business and you reinvest in equipment, you have a depreciation which is not a gift from the Government, but the Government allows you to reinvest and you subtract, over the life of that equipment you subtract the amount of cost that you have invested so that you can provide more jobs, so that you can produce more products, so that you become more productive.

The amazing thing about it is that with the alternative minimum tax on the depreciation side, what has happened through the years is that even though you get this depreciation, you are in a situation where you lose that depreciation by paying a minimum tax even though you are investing in your business.

Now what I find fascinating is you cannot have it both ways. The liberals in this country do not realize, or even if they realize they do not want to talk about the situation in which we find ourselves where companies are penalized for investing in their companies. If they invest in their companies, they are going to have to pay an alternative minimum tax. So what they do is, in order to come out ahead, they do not invest in their company and therefore they do not get the depreciation. They may pay the alternative minimum tax but they are not penalized.

Mr. KINGSTON. If the gentleman would yield, and, therefore, they create less jobs.

Mr. PARKER. And they create less jobs, and also businesses wind up leaving this country because they cannot make it in the environment in which they find themselves.

Mr. KINGSTON. But this tax relief plan is about the middle class and creating jobs, and what we have is, a lot of liberals are against that and therefore they are against job creation.

Mr. PARKER. Exactly. Now what I wanted to talk about tonight and why we have all joined together is talking about the death tax, which I think is the most un-American tax that our Government has ever put on the American people. Understand, prior to 1916 the Federal Government had never used the death tax unless we were at war, and they used it because our exports were not as great, we did not have taxes that we could collect.

So from a standpoint from national security, we used a death tax in order to get enough money in order to fight a war and remain free. That occurred until after the turn of this century in 1916. At that point we instigated a death tax which was very small, and it has increased over a period of time and it is now at a level of 55 percent at the top level.

It does exactly what the President of the United States has said he does not want to do. The President of the United States, the Honorable Bill Clinton, has said over and over again, we do not want to have people who play by the rules, who get up every morning and go to work, who work hard, to be penalized. We want them to be treated fair. I agree with him.

But what we have done as a Congress through the years is that we take people, and they are frugal, they save, they do without the luxuries, and they turn around and when they die, the Federal Government comes and says, ''We want what you have saved. We want to take what you have done your own self, by the sweat of your brow, we want it now. We do not want you to be able it pass it to your children.''

Mr. RILEY. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Alabama.

Mr. RILEY. I thank my good friend, the gentleman from Mississippi [Mr. PARKER] for yielding.

Mr. Speaker, it is interesting that as a small businessman for the last 32 years, one of the reasons I ran for this office is I am absolutely convinced that if there is going to be job creation in this country, it is going to have to come from small business.

When we listen to what the other side said tonight, the way they portrayed this tax cut, it would lead us to believe that they really do not believe that most of the jobs that are created in this country come from small businesses. When we look at the larger corporations and they are continually downsizing, if we are going to maintain this growth we have got to do something to stimulate these small businesses.

For 32 years I ran several businesses, and I believe I understand what most small business people are going through today. One of the things that I am absolutely convinced of, we have to have a return on capital, we have to reward risk taking, and I think that is what we are beginning to see on this side of the aisle.

There are so many things out there that completely complicate and retard the growth of most small businesses in this country. Until we return to the philosophy that says we are going to encourage entrepreneurship, until we return to that philosophy that says we will reward the person that goes out and takes a risk, I do not believe that we will ever have the growth that we need in this country.

Whether it is the alternative minimum tax, whether it is the tax rate or the death tax, the three combine to become a deterrent, and that deterrent I think is spreading across this country today.

I listened last week to a story that was told in the well about a man who for 35 years got up every morning, went to work, paid his taxes. He worked hard. He raised a family. He played by the rules. After 35 years he wanted to take a break, so he sold his business and paid 28 percent capital gains tax at the latter part of the year. A few months later he found out that he had a brain tumor. A few months after that he passed away.

And after paying 28 percent, his family ended up paying an additional 55 percent to the government. So within a period of almost 9 months, 35 years of work was reduced to approximately 20 percent that his family had to retain.

Mr. PARKER. Mr. Speaker, would the gentleman yield?

Mr. RILEY. I yield to the gentleman.

Mr. PARKER. Mr. Speaker, that is one point that people do not understand. See, people in this country could have a severe problem and they do not even know they have got it. I listened to people a while ago in other special orders. They believe what they say and they talk about capital gains being for the wealthy. But I am going to tell my colleagues what is interesting. Do the people in this country understand what capital gains is? I think a lot of them do not.

I will give an example. Take somebody, and let us say they are 25, country people, and they go out and build them a house, and say they build this house for $25,000 and they keep that house for 30 years. Now that house over a period of 30 years has appreciated in value, and let us say it gets up to $100,000 by today's numbers. Now that is not an unheard-of figure. In parts of the country it would be more than that.

But my question is, they started out with an initial investment of $25,000. Now they got a house that is worth $100,000 and they are proud of. They paid for it and had a small note on it. But when they sell that house, do they realize that they have to pay capital gains?

The real question is, would they agree with me that the Federal Government does not deserve one-third of the increase in the house? They started off with the $25,000 investment and now the house is $100,000. If they sell that house, does the Federal Government deserve a check for one-third of $75,000? Do they deserve a check for $25,000?

Well, my personal view is that the Federal Government does not deserve that. My point is that the Government created inflation, which increased the value of the house and it deflated dollars. But does the government deserve that check?

I am going to tell my colleagues, you can take some mighty liberal people in this country and ask them that question and they will tell you in a heartbeat, ''I do not think the Federal Government deserves that.'' That is what we are talking about when we talk about capital gains. It can hit home mighty quickly.

And in the business, a lot of people have small businesses and they have no concept of how the Federal Government is going to evaluate that property when they die. They can have severe economic consequences of the cost whenever that death occurs and not even know they have a financial problem.

Mr. RILEY. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Alabama.

Mr. RILEY. Mr. Speaker, there is one other primary point that needs to be made. I believe that we are taking a segment of our society out of the market, out of being risk takers. A person over 50 years of age today that makes an investment that will pay back over the next 15 to 20 years, if he is already in this 55 percent tax bracket, what incentive is there for him to go out and risk 100 percent of his capital on a venture that may or may not come to fruition? What incentive is there for him, if the most that he will possibly leave his children is 20 or 25 or 30 percent, but he has the possibility of losing 100 percent?

I think that we are taking a segment of our society who want to remain productive, who want to remain active, I think we are removing them from being the entrepreneurs that I think this country has to have.

Mr. PARKER. I agree with the gentleman.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Speaker, I appreciate the gentleman getting the time and doing this special order on taxes. I have been meaning to come over and have not been able to participate in one of these.

I am just so pleased that we are finally passing bipartisan tax relief for the American people. And the position that is a bipartisan position on this bill, as anybody could tell who looked at the vote, is the affirmative position in favor of this tax relief. We are going to end up passing this tax bill coming out of conference with support from both parties.

I believe the President is going to sign it, and I think we are going to pass this bill because the American people need it and deserve it. I would like to say what I think about this measure because I think it is one of the best things we are going to do in this Congress.

We look at the trend of the last generation before the 1994 election, and I think this is what the American people were so angry about in 1990 and 1992 and 1994. It was a trend where Washington sucked the money and resources and the power away from the American people to here, and then used it often to uproot their most basic values and traditions.

□ 2330

You know the Bible says where your treasure is, that is where your heart will be also, and it was clear that the regime that used to run this place, the treasure they wanted in Washington, because that is where their heart was. And look what it did to the tax burden of the American people.

I mean my parents started out in the early 1950s. The average American family in the early 1950s was paying about 2½ percent of their income in Federal taxes, 2½ percent. Today that same average family in my district earning in the mid-$40,000s pay about 25 percent total of their income in Federal taxes. If they were paying at 1970 levels, that family earning $45,000 a year today would have $4,000 a year more in disposable income.

And then we got the naysayers and the quibblers. No matter what tax bill we come up with, tax cut bill, they do not like it because they basically do not want to cut the taxes for the American people.

Now the heart and center of this bill, and I wish it could be more, and I wish we could do across-the-board tax relief for everybody. Bob Dole lost the last election, so we cannot do that. But the President has agreed to something that I think is a substantial step forward, and the heart and center of this bill is a $500-per-child tax credit.

And I hope the American people understand what we are talking about is $500 off the bottom line of your taxes for every child you have got. You got three children, it is $1,500 less in your Federal taxes.

So if you are again in that family paying, earning in the mid-forties, and in Federal income taxes you are paying 7, $8,000, this amounts to about a 15-percent income tax cut for you. It is very, very substantial.

And the other side argues, people who do not like this thing, they got to come up with some reason to oppose it, and they do not want to come out and say we are opposed to tax cuts so they say, well, your tax relief is for the wealthy. It is for everybody but the very wealthy. I cannot understand how they even say that. The very wealthy do not get it. Everybody else gets it, and they do not want to get it, and if you are earning above a certain income level, what is it, $75,000 in the bill, you do not get the $500-per-child tax credit.

Mr. PARKER. I think it is fascinating that the very wealthy in this country, they hire their lawyers, they have their tax accountants, and I must tell you they do not pay a lot of taxes because they go through all kind of things in order to get around it. It is the middle-class income taxpayer that is burdened. He is the one, she is the one, that is going to work every day and having to pay the taxes. It is not the very wealthy. The very wealthy, they are going to take care of themselves. Just like the estate side, the very wealthy corporations, they do not worry about this. There are ways around a lot of this when you are large enough. The small business person, the small farmer, those are the individuals that are having the real problem.

Mr. TALENT. Mr. Speaker, as my colleagues know, I chair the Committee on Small Business, and I am taking up a lot of your time, and I appreciate your indulgence, but I did want to talk briefly about the death tax because we have held hearings on this in the Committee on Small Business, and the gentleman is absolutely correct. The large publicly-held corporations, they do not care about the death tax. It is the small family business, people who have done, as you were saying before so eloquently, who have done what we want them to do. They have worked, they have saved, they invested. They do not go out to eat a lot, they do not take a

lot of trips. They have started a family business. And something like 60 percent of family businesses in this country are seriously adversely affected by the death tax. Many of them have to liquidate in order to pay the death tax.

There was a lady who testified at a hearing we held in St. Louis, my district, on this issue, and that woman almost broke down in tears describing what she and her brother were trying to do to save their family business from the IRS, the business their father had built up and worked his whole life to preserve and passed on to them. And then the government, swooping in and trying to grab it from them.

And I would say to the gentleman, what happens to the employees of the family business when the business has to liquidate or sell out to a big company in order to pay the estate tax? Who gets laid off? It is the employees.

It is a tax that makes no sense. We are writing this bill to do something about it. I wish we could do more than we are doing. The gentleman is doing a service in having this special order, and I really appreciate your yielding some time to me because this is a good bill, I believe we are going to pass this bill. It is a bill the American people have needed and wanted for a long time, and again it is a question of where is your faith.

I mean if you want the resources of the country to go to Washington, you are going to be opposed to this bill, and that is the reason for this rear guard desperate action fought against every tax-cut bill we come up with because these people want to preserve the power and resources and size and scope of the Federal Government. But I do not think they are going to win in this one. I think we are going to get it and the——

Mr. PARKER. Let me tell you one thing. I have watched the liberals talk about how much they love tax cuts now. Now they control the House over the last 16 years. They had a lot of opportunities. We could have had tax cuts, and believe me, conservatives, the Democrats and Republicans would have voted for it in a heart beat.

But you know, none of those proposals ever got through committee, never got through subcommittee, never got through the Committee on Rules, never got to the floor, so it is somewhat disingenuous for them to stand up and talk about how much they love tax cuts when they had plenty of time to do it. They just did not quite do it.

Mr. KINGSTON. If the gentleman would yield, if you will remember, the President ran on the platform in 1992 of a middle-class tax cut, and although he had a Democrat Senate and Congress, not one bill was introduced to give middle-class tax relief. However, reaching across the aisle, reaching over the hard left and the Democrat Party, he has found a partner to work with. In a bipartisan basis we have a middle-class tax cut, and if you will look at this chart, 76 percent of the tax relief goes to people and households making below $75,000. That is the vast area right here.

Now what is not shown on this chart is that if you are making $200,000, 1.2 percent of the tax relief goes to you. The majority of it clearly goes to hard middle-class working families. I know the gentleman from Michigan——

Mr. HOEKSTRA. Just been fascinated listening. I think there are a number of things that I would like to build off that some of you have talked about.

No. 1, I think we want to personalize this. What does it actually mean to the average family? You are talking about the families with three children, $1,500 more per year. That is $30 per week in an increase in take-home pay with a per-child tax credit, $30 per week, not gross, where the Federal Government comes in and takes their share again, $30 per week increase in take-home pay.

And we talk about the death tax and the reduction in the capital gains tax. We are talking about creating an economy that will create more jobs. More jobs, more opportunity, greater investment, greater investment which will enable our workers to be working in the highest value-added jobs in the world, and when they are adding more value than any other workers in the world, it will enable them to continue to be the highest-paid workers in the world so that they can maintain the highest standard of living.

We are going to kick off a project, we just got approval yesterday, which we call the American Worker at a Crossroads, which is going to examine these issues on a longer-term basis. What kinds of things in addition to the kinds of tax cuts that we are proposing, and we are going to pass this month; what other kinds of things do we need to do as we take a look at labor law? As we take a look at the billions of dollars that we spend on job training? Are we getting the kind of impact, are we creating the economy, are we creating the necessary framework to make sure that after the year 2000 our economy is still going to be the envy of the rest of the world?

Today we work under and we have an economy, we have a work force, we have an employee management labor relations model that is based on decades-old labor law. Is that still the best framework to rein in our workers? Or are there better ways to do that? Are there new opportunities with a different kind of work force, the different kinds of jobs that they are engaging in, the high-tech? So that is going to be a project that we will begin that will build on these tax changes.

Tax changes create the environment to encourage investment. Changes in labor law, changes in Federal spending will enable us to better equip our workers to be the best and the most talented workers in the world. We combine those two things, and we can ensure a great economy for our kids and for our future. That is what it is about.

Mr. PARKER. I must tell the gentleman the best social program in the world that has ever been invented is a good job, and one of the problems we have got in this country: When we penalize companies, when we penalize small business so that they cannot provide those jobs, we are hurting every worker in this Nation, because once you hurt one, it spreads like a disease, it hurts everybody; because if you are penalizing one small business out there, you can bet your bottom dollar that other small businesses are hurting too.

Now you know we talk about the tax load that we have in this country. Right now we pay between 38 and 40 cents out of every dollar that every worker in this country makes on average for Federal, State and local taxes. Now when you add the regulations, onerous regulation, that the Federal Government has put on a lot of these companies, you can add another 10 to 12 percent on top of that.

So all of a sudden people are taking home 50 cents out of every dollar they make. Now that is sad in and of itself, but we have turned this thing around. I feel very good about what we, as the Republican Party, have done and the direction that this country is now going. I mean we even have the liberals talking about tax cuts. I find that fascinating. I do not believe that some of them believe what they are saying, but I like the fact that they are saying it. Whether they mean it or not is fine. I do not really care. What I want, I want to get the tax cuts there.

I have listened to people tonight talk about the tax increase, the largest tax increase in the history of this country in 1993 as being what turned us around. Now I am glad they want to take credit, and I will be glad to give them some credit for stuff if they want it, and I do not care, I do not care who gets the credit. But let us not forget that we are the ones that cut out over 280 programs in the last Congress. I mean we stopped it. Let us not forget that we saved $53 billion in money that would have been spent if it had not been for us over the last year.

So we have got a low figure out there, and it is decreasing all the time as far as the deficit. But the business community in this country, the small business community in this country which creates the jobs, is now having confidence in the Congress in knowing that we are moving in the right direction and we are going to continue to move in the right direction.

Mr. RILEY. If the gentleman will yield, I think you are exactly right. During the past week when I was at home, I had several town meetings, and the one thing people in my district do understand is that as families we are moving in the right direction.

You know, a lot of the tax policies we talk about and a lot of the depreciations is complicated, and they do not understand, but the one thing they do understand today is that we are talking about tax cuts, not tax increases. It

is a very easy concept when you can talk to a worker and say if you got two children, next year you will have a thousand dollars more in your pocket than you did this year. That is a concept that I think our side of the aisle can take a tremendous amount of pride in.

And as my friend from Georgia indicated a minute ago, for anyone to say that this bill is for the rich or big business, how they do that and look at this chart where it is a proven fact that 76 percent of all of the tax cuts are going to the people who deserve it and who absolutely probably need it more than anyone else in this country. The person who is working two jobs and three jobs, doing whatever it takes, that is the people that we have to get this tax cut for.

Mr. KINGSTON. If the gentleman is finished with his point, I wanted to add on that a little bit, because one of the disappointing things is that the President and many of the liberals want to actually give the $500-per-child tax credit to folks who do not pay taxes.

Mr. PARKER. If the gentleman will yield.

Mr. KINGSTON. It is confusing to me, too.

Mr. PARKER. Now they pay taxes. Now they pay FICA taxes, they pay Social Security taxes, but they do not pay income tax. And what the President is proposing is that he wants to give an income tax break to people who do not pay income taxes.

Now that is very important because income taxes, if you are going to give an income tax break, you should give a break to people who pay income taxes. They are already receiving, for those people that the President is talking about, he is talking about individuals who get EITC, the earned income tax credit. They are already getting a tax refund for taxes they have not paid.

I am not arguing that point, and I do not think we should argue that point. It is in the law, it has been there for 25 years. The point is that we want to give people who pay income taxes and every person by the way who pays income taxes in this country, they know who they are. I do not have to go and point them out.

□ 2345

That individual, he knows on April 15 when he has written, he or she has written that check, they know that they have paid income taxes to the Federal Government. They know when they look at that check stub when they have paid withholding taxes to the Federal Government. It is not hard to decipher who these individuals are. Those are the people we are trying to give an income tax break to. So that point needs to be made over and over again, so people can understand it.

Mr. KINGSTON. The gentleman is correct. Let me do what the gentleman from Michigan [Mr. HOEKSTRA] has suggested and put a face on this. Here is a single woman, and I am going to call her Mrs. Smith, this is a real person in my district who has a 14-year-old and a 16-year-old child.

Under the Republican plan, she will get a $1,000 tax credit. Under the Clinton proposal she will get zero, because children over 12 years old do not get a tax credit, or their parents are not entitled. But instead, that $1,000 of income tax credit that she would be receiving goes to somebody who is not paying income tax; who in many cases is somebody whose children are getting WIC benefits, the nutritional program; possibly getting Medicaid; free health insurance; possibly getting food stamps, in addition to what they are getting; and probably qualifying for any number of college education scholarships, which are very, very important.

But the point is, and the gentleman has said this, that for the poor there are a lot of benefits already. Our tax plan does not transfer any benefit plan from the poor to give to the rich whatsoever. But instead, the President is proposing to take from single mothers child tax credits, single working mother child tax credits, and giving it to people who are not working.

Under the Republican plan, 41 million children and their parents will get tax relief. Under the Clinton plan, only 30 million children will get tax relief. That is a huge difference for America's middle class working families.

Mr. PARKER. Mr. Speaker, let me mention one thing, because we tend in this country over and over again to downcast the IRS. It is an easy thing to do, I guess even in Biblical times the people did not think very highly of the tax collector. But in this country there are certain things that we need to understand.

Mr. KINGSTON. Mr. Speaker, on that point, I think it was Jesus who amazed the people by saying Nicodemus, the tax collector, would not be in fact going to hell after all. That was the first time that concept was introduced biblically, I believe.

Mr. PARKER. The point that I want to make is that I feel sorry sometimes for IRS employees. They are not doing what they invent. We as a Congress mandate to the IRS what they will do and how they will work. It is our fault as a legislative body that we do not correct the problems, and that we do not put the IRS into a situation where they can be more user-friendly, and that they can do their job better.

We are the ones that tell the IRS when a person dies, you will go and you will collect the death tax. We are the ones who go in and tell them, you will go into this business and you will do certain things. You will padlock the door in a certain way. We do that.

So I think I want to make sure that all the IRS employees in this country realize that there are some of us in this body who realize it is our fault and not theirs on conducting their business. We need to accept the responsibility, and we need to change their orders so that they can do their job in a much more efficient way.

Mr. TALENT. Mr. Speaker, the gentleman makes a good point. The IRS has been responding to the signals that its political masters for a generation were sending it. I think what the IRS is guilty of is not understanding that the political masters have changed now, and the signals are changing. They need to change as well. We no longer want them to ratchet every possible dollar they can get out of the American people, regardless of how fair or unfair the tactic may be.

I wanted to make one other comment. I agree completely with the comments of my friend, the gentleman from Georgia, about the relative merits of the tax plan. I do think it is unfortunate that we have to argue over who gets what tax relief here. I just want to point out the reason is because this tax bill is not as big as we all wanted it to be. It was not as big. It is not as big as the tax bill we had in the Contract With America. It is not because the President did not want it that big. He did not want as much tax relief for the American people, so now we have to argue over who gets what.

But we have less of a tax bill, and we have it so we can support a Government growing, even under this plan, and it is a good plan and I support it, but a Government growing at over 4 percent a year, at twice the rate of inflation. If we had cut the Government back to the rate of inflation, we would have more than enough money to provide tax relief for the American people, for all of these people.

Mr. PARKER. If the gentleman will continue to yield, Mr. Speaker, the one thing, I have to look positively at what is going on. Even though the tax cuts that we are giving are not as great as they should be, I think they are kind of like popcorn. You just cannot eat just a little.

When the American people just get a touch of what it is like for the Federal Government to get their hand out of their pocket just a little bit and they are able to keep more of their money, they will want more. I think it will feed on itself.

Mr. HOEKSTRA. If the gentleman will continue to yield, Mr. Speaker, I think it is important for the American people to recognize the story that was in the Washington Post today. We are in a position to be able to provide tax cuts because of the restraints that we have put on spending over the last few years. The economy is good, revenues are growing.

We may be in a position to get to a surplus budget much earlier than what we thought. Then we will be able to start having some additional wonderful debates here about what do we do with the surplus. I think we will be arguing about are we going to use it to pay back the money in the trust funds, the money we have borrowed out of the trust funds? Are we going to be able to give additional tax breaks?

I do not think any of us are going to be here arguing that we should use it for increased Federal spending, but how are we going to get it back to the American people, how are we going to pay ourselves, get ourselves out of debt, and how are we going to give this money back to the American people from where it came originally?

So this tax package is in a context of continuing to make progress in getting to a surplus budget. We have a lot of things moving in the right direction.

Mr. PARKER. To my friend who sits on the Committee on the Budget, does he remember when we had Chairman Alan Greenspan, Chairman of the Federal Reserve, who came before our committee? One thing that he said which had struck me, and it has stayed with me over years now, he said the American people have not experienced the benefits of a surplus economy since World War II.

I think it is significant that we have not had a surplus economy since we instituted a death tax and the income tax and everything, all the other taxes there. But that is what the American people need to be looking for, for their children, their grandchildren, for themselves in the outyears, is having the benefits of a surplus economy, where our economy, which is so strong, so mighty, it is the most mighty economy that has ever been on the face of the Earth, and I must tell the Members, it is very difficult to destroy, because we have had politicians in this country for decades that have done everything in their power to destroy it, and they have not done it. They have not been able to. It is that powerful.

But if we allow that surplus economy to work and do what it is supposed to do, and we release the ingenuity and the innovation of small business, if we just release that power and let people have the freedom to do what only entrepreneurs can do, people will receive benefits from that for generations to come. We will change the face of this Nation.

Mr. RILEY. Mr. Speaker, if the gentleman will continue to yield, I think it does one other thing. I think this tax package, probably as much as anything, sends a message that if you work hard, you will be rewarded. I think that is what this country was founded on. That is what made us the greatest country in the world, is that we need to do everything we can to increase incentives.

I think that is what it does. It sends a message to the American people once and for all that we are going to continue, and as the gentleman said a moment ago, we will have a debate hopefully within the next few months or the next year on how we are going to take some of this extra money that could go to a variety of different programs, and I hope one of the things we do is continue this path of cutting taxes, whether it is death taxes or income taxes, whatever, because the more we use these tax cuts as an incentive, I think the more it stimulates our economy. In all reality, that is what is going to drive this economy for the next few years.

□ 2355

Mr. HOEKSTRA. Mr. Speaker, I think it is interesting. I have two of my colleagues who came here in January 1993, the three of us came here. What we were faced with was raising taxes, growing rapidly the size of government, nationalizing health care, no concern about the deficit, deficits in the $200 to $300 billion range as far as we could see. It is really amazing.

I think if we would reflect back to where we thought, I still remember walking about across the street saying, how can we be part of this? Four and a half years later we are getting close to a surplus. We are cutting taxes. This is a sea change. As my colleague said, this is like popcorn. We are debating the right issues.

This is not enough right now, but we have a much different debate than what we had in 1993.

Mr. TALENT. Mr. Speaker, the perspective is totally different. The last budget agreement, the budget plan, big increase in taxes, big new burst of domestic spending, deficits as far as the eye could see, passed on a totally partisan basis.

Now we have a bipartisan budget agreement with tax relief, a plausible plan to balance the budget. We may do it sooner than we are expecting to do it, with real tax relief for the American people and restraint on domestic spending, a total sea change.

There are the naysayers here, the old establishment type Members who are not going gently into that good night. They are the ''I want tax relief but'' Members. I want tax relief but not this plan. I want tax relief, but it does not give enough to this. I want tax relief but not now, or I want tax relief but I want it to end after 5 years.

I just want to say, Mr. Speaker, I hope everybody needs to be aware, when they hear that ''I want tax relief but,'' make sure your wallet is still in your pocket. What they are trying to do is to keep that money for the Federal Government.

Mr. PARKER. There are the liberals in this body, Mr. Speaker, who will do anything in their power to make this a class battle. They get their power from turning class against class. We know who they are. We know the games that they are playing. Makes for great sound bites. Tax break for the wealthy. Capital gains for the wealthy.

I hear this over and over again, but I have a lot of confidence in the American people. The American people, you can fool them sometimes, but I am going to say, they get enough of it. They have had 40 years of sitting through this thing, of watching it, of being hit by it, of having to pay the bills.

They are basically sick and tired of being sick and tired. They want it changed.

Mr. KINGSTON. Mr. Speaker, my friend from Missouri is about to kill me if I do not correct my earlier statement, that it was Zacchaeus and not Nicodemas, Luke, chapter 19. I stand corrected.

I want to also say to the gentleman from Michigan, when we came here it was socialized medicine. It was the largest tax increase in history. It was expansion of the Hatch Act. It was motor voter. Everything was big government, big government this. We have stopped the ball from rolling to the left. We have stopped the onward intrusion of the big government.

Have we stopped it as abruptly as we would like to? No. But we are moving in that direction. We believe this tax relief bill is the first and very, very significant step in returning to the American middle class people money that is theirs, that the government should not be taking from them.

Mr. PARKER. Let me close by saying, I want to thank my colleagues the gentleman from Missouri [Mr. TALENT], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Michigan [Mr. HOEKSTRA], and the gentleman from Alabama [Mr. RILEY] for participating in this special order.

We will do another special order next Wednesday night. It is important that the American people understand what we are doing in a very rational and a very logical way, because the American people, when they understand, they will agree. In their hearts they know that we are doing the right thing, but they hear so much verbiage. They hear so much rhetoric. They hear so much hyperbole that sometimes they sit back and go, who can we believe.

They have heard so much junk through the years from Washington that they do not know who to believe. We are giving that information. I thank the gentlemen for participating. I am looking forward to having another special order next Wednesday night and being able to bring more facts to the American people and to our colleagues so they understand exactly what we are doing.

□ 2358

PROVIDING FOR CONSIDERATION OF H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–174), providing for consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EDWARDS (at the request of Mr. GEPHARDT) for Tuesday, July 8 and today, on account of the birth of a baby boy.

Mr. MANTON (at the request of Mr. GEPHARDT) after 7 p.m. tonight, on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) after 8 p.m. tonight and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and to include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, on July 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Mrs. MALONEY of New York.

Mr. VISCLOSKY.

Mr. KUCINICH.

Ms. DEGETTE.

Mr. HAMILTON.

Mr. GEJDENSON.

Ms. HARMAN.

Mr. TOWNS.

Mr. DAVIS of Florida.

Mrs. MEEK of Florida.

Mr. SCHUMER.

Mr. KANJORSKI.

Mr. RUSH.

Mr. FARR of California.

Mr. KLECZKA.

Mr. ACKERMAN.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. BEREUTER.

Mr. GILMAN.

Mr. DAVIS of Virginia.

Mr. NEY.

Mrs. EMERSON.

Ms. ROS-LEHTINEN.

Mr. WATTS of Oklahoma.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. RIGGS.

Mr. SANFORD.

Mr. GILLMOR.

Ms. FURSE.

Mr. SMITH of Texas.

Mr. CLYBURN.

Mr. SCARBOROUGH.

Mr. SNOWBARGER.

Mr. PACKARD.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 OF rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4115. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Upper Florida Marketing Area; Suspension of Certain Provisions of the Order [DA–97–03] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4116. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1997–98 Marketing Year [Docket No. FV–96–985–4 FR] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4117. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Papaya, Carambola, and Litchi from Hawaii [Docket No. 95–069–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4118. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Gypsy Moth Generally Infested Areas [Docket No. 97–038–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4119. A letter from the Administrator, Department of Agriculture, transmitting the Department's rule—Sugar Loan Program Crop Year Definition and Loan Availability Period (Commodity Credit Corporation) [Workplan Number 96–046] (RIN: 0560–AE94) received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4120. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to impose user fees for the inspection of livestock, meat, poultry, and products thereof, and egg products; to the Committee on Agriculture.

4121. A communication from the President of the United States, transmitting amendments to the FY 1998 appropriations requests for the Department of Energy (DOE) and the Army Corps of Engineers, pursuant to 31 U.S.C. 1106(b); (H. Doc. NO. 105–102); to the Committee on Appropriations and ordered to be printed.

4122. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program for Fiscal Year 1995, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on National Security.

4123. A letter from the Secretary of Defense, transmitting the National Defense Stockpile Requirements Report for 1997, pursuant to 50 U.S.C. 98h–5; to the Committee on National Security.

4124. A letter from the Secretary of Defense, transmitting a report entitled ''Plan for Health Care Coverage for Children with Medical Conditions Caused by Parental Exposure to Chemical Munitions While Serving as Members of the Armed Forces''; to the Committee on National Security.

4125. A letter from the Secretary of Defense, transmitting a report describing the feasibility of increasing the number of persons enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Programs who are pursuing a course of study in dentistry; to the Committee on National Security.

4126. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board for the calendar year 1996, pursuant to Public Law 101–73, section 511(a) (103 Stat. 404); to the Committee on Banking and Financial Services.

4127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Four Local Air Pollution Control Districts [CA014–0035; FRL–5850–4] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Program of Delegation; Indiana [IN 74–3; FRL–5854–4] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4129. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program and Approval of Delegation of Section 112(1); State of Iowa [FRL–5855–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4130. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of State Plans for Designated Facilities and Pollutants: Oregon [Docket # OR–1–0001; FRL–5852–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4131. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Motor Vehicle Inspection and Maintenance Program [TX–55–1–7335; FRL–5856–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4132. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Massachusetts [MA–7197a; FRL–5847–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4133. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program [MA014–01–7195; A–1–FRL–5847–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4134. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wyoming: Final Determination of Adequacy of the State's Municipal Solid Waste Permit Program [FRL–5857–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4135. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Illinois [IL117–1a; FRL–5857–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4136. A letter from the Director, Defense Security Assistance Agency, transmitting notification that the Department of Defense has completed delivery of defense articles, services, and training on the attached list to Rwanda, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

4137. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 97–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4138. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

4139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on International Relations.

4140. A letter from the Director for Morale, Welfare and Recreation Support Activity, Department of the Navy, transmitting the annual report of the Retirement Plan for Civilian Employees of the United States Marine Corps Morale, Welfare and Recreation Activities, the Morale, Welfare and Recreation Support Activity, and Miscellaneous Nonappropriated Fund Instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4141. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

4142. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4143. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Annual Quotas [Docket No. 970401075–7141–02; I.D. 121296A] (RIN: 0648–AJ69) received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4144. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Definitions for the Categories of Persons Prohibited From Receiving Firearms [T.D. ATF–391; Ref: Notice No. 839] (RIN: 1512–AB41) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4145. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 1212–AA86) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4146. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Minimum Income Annuity (RIN: 2900–AI83) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4147. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Servicemen's and Veterans' Group Life Insurance (RIN: 2900–AI73) July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4148. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time for Reporting Transfers to Foreign Entities Under Sections 1491 Through 1494 [Notice 97–42] received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4149. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1997 Marginal Production Rates [Notice 97–38] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4150. A letter from the Board Members, Railroad Retirement Board, transmitting the 1997 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

4151. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 20th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 321f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 181. Resolution providing for consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–174). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. MALONEY of New York (for herself, Mr. GONZALEZ, Mr. METCALF, Mr. NEY, and Ms. CARSON):

H.R. 2119. A bill to amend the Federal Reserve Act to expand the opportunity for private enterprise to compete with the Board of Governors of the Federal Reserve System in the transportation of paper checks; to the Committee on Banking and Financial Services.

By Mr. DEFAZIO (for himself, Ms. DEGETTE, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. BLUMENAUER, and Mr. SMITH of Oregon):

H.R. 2120. A bill to amend the Communications Act of 1934 to strengthen and expand the procedures for preventing the slamming of interstate telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. HOYER, and Ms. PELOSI):

H.R. 2121. A bill to restrict foreign assistance for countries providing sanctuary to indicted war criminals who are sought for prosecution before the International Criminal Tribunal for the former Yugoslavia; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mrs. ROUKEMA, Ms. DUNN of Washington, Mr. FROST, Mr. OXLEY, Mr. BRADY, Mr. PALLONE, Mr. SAXTON, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. PAPPAS, and Mr. SMITH of New Jersey):

H.R. 2122. A bill to amend title 18, United States Code, to increase penalties for certain offenses where the victim is a child; to the Committee on the Judiciary.

By Mr. HOLDEN:

H.R. 2123. A bill to amend title 28, United States Code, to transfer Schuylkill County, PA, from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky (for himself, Mr. PITTS, Mr. CHRISTENSEN, Mr. HERGER, Mr. MANZULLO, Mr. MILLER of Florida, Mr. LARGENT, Mr. SOUDER, Mr. WELDON of Florida, Mrs. CHENOWETH, Mr. PAUL, Mr. COBURN, Mr. HOEKSTRA, Mr. MCINTOSH, Mr. HUTCHINSON, Mr. NORWOOD, Mr. SNOWBARGER, Mr. WHITFIELD, Mr. PICKERING, Mr. HOSTETTLER, Mr. BLUNT, Mr. CRAPO, Mr. GRAHAM, and Mr. RILEY):

H.R. 2124. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. LOBIONDO:

H.R. 2125. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

By Mr. RIGGS:

H.R. 2126. A bill to authorize the Secretary of Agriculture to include in a special use permit with regard to Humboldt Nursery a provision allowing the permittee to use Government-owned farming and related equipment at the nursery; to the Committee on Agriculture.

H.R. 2127. A bill to reduce costs and improve efficiency of Forest Service operations by contracting out certain tasks related to the planning and implementation of programs and projects in the National Forest System; to the Committee on Agriculture.

By Mr. STEARNS:

H.R. 2128. A bill to permit Medicare-eligible retired members of the Armed Forces and their Medicare-eligible dependents to enroll in the Federal Employees Health Benefits Program; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2129. A bill to designate the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the ''Douglas Applegate Post Office''; to the Committee on Government Reform and Oversight.

By Ms. WATERS (for herself, Mr. ACKERMAN, Mr. BOUCHER, Ms. BROWN of Florida, Ms. CHRISTIAN-GREEN, Ms. CARSON, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELLUMS, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAZIO of California, Mr. FILNER, Mr. FROST, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. NORTON, Mr. PAYNE, Ms. PELOSI, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Ms. SLAUGHTER, Mr. STOKES, Mr. THOMPSON, Mr. TOWNS, Mr. UNDERWOOD, Mr. WATT of North Carolina, Mr. CLAY, Mr. CLEMENT, Mr. DIXON, Ms. ESHOO, Mr. FATTAH, Mr. FLAKE, Mr. FORD, Ms. KILPATRICK, Mrs. KENNELLY of Connecticut, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. SCOTT, Mr. SERRANO, Ms. VELAZQUEZ, Mr. WEYGAND, Ms. WOOLSEY, Mr. WAXMAN, Mr. WYNN, Mr. BARRETT of Wisconsin, Mr. CAPPS, Mr. DELAHUNT, Mr. SHERMAN, Mr. GREEN, Mrs. ROUKEMA, Mr. JEFFERSON, and Mr. MATSUI):

H.R. 2130. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Commerce.

By Mr. WEYGAND:

H.R. 2131. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that teachers receive technology training; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CRAMER, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. DIAZ-BALART, Mr. WELDON of Florida, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. ROGAN, Mr. FOLEY, Mr. DAVIS of Florida, and Mrs. THURMAN):

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that the National Aeronautics and Space Administration should be commended for successfully carrying out the Mars Pathfinder Mission, and that the United States should continue to act as the leader in space exploration into the 21st century; to the Committee on Science.

By Mrs. MALONEY of New York (for herself, Mr. GILMAN, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. GEJDENSON, and Mr. FROST):

H. Con. Res. 112. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. SMITH of New Jersey, and Mr. HASTERT):

H. Con. Res. 113. Concurrent resolution expressing the sense of Congress about the Food and Drug Administration proposal to designate the use of chlorofluorocarbons in metered-dose inhalers as nonessential; to the Committee on Commerce.

By Mr. KENNEDY of Massachusetts (for himself, Mr. KING of New York, Mr. MANTON, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MENENDEZ, and Mr. GILMAN):

H. Res. 182. Resolution expressing the sense of the House of Representatives regarding marches in Northern Ireland; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

147. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 17 requesting that the President, the Congress, and the Secretary of Defense of the United States research the causes and symptoms of Gulf War Syndrome and provide adequate funding for care of veterans suffering from it; jointly to the Committees on National Security and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. OLVER, Mr. GIBBONS, Mr, KENNEDY of Massachusetts, Mr. KIND of Wisconsin, Mr. WHITFIELD, Ms. DELAURO, Mr. BARTLETT of Maryland, and Mr. SANDLIN.

H.R. 122: Mr. BARTON of Texas.

H.R. 208: Mr. DELLUMS.

H.R. 209: Mr. JEFFERSON, Ms. JACKSON-LEE, Mr. SMITH of New Jersey, and Mr. ENGLISH of Pennsylvania.

H.R. 347: Mr. TAYLOR of North Carolina.

H.R. 367: Mr. FALEOMAVAEGA and Mr. HALL of Ohio.

H.R. 418: Mr. JEFFERSON and Mr. SCHUMER.

H.R. 453: Mr. FILNER, Mr. MCNULTY, Mr. EVANS, Mr. ROTHMAN, Mr. FAWELL, Mr. WYNN, Mr. DEUTSCH, Mr. FOGLIETTA, and Mr. KLINK.

H.R. 521: Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, and Mr. CLEMENT.

H.R. 551: Mr. FOLEY.

H.R. 586: Mr. HORN.

H.R. 594: Mr. NEAL of Massachusetts, Mr. STARK, and Mr. FOGLIETTA.

H.R. 614: Mr. SNYDER.

H.R. 622: Mr. DICKEY and Mr. GIBBONS.

H.R. 630: Mr. MATSUI, Mr. LANTOS, and Ms. PELOSI.

H.R. 641: Mr. PAXON, Mr. MCCRERY, and Mr. SAM JOHNSON.

H.R. 674: Mr. WATKINS.

H.R. 695: Mr. GUTKNECHT, Mr. HAYWORTH, Mr. BUNNING Mr. SUNUNU, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. SANFORD, and Mr. NORWOOD.

H.R. 696: Mr. OLVER, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. GUTIERREZ, and Mr. BROWN of California.

H.R. 715: Mr. WELDON of Pennsylvania.

H.R. 716: Mr. JONES and Mr. LAHOOD.

H.R. 755: Mr. JONES and Mr. BILBRAY.

H.R. 777: Mrs. MEEK of Florida, Mr. COSTELLO, Mr. RUSH, Mr. ENGEL, Mr. SERRANO, Mr. NEAL of Massachusetts, and Mr. MCINTOSH.

H.R. 789: Mr. THUNE and Mr. WHITFIELD.

H.R. 815: Mr. LARGENT, Mr. TALENT, Mr. LAMPSON, and Mr. DEAL of Georgia.

H.R. 875: Mr. ACKERMAN.

H.R. 877: Mrs. THURMAN, Mr. ABERCROMBIE, Mr. JEFFERSON, and Mr. GIBBONS.

H.R. 880: Mr. DOOLITTLE, Mr. MORAN of Kansas, Mr. JONES, Mrs. EMERSON, and Mr. HULSHOF.

H.R. 901: Mr. LAHOOD, Mr. RILEY, Mr. SHIMKUS, Mr. PAUL, and Mr. EHRLICH.

H.R. 953: Mr. ENGEL.

H.R. 981: Mrs. MORELLA and Mr. STARK.

H.R. 991: Mr. BLAGOJEVICH and Mr. FORBES.

H.R. 993: Mr. LIVINGSTON and Mr. SHADEGG.

H.R. 1018: Mrs. MORELLA and Mr. FILNER.

H.R. 1038: Mr. NADLER.

H.R. 1054: Mr. GORDON, Mr. MCKEON, Mr. KLUG, and Mr. GEJDENSON.

H.R. 1069: Mr. ROEMER and Mr. SCHUMER.

H.R. 1070: Mr. ROEMER and Mr. SCHUMER.

H.R. 1134: Mr. ROGERS, Mr. LUCAS of Oklahoma, Mr. FLAKE, Mr. BURTON of Indiana, Mr. CAMP, and Mr. PRICE of North Carolina.

H.R. 1138: Mr. NORWOOD.

H.R. 1147: Mr. LEWIS of Kentucky.

H.R. 1151: Mr. GILCHREST, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. PAYNE, Mr. ANDREWS, Mr. UNDERWOOD, Mr. PETERSON of Pennsylvania, Mr. FOX of Pennsylvania, Ms. MCKINNEY, Mr. HOYER, Mr. RODRIGUEZ, and Mr. DAVIS of Illinois.

H.R. 1176: Mr. PICKETT, Mr. FRANK of Massachusetts, and Mr. BROWN of California.

H.R. 1202: Mr. DEUTSCH, Ms. ESHOO, and Mr. OLVER.

H.R. 1215: Mr. NADLER, Mr. BECERRA, Mr. LEVIN, Mr. CONDIT, Mr. HORN, and Mr. TORRES.

H.R. 1298: Mr. FRANK of New Jersey.

H.R. 1346: Mr. FOX of Pennsylvania and Mr. GREENWOOD.

H.R. 1348: Mr. GIBBONS.

H.R. 1350: Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Ms. LOFGREN, Mr. MILLER of Florida, and Mr. STENHOLM.

H.R. 1356: Ms. CARSON.

H.R. 1357: Mr. FOX of Pennsylvania.

H.R. 1362: Mr. JEFFERSON, Mr. BONO, Mr. DELLUMS, Mr. NORWOOD, Mr. HASTINGS of Florida, Mr. CAMP, Mr. GONZALEZ, and Mr. CAPPS.

H.R. 1375: Mr. POMEROY, Mr. STOKES, Ms. CARSON, and Mr. HUTCHINSON.

H.R. 1398: Mr. JONES.

H.R. 1428: Mr. EVERETT.

H.R. 1450: Ms. DELAURO.

H.R. 1458: Mr. GRAHAM.
H.R. 1480: Mr. SNYDER.
H.R. 1524: Mr. BERRY, Ms. FURSE, and Mr. SPRATT.
H.R. 1541: Mr. BARRETT of Wisconsin.
H.R. 1596: Mr. PICKETT.
H.R. 1614: Mr. DOOLEY of California, Mr. LOBIONDO, MS. STABENOW, and Ms. DEGETTE.
H.R. 1623: Mr. THORNBERRY.
H.R. 1648: Mr. LARGENT.
H.R. 1679: Ms. DEGETTE.
H.R. 1685: Mr. SISISKY, Mr. GOODE, Mr. MORAN of Virginia, Ms. CARSON, Mr. MILLER of California, Mrs. LOWEY, Mr. HAYWORTH, Mr. DOOLITTLE, Mr. EVANS, Mr. FARR of California, Mr. COX of California, Mr. TALENT, Mr. RILEY, Ms. LOFGREN, Mr. FILNER, Ms. SANCHEZ, and Mr. DELAY.
H.R. 1719: Mr. MCINTOSH.
H.R. 1732: Mrs. MALONEY of New York and Mr. PICKETT.
H.R. 1754: Mr. GIBBONS, Mr. MATON, and Mrs. EMERSON.
H.R. 1763: Mr. FORBES, Mr. FRANKS of New Jersey, Mr. DELLUMS, and Ms. HOOLEY of Oregon.
H.R. 1814: Mrs. MALONEY of New York.
H.R. 1835: Mr. GIBBONS.
H.R. 1858: Mr. MANTON.
H.R. 1863: Mr. PITTS, Mr. HOBSON, Mr. SMITH of Michigan, Mr. HASTINGS of Washington, Mr. LATHAM, and Mr. SOUDER.
H.R. 1876: Mrs. MINK of Hawaii.
H.R. 1903: Mrs. TAUSCHER.
H.R. 1908: Mr. LAMPSON.
H.R. 1951: Ms. ESHOO, Mr. STARK, Mr. DELAHUNT, Ms. JACKSON-LEE, and Ms. KILPATRICK.
H.R. 1955: Mr. SOUDER and Mr. DOYLE.
H.R. 1965: Ms. PRYCE of Ohio and Mr. GIBBONS.
H.R. 2003: Mr. MORAN of Virginia, Mr. COBURN, and Ms. MCCARTHY of Missouri.
H.R. 2023: Mr. KLECZKA.
H.R. 2029: Mr. SNOWBARGER.
H.R. 2038: Mr. PETERSON of Pennsylvania, Mr. BRYANT, Mr. BOYD, Mr. CUNNINGHAM, and Mr. GOODE.
H.R. 2040: Mr. KNOLLENBERG, Mr. KENNEDY of Massachusetts, Mr. SMITH of New Jersey, and Mr. GIBBONS.
H.R. 2070: Mr. STRICKLAND.
H.R. 2090: Mr. WELDON of Pennsylvania, Mr. NADLER, Ms. PELOSI, Mr. SCHUMER, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. DOYLE, and Mr. SERRANO.
H.R. 2112: Mrs. MORELLA and Mr. LOBIONDO.
H.J. Res. 26: Mrs. FOWLER.
H.J. Res. 65: Ms. KAPTUR.
H. Con. Res. 55: Mr. DOOLEY of California, Mr. COOK, Mr. DOOLITTLE, and Mr. FRELINGHUYSEN.
H. Con. Res. 80: Mr. RAHALL, Mr. DELLUMS, Mr. LAMPSON, Mr. MALONEY of Connecticut, Mr. HILLIARD, Mr. OLVER, Mr. BARTLETT of Maryland, Mr. PAYNE, Mr. ADERHOLT, Mr. GEJDENSON, Mr. REGULA, Ms. LOFGREN, and Mr. RILEY.
H. Con. Res. 106: Mr. HASTINGS of Florida, Mr. TOWNS, Mr. HINCHEY, and Ms. DEGETTE.
H. Con. Res. 107: Mr. WALSH and Mr. BORSKI.
H. Con. Res. 109: Mr. SERRANO, Mr. PAPPAS, Mr. LARGENT, Mr. HASTINGS of Florida, Mr. ROGAN, Mr. DIXON, Mr. WAMP, Mrs. CUBIN, Mr. PASTOR, Ms. DELAURO, Mr. LAZIO of New York, Mr. BARCIA of Michigan, Mr. WATTS of Oklahoma, Ms. DANNER, Mr. MCDERMOTT, Mr. HILL, and Mr. FROST.
H. Res. 15: Mrs. KELLY.
H. Res. 139: Mrs. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1060: Mrs. MALONEY of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1775

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 8: Page 10, after line 15, insert the following new section:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be eligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2107

OFFERED BY: MR. COBURN

AMENDMENT NO. 2: Page 89, after line 15, insert the following new section:

SEC. 325. (a) None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

H.R. 2107

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 3: Page 89, after line 15, insert the following new section:

SEC. 325. The amount appropriated for Management of Lands and Resources by the Bureau of Land Management is reduced by $4,652,000, with not more than $1,000,000 of the remaining amount to be available for Land Resources Forestry Management, and with $2,100,000 of the savings from that reduction added as an increase to the amount appropriated for Energy Conservation by the Department of Energy, including an additional $700,000 for Urban Heat Island Research, an additional $1,000,000 for Highly Reflective Surfaces programs in public schools, and an additional $400,000 for Highly Reflective Surfaces programs in general.

H.R. 2107

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Page 45, line 6, strike ''$187,644,000'' and insert ''$98,144,000''.

Page 76, line 13, strike ''$10,000,000'' and insert ''$99,500,000''.

H.R. 2107

OFFERED BY: MR. KLUG

AMENDMENT NO. 5: Page 58, line 18, after the dollar amount, insert the following: ''(increased by $292,000,000)''.

H.R. 2107

OFFERED BY: MR. MICA

AMENDMENT NO. 6: Page 14, line 23, after the first dollar amount, insert ''(increased by $2,000,000)''.

Page 59, line 10, after the dollar amount, insert ''(reduced by $2,000,000)''.

H.R. 2107

OFFERED BY: MR. PORTER

AMENDMENT NO. 7: Page 46, line 20, after the dollar amount insert ''(reduced by $41,500,000)''.

Page 46, line 126 after the dollar amount, insert ''(reduced by $1)''.

H.R. 2107

OFFERED BY: MR. RIGGS

AMENDMENT NO. 8: Page 16, line 22, insert the following new item:

PRIORITY FEDERAL LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For the acquisition of identified lands and interests in lands, at the purchase price specified, in the Headwaters Forest Agreement of September 28, 1996, $250,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, except that such amount may not be obligated until (1) the agreement under which such amount will be obligated has been completed; and (2) legislation has been enacted that authorizes the Federal Government to provide economic assistance to Humboldt County, California, for the loss of tax revenues and other related costs incurred by the county in the implementation of the Headwaters Forest Agreements.

H.R. 2107

OFFERED BY: MR. RIGGS

AMENDMENT NO. 9: Page 18, after line 3, insert the following new designated paragraph:

No funds may be obligated in any fiscal year from the Land and Water Conservation Fund for the acquisition of identified lands and interests in lands as specified in the Headwaters Forest Agreement of September 28, 1996, until—

(1) the agreement under which such funds will be obligated has been completed; and

(2) legislation has been enacted that—

(A) authorizes the Federal Government to provide economic assistance to Humboldt County, California, for the loss of tax revenues and other related costs incurred by the county in the implementation of the Headwaters Forest Agreement; or

(B) appropriates amounts for such economic assistance.

H.R. 2107

OFFERED BY: MR. ROYCE

AMENDMENT NO. 10: Page 59, line 10, strike ''$312,153,000'' and insert ''$291,139,000''.

H.R. 2107

OFFERED BY: MR. SANDERS

AMENDMENT NO. 11: Page 5, line 4, after the dollar amount, insert the following: ''(increased by $19,000,000)''.

Page 59, line 10, after the dollar amount, insert the following: ''(reduced by $47,500,000)''.

H.R. 2107

OFFERED BY: MR. SANDERS

AMENDMENT NO. 12: Page 60, line 3, after the dollar amount, insert the following: ''(reduced by $11,085,000)''.

Page 60, line 20, after the dollar amount, insert the following: ''(increased by $11,085,000)''.

Page 60, line 25, after the dollar amount, insert the following: ''(increased by $11,085,000)''.

Page 61, line 6, after the dollar amount, insert the following: ''(increased by $11,085,000)''.

H.R. 2107

OFFERED BY: MR. STUPAK

AMENDMENT NO. 13: Page 44, after line 25, insert the following:

SEC. 115. (a) Section 6 of the Act entitled ''An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes'', approved October 15, 1966 (16 U.S.C. 460s–5), is amended—

(1) in subsection (b)(1) by striking ''including a scenic shoreline drive'' and inserting ''including appropriate improvements to Alger County Road H–58''; and

(2) by adding at the end the following new subsection:

''(c) A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.''.

(b) Of amounts available under this Act for construction, improvements, repair or replacement of physical facilities of the National Park Service, $9,000,000 shall be available only for making improvements to Alger County Road H–58 pursuant to the amendments made by subsection (a).

H.R. 2107

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 14: Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, JULY 9, 1997 No. 96

Senate

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Generous Father, help us to be more gracious receivers. We talk a lot about giving but often find it difficult to give to others what they need because we have been stingy receivers of Your grace and goodness. We cannot give what we do not have. Remind us that to love You is to allow You to love us profoundly. Then we will be able to love others unselfishly. The same is true for the gifts we need from You for our leadership. We need Your supernatural gift of discernment. Help us be willing to receive Your divine intelligence rather than obdurately insisting on making it on our own limited resources. Invade our thinking with insight and inspiration we could not produce on our own. You wait to bless us. We receive not because we do not ask. All through this day, make us aware of our great need for You and the great things You want to do through us. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Texas, is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I wish to make the following announcement. Today the Senate will be in a period of morning business until the hour of 11 a.m. At 11 a.m. the Senate will resume consideration of S. 936, the Senate defense authorization bill. Currently, there are a number of amendments pending which will require rollcall votes and also a number of filed amendments which are expected to be debated throughout the day. As previously announced, Senators can expect a series of rollcall votes on amendments to the bill later in the day as we make progress on this important legislation.

As always, Members will be notified accordingly when votes on amendments are ordered. As a reminder to all Senators, last night a cloture motion was filed on S. 936. Therefore, all first-degree amendments must be filed by 1 o'clock today. As previously stated, it is the intention of the majority leader to complete action on this bill by the end of the week. Senators should be prepared for busy sessions this week.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under a previous order, there will now be a period for the transaction of morning business, not to extend beyond 11 a.m. with Senators being permitted to speak up to 5 minutes.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mrs. HUTCHISON. Mr. President, I rise today to discuss the solemn importance of the investigative hearings that have just begun by the Senate Governmental Affairs Committee under the leadership of the distinguished chairman, Senator THOMPSON, and the distinguished ranking member, Senator GLENN.

While it is unfortunate that some in Congress have attempted to portray this investigation as an effort by one side to make political hay, I want to briefly discuss why these hearings are crucial for all Americans of whatever party or ideology.

Through the hard work and bipartisan effort of the Governmental Affairs Committee, there has been evidence uncovered and indications of much more evidence to come that our American political system was put up for sale and that an alarming number of foreign interests were ready and willing to buy. While there have been indications of a wide array of illegal activities in connection with the 1996 Presidential election, much of which the public is aware, Senator THOMPSON yesterday indicated that there may be much the American people do not yet know.

The chairman stated yesterday that his committee has evidence that points to a concerted effort by the Chinese Government to improperly or illegally influence American foreign policy toward that country and toward Taiwan. Mr. President, if this is, indeed, the case, then in my view the American people must know the truth. They have a right to know whether the U.S. Government and U.S. officials who were charged with the duty of serving the interests of the American people instead served their own special interests and the interests of others.

The U.S. Senate is attempting to find the truth through this investigation and I am hopeful and confident that it will do so.

Central to the investigation at this point is a name now well-known to the American people, John Huang. Mr. Huang has been a highly paid executive of a major foreign bank. He was appointed to be a high-level trade official at the Commerce Department with access to an array of classified documents. And finally, he was for a time a key fundraiser for the Democratic National Committee. While alone each of these positions is laudable, in part what this investigation seeks to determine is whether or not Mr. Huang

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

served in all of these capacities at the same time, which would be a crime.

Although it is becoming increasingly apparent that Mr. Huang did not act alone in his efforts to serve as an international influence broker, it is nevertheless interesting to discover that of the $3.4 million in donations to the Democratic Party that Mr. Huang raised, the Democratic Party has returned almost half of that money, $1.6 million, to the donors because the contributions were probably made illegally.

Now Mr. Huang has asked the Senate for immunity from future prosecution if he testifies before the Governmental Affairs Committee. Whether Mr. Huang is ultimately granted immunity or not, his conduct and that of dozens of others who have been subpoenaed must be uncovered. This will inevitably involve a give-and-take process between the majority and the minority on the committee. That is to be expected, given the sensitive nature of this inquiry. But simply because the investigation touches on sensitive issues does not mean that it should not move forward. In fact, the history of our country has been one of constant vigilance against the kind of secret manipulation of power that is at the center of this investigation. Only by fully exposing wrongdoing can we be satisfied that all that can be done is being done to tell those who would seek to thwart our system that America's foreign and domestic policy is not for sale.

Mr. President, in addition to the critical need to expose the illegal activities of those in positions of authority in our Government, let me also say that we in Congress should act to address the related issue of campaign finance reform. Let me be clear: the Governmental Affairs Committee and this Senate have the duty and obligation to immediately and fully investigate allegations of criminal wrongdoing with regard to the most recent Federal election. But once the criminal investigation is complete, I am confident that the evidence brought out at these hearings will help shed light on how we might reform our campaign fundraising laws to prevent many of the abuses of the system that this investigation will also highlight.

I have introduced a bill in the Senate that I believe can serve as a vehicle to not only achieve consensus on this important and contentious issue, but that will put a stop to the types of excesses and abuses of our system that have eroded the integrity and public confidence from our Federal political system.

For example, my bill specifically prohibits contributions from any foreign entity or any foreign person, including green card holders who are not citizens of this country. I believe that effecting this change of current law would be a positive result of what we have learned from the 1996 Presidential election. It is simply not healthy for our democracy to have foreign influence in the election process. That is a sacred right and a sacred responsibility that the American people have, to democratically elect our President, our Congress, and our other State and local leaders. Anything that impinges on that right is not warranted, and I hope we will be able to take action soon to prevent this type of conduct from ever happening again.

In addition to the issue of foreign influence in our election process, I am hopeful that the Governmental Affairs hearings, which I think are being conducted in a very fair and bipartisan way, will also tell us what other things we should do to make sure that our campaign laws protect the integrity of our election system.

Mr. President, I want to thank the distinguished chairman of the Republican conference, Senator MACK, for asking us to come forward and talk today about the importance of this investigation and the importance of the integrity of our American election system.

I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to thank the Senator from Texas for her comments this morning and for her involvement in expressing the importance of the actions on the part of the Governmental Affairs Committee. I also want to express my support for the committee itself and the inquiry that began some 6 months ago. As elected officials, it is our duty not only to change the laws when necessary but to abide by them. The hearings that began in the Governmental Affairs Committee yesterday are an inquiry into just how well the Clinton administration abided by the law during the last election cycle. The Democrat Party and the White House would like the American public to think that they did nothing different than anyone else, and that everybody does it and therefore we must change the law.

That just simply is not true. No, not everybody does it. Before we begin considering what new laws to pass, we ought to examine who has violated the ones we have on the books now. In my view, the administration will have no standing to debate the issue of campaign finance reform until they prove that we can live and that they can live within the law as it currently stands. It does little good to create new laws if our leaders don't follow them with principle, integrity, and some semblance of morality. We ought to have leaders who adhere to the spirit of the laws—rather than to push the envelope of propriety.

Unfortunately, there are credible allegations that the Clinton administration exhibited precious little principle, integrity, or morality in the conduct of their last campaign. The committee will be looking into whether the Clinton administration knowingly accepted illegal foreign contributions, allowed money laundering to occur, or actively engaged in the unlawful solicitation of campaign donations in Federal buildings. Worst of all, the committee must determine the true nature and extent of what appears to be a calculated attempt by the Chinese Government to buy influence in the last election.

Senator THOMPSON's committee has uncovered evidence of a detailed plan by China to illegally increase their influence over the United States legal process. They found that China has invested substantial sums of money in this effort and that the White House was made aware of the plan prior to the election but did nothing to prevent it from succeeding. Disturbingly, the Chinese plan continues today. The committee must now determine who knew or should have known about this plan and how it came to be implemented.

I commend Senator THOMPSON and his team for uncovering this shocking infiltration of our electoral system by another government. Judging by the level of complaining by Democrats, he must be close to the truth. When you get right down to it, these hearings are about the lack of shame in this administration. No one in this administration is ashamed of the fact that they may have broken the laws to win the election. No one in this administration seems to be ashamed of the fact that the President and Vice President reportedly leaned on donors from the comfort of the White House. That is illegal. And no one in this administration seems to be ashamed of the fact that overnight stays in the Lincoln bedroom were for sale to the highest bidder. The White House should not be for sale. No one in this administration seems to be ashamed of the fact that poor religious people were preyed upon for illegal donations. They should be beyond such political manipulation. No one in this administration seems to be ashamed of the fact that fundraising safeguards were jettisoned so that illegal foreign cash came rolling in with no questions asked. Compliance with our country's election laws is not optional. No one in this administration seems to be ashamed of the fact that a midlevel political appointee potentially compromised our national security.

He should never have been in a position to do so.

This administration seems incapable of being ashamed of any of this. Rather, they continue to rationalize their actions in an attempt to deflect the negative publicity with hollow calls for campaign finance reform. Unlike others who attempt to tear down our current system, I hope Senator THOMPSON and the members of the Governmental Affairs Committee are able to restore some confidence in our system through these hearings. Calling people to publicly account for their wrongdoing is the first step in that journey.

Finally, I want to thank Senator THOMPSON for his forbearance. He has

shown great tolerance and conducted himself like a gentleman, at times when courtesy has been hard to muster. The administration continues to stonewall the committee on producing documents; witnesses have claimed their fifth amendment privilege; targets have fled the country; and a paper trail consisting of millions of pages have been left for the committee to unravel.

Today, I express my gratitude to him for taking on this unpleasant job, and I wish the committee members patience and good judgment in exercising their duties to uncover what has heretofore been covered up.

I thank the Chair and I yield the floor.

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. MURKOWSKI. 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. MURKOWSKI. Mr. President, I believe there is a special order pending.

The PRESIDING OFFICER. The Chair advises the Senator from Alaska that we are now in a period of morning business.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, today is the first day of testimony in the Senate Governmental Affairs special investigation of the 1996 Federal election campaign contributions. There is, of course, but one purpose to this investigation. That purpose is to review campaign financing practices during the 1996 election to determine whether Federal laws were violated.

I think it is fair to state that Federal campaign laws in question are relatively straightforward.

It is illegal under U.S. election law for a noncitizen to contribute to campaigns;

It is illegal for anyone to contribute to a campaign in someone else's name;

And, it is illegal to solicit campaign funds on Federal property.

Yesterday, at the opening of these hearings, Chairman THOMPSON announced exceedingly alarming evidence of violations of these Federal laws. The gravest of these violations is an alleged covert plan by the Chinese Government to subvert the 1996 United States election process.

I note, Mr. President, that was headlined in the Washington Post this morning.

The chairman indicated that the plan implemented a series of alleged illegal efforts by high members of the Chinese Government to influence United States policy by giving substantial sums of money. The intent had to be clear: To cultivate relations with the White House to influence foreign policy.

Two key figures in the committee's investigation are John Huang of the Lippo Group and Charlie Trie, a Macao-based campaign fundraiser. Between Huang and Trie, nearly $4 million in questionable funds were raised. Over half of those funds have already been determined to be improper contributions and have appropriately been returned by the Democratic National Committee.

This allegation goes to the very heart of the workings of our Government, and questions must be answered.

First would be: What efforts were used by foreign nationals to influence U.S. policy?

Second, to what extent was the U.S. political process infiltrated?

Third, ultimately, was the United States compromised at any particular time?

Additionally, these hearings will focus on the disturbing use of President Clinton's perquisites of the Presidency as a fundraising tool.

Even though Federal law precludes campaign fundraising on Federal property, the committee has revealed the following information.

During the 5 years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom.

This figure is an unprecedented escalation of past Presidential practices.

Presidential historian Richard Norton Smith stated that there has ''never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House.''

On March 15, 1997, the White House counsel, Lanny Davies, stated, ''It's fair to say these additional functions at the White House were for the purpose of encouraging support for the President's campaign, including financial support.''

These overnight guests at the Clinton White House donated at least $6 million to the Democratic National Committee.

Additionally, President Clinton hosted some 103 Presidential coffees. Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms-trading company, donated some $27 million to the Democratic National Committee.

White House officials have denied that such events were planned with the intention of raising specific amounts of money. However, President Clinton's Chief of Staff, Harold Ickes—who will testify before the committee—recently turned over a large number of documents that show figures for both expected and actual donations from nearly every White House coffee.

Here's a comparison. President Bush hosted one Presidential coffee. No money was raised. And I am told the cost was $6.24 cents.

The accuracy of that I will leave to the historians.

But, finally, Mr. President, on March 11, 1997, this body voted unanimously to hold this investigation.

I commend Chairman THOMPSON for his commitment to Congress and to the constitutional duty of the oversight process; that is, to provide the American people with a fair, unfiltered, and bipartisan view of the 1996 campaign practices. The American public deserve no less.

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

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

Mr. INHOFE. Mr. President, I have been in the chair for the last few minutes listening to some of the comments that have been made. I would like to read one paragraph that I saw in yesterday's Wall Street Journal.

I would like to ask everyone, Mr. President, to listen very carefully, because we are only talking about three of a long list of things that are being investigated right now as far as the alleged transgression of the President.

Yesterday's Wall Street Journal has the editorial of which this is just one paragraph:

> Travelgate, trumped-up Billy Dale prosecution, the secret health-care task force, the 900 FBI files and bouncer/security chief Craig Livingstone, alerts to the White House from high Treasury officials on Resolution Trust Corporation investigations, the guy who told the congressional committee he lied to his diary, the brightest minds in the Democratic Party suffering massive memory loss at congressional hearings, the ''lost'' Rose Law Firm billing records, Webster Hubbell's passage of the Justice to jail, Vince Foster's torment, the Lincoln Bedroom rented out, Charlie Trie on the run, John Huang taking the fifth, Jim and Susan McDougal convicted, the Buddhist monastery/money laundry, the drug dealers let in for the White House photo-ops, the routinely cavalier treatment of legal and judicial procedures, and independent counsels appointed for three members of the Cabinet, one sitting American President and, for the first time in history, one First Lady.
>
> Everyone does it? We don't think so. At least up to now.

In this long list of alleged transgressions, the investigation right now is really only dealing with three things.

It is interesting for me that every time something comes up concerning campaign contributions that have been taken illegally, the President comes out and says we need campaign finance reform.

I would only comment, as did the Senator from Alaska, Senator MURKOWSKI. How do we know that we need reform of campaign contributions until we live under the laws that we have today?

Currently it is illegal—under our current law—to accept foreign money from foreigners. It is illegal to launder money. It is illegal to solicit or accept money on Federal property.

That is what this is all about.

So I just hope as the debate goes on about campaign finance reform that we adopt an attitude that we should comply with the laws that are on the books right now and see how far that goes to resolving the problems.

Mr. President, I see that there is no other Senator seeking time, so I ask unanimous consent that I be recognized as if in morning business on another matter.

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

STORM CLOUDS ON THE HORIZON

Mr. INHOFE. Mr. President, I am very honored to be serving as the chairman of the Readiness Subcommittee of the Senate Armed Services Committee.

Today at 11 o'clock we will begin again the discussion on the passage of the defense authorization bill.

As chairman of the Readiness Subcommittee, I have jurisdiction over the readiness of our forces to defend America: Such things as military construction, such things as military pay, such things as training, and the like.

In carrying out my responsibilities, I have visited many, many bases throughout the world and here in the United States. I have had occasion to be recently in Camp Lejeune Marine Corps Base; Fort Hood, TX; Corpus Christi Naval Base; and the Dyess Air Force Base.

My concern is that with all the people we have talked about and talked to in the committee meetings that we have had in the Readiness Subcommittee of the Senate Armed Services Committee, we keep getting assurances from the administration that we are in a state of readiness that would meet the minimum expectations of the American people, and yet the information that we get as we go around certainly contradicts that. We have statements made by a number of people who are in the field. When you get past the top brass here in Washington, we find that we have very, very serious problems.

Mr. President, I plan to make several statements concerning this as the development of and discussion on this bill takes place after 11 o'clock, but I would just suggest that we have not found ourselves and put ourselves in a state of readiness that meets the minimum expectations of the American people. The administration has said many times we are in a position to defend America on two regional fronts, and I can assure you that is not the case. In fact, as we watched the Persian Gulf war, I regret to say that we are not in a state of readiness today to be able to defend America against that type of aggression.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would first like to say I appreciate the leadership of the Senator from Oklahoma. Senator INHOFE has done an outstanding job in working to preserve the defense of his Nation, and his comments about our lack of preparedness are very serious. I think this body, as a body traditionally considered to be the long-term evaluator of national security interests of this Nation, needs to listen to what he says. I thank him for those comments.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mr. SESSIONS. I rise at this time, Mr. President, to make some remarks about the hearings going on in the Governmental Affairs Committee. I think they are most important hearings. I think it is important we remember that the committee, headed by the excellent and fine Senator from Tennessee, Mr. FRED THOMPSON, was commissioned by this body. They were mandated by this body to go out and discover the facts and to conduct an investigation of illegal and improper activities in connection with the 1996 political campaigns. So they have a responsibility and a duty that falls to them at this point whether they want it or not, whether they wish they did not have it, and they have to see it through and do it in a formal and proper way. I think the committee is at a point where it is not dealing with exact science, but with a process by which that committee needs to go out and find the facts, apply those facts to the law, to decide what actions ought to be taken and to evaluate it that way.

It was by a 99-to-nothing vote that this Senate, Democrats and Republicans, directed that committee to do its work. And so we ought to let them do their work and let them follow the evidence where it leads, to let them apply that evidence to the law and to analyze the results and make recommendations for the future.

A key part of that investigation is gathering the facts. I served for 12 years as a U.S. attorney. That was the Federal prosecutor for the southern district of Alabama. And, as such, I had the duty for many years—to handle major corruption-type cases involving complex white-collar crime, and so I have had a lot of experience in that field.

I have not been commenting on this case and the evidence because I think we ought to let the committee do its work. I made one previous statement about this investigation a few weeks ago addressing my concerns to the grant of immunity, and I think we ought to talk about that and a few other things today.

This investigation is dealing with a serious question, and that question is whether or not a foreign nation, not really considered a friendly nation, Communist China, may have systematically and intentionally set about to influence the American election in 1996 and, in fact, to influence American policy.

We know that the President of this United States was a great critic of President Bush because he said President Bush was too accommodating to China and needed to be more tough in dealing with China. And then, after he becomes President, we know that he now is a leading spokesman in this country for accommodation with China.

So whatever that is about, the facts in this case will have to tell us. But I do think it is clear that we are dealing with unusual types of problems with campaign financing. This may not be only a technical violation of the law, but it is a situation in which we may have a foreign power, an adversary, a Communist nation, with the largest standing army in the world, attempting to influence elections.

We need a bipartisan effort, similar to those conducted in the past. We need the spirit of Howard Baker in the Watergate hearings who, as a Republican, made sure that he cooperated in that investigation and sought the truth. We need the spirit of Warren Rudman, Republican, who participated in the Irangate matters that were investigated here. He always sought to get to the truth regardless of politics. I have not seen that, frankly, by some in the leadership in the other party on this committee. It seems to me there has been too much partisanship.

Now that those committee hearings are proceeding, they need to proceed professionally and objectively and all members need to pull together to find out the facts and get the truth out.

I did want to talk, Mr. President, about the question of immunity. We had the not unusual, if you are familiar with complex prosecutions, situation yesterday when the committee hearings commenced that the ranking member from the Democratic Party announced that Mr. John Huang, who had been the main focus in the investigation, was prepared to testify if he were granted immunity.

I think we have to be very careful about that. In fact, at this point, I would advise the members to say no to immunity at this point in the process. There may come a time when immunity is necessary, but at this point I do not think it is. That is my experience after many years of prosecuting. You use immunity, first and foremost, to get the testimony of the little fish, to find the people who may know something about the case, and then that helps you develop the real facts of the case and go on to the higher-ups.

I was very concerned a few weeks ago—and it is the only comment I have made about this matter since I have been in the body—when members of the Democratic Party were refusing to grant immunity to little fish in this case. Now that they are talking about one of the top ones, they are suggesting that maybe we ought to grant immunity to him, but they were objecting to and questioning the wisdom of granting immunity to what they called

the nuns and the priests in the Buddhist temple, those who have taken vows of poverty, and they have yet given large contributions to the Democratic campaigns, and the investigators want to ask them questions about where that money came from because there was a clear suggestion it was not their money, that somebody had given them that money and then they had taken it and made the contribution, and that would be technically a crime. And their lawyers were saying, as good lawyers would, ''we will tell you about it but my people didn't understand this; they are not political sophisticates; we will tell you who told us; we will tell you who gave us the money; we will tell you who did it; but we don't want you to turn around and prosecute us.''

So that is the type of circumstance the committee must decide. You may not want to prosecute those people anyway. They may not have understood what they were doing was against the law. So that is an appropriate circumstance for the committee to consider immunity.

I thought it was critical and a matter of stonewalling of that investigation to, across the board, just deny consideration of immunity for those people, and now we are dealing with a situation in which on the first day of the hearings comes the announcement that Mr. Huang, under some complicated theory, would be prepared to testify if he is given immunity for everything he did except being a spy.

Well, my observation is that that is not a good way to proceed, and there are several reasons why that is true. First of all, Mr. Huang wants to come in and get immunity from the things that it appears there may be such evidence right now to convict him of.

That is not a bad deal, if they have evidence to convict you of a number of crimes. Let us say maybe it is money-laundering or maybe it is a violation of the Hatch Act or maybe it is the Ethics in Government Act or Illegal Foreign Contributions Act or campaign finance laws, in which you deliberately run money through someone else's name so that it would appear to come from them and not from someone else. Those kinds of things can be violations of the law.

The investigators have done a lot of work on this. Perhaps they already know the basic facts, and probably Mr. Huang knows what they know also. So it would not be unusual for a good lawyer representing Mr. Huang to see if he could not pull a little gambit, if he could come in on the first day of the hearings when everybody's attention is focused on other things and announce, if you give me immunity, I will tell you what I know, but just remember, I don't need immunity for being a spy because you don't have the evidence about that perhaps. Maybe that is what he is thinking.

The context of this thing is very troubling to me. My advice to the members of that committee would be to be very, very careful about it.

There are a number of other things that are troubling to me. You have to remember that the grant of immunity can in fact undermine prosecutions later. We have to know that the Department of Justice, even though those of us on the Senate Judiciary Committee and others have called on the Department of Justice to appoint an independent prosecutor and Attorney General Janet Reno has declined to do so, the Department of Justice is conducting an investigation of Mr. Huang. They may already have evidence which indicates that he has committed crimes against the United States. And if that is true, then it is a real serious thing for the Senate to go through the process of granting him immunity. In fact, I would think it would be very bad at this point; of all the people who are most prominently involved in this, who played a high role—and he was a high Department of Commerce official. These problems are serious. Huang is a major player in the campaign finance scandal that we are seeing unfold, and I think he ought not readily be given any grant of immunity. I think it would undermine the legitimate prosecution that could go on later.

As a prosecutor, one thing I always tried to avoid was to be in a situation in which I granted immunity to the main crook in the case. If you have five people involved and you need the testimony of some others to maybe bring out the details, you do not give that immunity to the main crook. You do not give immunity to the person you have the most evidence against already.

That does not make sense. I think that this is a gambit, this is an attempt to rush in here while this committee has a well-planned schedule to bring in the evidence that is in existence about this scandal and to bring it all to the fore, to disrupt that process.

The committee ought to stay the course. They ought to bring in the evidence from every source, and when they have all the evidence brought in, they then ought to objectively, coolly and professionally consider whether or not Mr. Huang deserves immunity, but until then I say no. I think we ought to be very careful about this process. It is a very serious thing.

Finally, let me just say that this process is important. The people of this country are entitled to know that there has been an objective and thorough evaluation of the allegations that have been so prominently talked about here. I think that is important. I think Americans expect that. They would be concerned, rightly, if one of the primary persons alleged to be involved in wrongdoing who could have been involved in maybe a half a dozen different criminal activities, were to be given immunity at the very beginning of these hearings, and therefore perhaps end up with a situation in which you have prosecutions against lesser offenders and the main culprit goes free. That is a very serious matter. And sometimes in America, as one writer said a number of years ago, we suffer from a colossal inability to discriminate among levels of wrongdoing.

I would say to you that if some of the facts here turn out to be true, we are dealing with a very serious violation of American law and campaign procedures involving millions of dollars, involving a Communist nation, a Communist power attempting to influence this Nation. I think that committee has to see it through. They have to get the facts and call the shots, no matter what the consequences.

Mr. President, I salute the leadership of Senator THOMPSON and others on that committee. I believe they are doing a good job and I am confident that the truth will come out. I believe in this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to speak not to exceed 10 minutes.

The PRESIDING OFFICER. The time set aside for Senator MACK has expired. This is morning business. Without objection, the Senator may proceed.

Mr. GORTON. Mr. President, the entire legitimacy of this body and the House of Representatives, of the Presidency and of the administration, depends upon its members, in the case of the Presidency the President himself, having been freely chosen by the American people in an election campaign conducted under certain rules consistent with the statutes and the Constitution of the United States. It is a set of serious allegations about violations of those existing rules that is at the heart of the investigation now being conducted by the Governmental Affairs Committee.

There are many who say the rules ought to be changed, and there can be legitimate debate over how much and in what direction those election campaign rules ought to be changed. The issue here and now, however, arises under the current rules, arises under serious allegations about violations of those current rules: The Hatch Act, the misuse of the White House, the use of covert foreign contributions to affect the outcome of the elections, money laundering, and a number of other violations of what the laws relating to the election of the President of the United States are right now. In this connection we have the unfortunate spectacle that many—most of the key witnesses, of those who know the facts, of those who participated in the alleged violations, have either hidden themselves overseas beyond the reach of any subpoena or have stated that they will exercise their fifth amendment rights and will refuse to testify unless they are immunized against the very offenses which so clouded last year's Presidential election. In that connection, we have the regrettable response, a response almost without precedent, on

the part of one of the parties, that finding these witnesses is a Republican problem, that grants of immunity to minor participants will not be approved. How markedly, how strikingly this contrasts with the investigation of Watergate, with Iran-Contra, in which the party whose actions were being investigated cooperated fully in attempting to determine the truth of these allegations.

As we all recognize the vital importance of free and open and fair elections conducted in accordance with the rules, so, it seems to me, we must all recognize the importance of determining whether or not there were serious violations of those existing laws, because if we cannot enforce the law as it exists today, what point is there in debating whether or not we ought to change and tighten those laws? We need the investigations that are being conducted, both here in the Senate of the United States and in the House of Representatives today, to cast light on what actually took place during the course of last year.

We asked for a special prosecutor. We needed the Department of Justice in order to determine whether or not there were criminal violations that should be prosecuted in the criminal courts of the United States. But the classic justification, the rationale for this Senate investigation is the determination of facts: The breadth and extent of the violations of law that took place last year, who the violators were, what consequences the committee of the Senate feels should stem from those violations, and then and only then whether or not there should be additional laws applicable to the next set of elections. This inquiry and this investigation is of vital importance to the American people. The American people deserve to know precisely what took place during the course of the 1996 Presidential election campaign, on both sides; the breadth and the extent of violations of law, who violated the law, and who knew about and benefited from those violations.

I call on all of the Members of the Senate to cooperate to the fullest possible extent in the determination of those facts and express my hope that the results of this investigation will be enlightenment and far better practices in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, yesterday the chairman of the Governmental Affairs Committee began his hearings on the alleged political campaign finance irregularities of 1996. After all that has been written and reported in the press and elsewhere, it is time. Even before these hearings, a lot of facts are already known and how much more these hearings will reveal yet has to be seen. Knowing all the roadblocks that could be posed in these hearings and these investigations, they may reveal very little, or we may be surprised at some of the findings. Nonetheless, the hearings must move forward. This body and the other body, the House of Representatives, has the unsavory duty to investigate, reveal and inform the American people. I know no one in either Chamber relishes this assignment. To some it tends to polarize, and to some it confirms what they have already known.

John Quincy Adams, who returned to the House of Representatives after serving as President of the United States, in a heated debate over slavery, of which he was an ardent opponent, said, ''Duty is ours; results are God's.''

The nature of these hearings is different, especially when we talk about campaign financing. This one involves foreign entities attempting to politically infiltrate the American system. That is the concern of all Americans and in particular those of us who have taken the oath to uphold and defend the Constitution of the United States in face of foreign and domestic assault. To do otherwise is just not accepting our sworn duty and our obligation to the American people.

Alexis de Tocqueville, author of ''Democracy in America,'' way back in the early 1800's, wrote that America is great because America is good. When America ceases to be good, it will cease to be great. That is as true today as it was then.

The alleged violations of the 1996 campaign did not start just in 1997. One must remember, back in the fall of 1996, about mid-October, when the Democratic National Committee failed to file its campaign report with the Federal Election Commission—some excuse that the accountants did not have it ready or it was not ready to go. In fact, I don't recall whether it was filed at all until the elections were over in 1996. The point is, could full disclosure be working if there were obvious irregularities? If there were, did they take the attitude, ''Why should we file?'' Were there campaign activities that could prove embarrassing right before the election? And I would ask, is that not the main purpose of the present laws, full disclosure—full and timely disclosure of campaign activities? Maybe the present law is working. Maybe, under the present law, we know what we know today. We must ponder that.

The China connection has lots of us concerned. In fact, Americans should be outraged at such an allegation, let alone proof. What was going on when John Huang received top security clearance without even a background check, 5 months before he began working at the Commerce Department? Why did this person still have a security clearance when he began working at the DNC? Why did John Huang attend over 100 classified briefings, hold 95 meetings at the White House, have frequent access to the President of the United States? I want to know that. I want to know why it was allowed to happen. The American people deserve to know. And we have the duty to inform them.

It is apparent that inquiry is necessary because it seems to me that this administration was willing to do whatever it took to win an election. The facts that we know now—not allegations but facts—tell us that they broke current and existing laws. Are they above the law? I don't believe so—as none of us are. They inadvertently allowed our national security to be compromised? One has to question that.

So, the Governmental Affairs Committee is fulfilling a constitutional responsibility by conducting oversight to find out whether the current laws have been adhered to, of which we know some of them were not.

It is their duty to discover what laws were broken, and then we can decide what can be done to improve enforcement of those laws.

This is about money laundering, illegal foreign contributions and unlawful receipts of campaign funds within Federal buildings. There is credible evidence out there that indicates this administration was engaged in all of these violations.

It is my hope, Mr. President, that these hearings will get all the facts out in the open for the American people. I commend Senator THOMPSON and committee members for assuming that responsibility. It is an awesome responsibility and one that is not taken lightly by any Member of the U.S. Senate or the U.S. House of Representatives. It is time that we proceed to get this out in the open and let the American people judge what is right and what is wrong.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 8, 1997, the Federal debt stood at $5,354,619,850,034.63. (Five trillion, three hundred fifty-four billion, six hundred nineteen million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents)

One year ago, July 8, 1996, the Federal debt stood at $5,154,104,000,000. (Five trillion, one hundred fifty-four billion, one hundred four million)

Five years ago, July 8, 1992, the Federal debt stood at $3,971,809,000,000. (Three trillion, nine hundred seventy-one billion, eight hundred nine million)

Ten year ago, July 8, 1987, the Federal debt stood at $2,326,070,000,000. (Two trillion, three hundred twenty-six billion, seventy million)

Fifteen years ago, July 8, 1982, the Federal debt stood at $1,076,916,000,000 (One trillion, seventy-six billion, nine hundred sixteen million) which reflects a debt increase of more than $4 trillion—$4,277,703,850,034.63 (Four trillion, two hundred seventy-seven billion, seven hundred three million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents) during the past 15 years.

BIDDING FAREWELL TO HIS EXCELLENCY, AMBASSADOR GALLAGHER

Mr. DODD. Mr. President, I would like to offer some brief comments, if I may, regarding a good friend to many of us here who will be returning to his country in the next few days. I speak of Dermot A. Gallagher, Mr. President, the current Ambassador of Ireland to the United States.

Mr. President, Dermot Gallagher can leave the United States with pride in the work that he has done for his Government and his country.

I have had the privilege, Mr. President, of working closely with Dermot over the last 6 years, as many of us have. It has been an extremely positive experience, and I have come to consider Dermot not only a competent diplomat, but a good friend, and a good friend to this country. Without doubt, Dermot Gallagher is a consummate professional, an able and talented diplomat, and an individual who has served his country with skill and grace. And in no small measure, he has been assisted in that process by his lovely wife Maeve who has been a partner in this endeavor of theirs over the last number of years.

It goes without saying that Ambassador Gallagher has had an extraordinarily busy and productive tenure as Ireland's Ambassador in Washington. From early 1994 until the present, Ireland, and particularly the Northern Ireland peace process, have been frontburner issues for the Irish, the British, and our own Government.

Naturally, Dermot Gallagher has been in the thick of all of it. He has been an effective spokesman for his Government with the State Department, the White House, and the Congress. He has also been enormously helpful, I might point out, Mr. President, to those of us who have been actively involved in trying to get the peace process back on track in that country following the tragic decision of the IRA last year to break the August 1994 cease-fire.

Ambassador Gallagher may be returning home to Dublin, but I am confident he will remain actively involved in many of the same issues with which he has become so intimately knowledgeable. I say this because Ambassador Gallagher will be returning to Dublin to assume the position of Second Secretary General within the Department of Foreign Affairs, where he will continue to play a major role in Anglo-Irish issues, especially in the Northern Ireland peace process.

Given the recent events in Drumcree, where once again violence erupted, Mr. President, in connection with the annual Orange Order parade season, he will have his work cut out for him. Dermot will play a critical role in advising the newly elected Irish prime minister, Bertie Ahern, on the most effective policies for the Irish Government to pursue in order to restore a climate of trust, peace, and reinvigorate the currently stalled peace process.

So, Mr. President, I know again I speak for all of my colleagues here when I bid Ambassador Gallagher and his wife Maeve and their family a farewell and a thank you for a job very well done. We continue to look forward to working with him in the years ahead.

DEVELOPMENTS IN CAMBODIA CAUSE FOR CONCERN

Mr. McCAIN. Mr. President, for those of us who follow events in Southeast Asia closely, recent developments in Cambodia are a cause for great concern.

The coup d'etat—and, yes, I employ that term even if the Department of State, for broader foreign policy reasons, does not—staged this week by Second Prime Minister Hun Sen is a terrible setback for that strife-torn country. Tragically, the expression by Mao Tse-Tung that ''power grows out of the barrel of a gun'' applies nowhere more so than Cambodia. A peace process initiated in 1991, culminating in the Paris peace accords, and manifested most significantly in the 1993 elections is dying.

The investment in that country since the signing of the 1991 accord by the international community of more than $3 billion, including $160 million from the United States, has clearly failed to eliminate from Cambodia the intertwining of politics and violence. The removal from power of the Khmer Rouge, one of the most vicious guerrilla movements in history—the very people for whom Cambodia has become synonymous with the image of bloodshed on a monumental scale—has not eliminated from the minds of Cambodia's leaders the notion of ''power from the barrel of a gun.''

Mr. President, I am a strong supporter in Congress of facilitating the development of normal political and economic relationships with former adversaries in the Far East. I supported the opening of diplomatic relations with Vietnam and the extension of most-favored-nation trade status to Vietnam, Cambodia, and Laos. With many other Members of Congress, I have invested considerable time and effort to helping secure a peaceful and prosperous future for a region that has known decades of warfare unimaginable to most Americans. I can only now fear for the future. The coup by Hun Sen represents a reversal of fortune that will prove, I fear, extremely difficult to resolve. The culture of violence that dominates major factions in Cambodia is alive and well and once again in power.

The response to the coup by the Clinton administration is understandably tempered by the knowledge that we will have to deal with the new regime as a simple fact of life, as well as within a broader regional context. It is that regional context that worries me as much as the developments inside Cambodia. The visit by Hun Sen to Hanoi immediately prior to his takeover of Phnom Penh sends a chilling message to those of us concerned about the region's future. Whether Vietnam is culpable in the events in Cambodia is an issue that demands, and presumably will receive, serious attention.

The American public remains extraordinarily wary of any involvement by this country in Southeast Asia. That is understandable given the history of United States involvement there as well as memories of the years of terror in Cambodia under the Khmer Rouge. That concern cannot and should not be ignored. That is why I was never under any doubt about the popularity of some of my positions with regard to Southeast Asia. The United States, however, must remain engaged there. It cannot turn its back on a region of great importance to the entire Far East. Conflict in Indochina, during a period when countries circle each other warily over specks in the South China Sea that may or may not be rich in oil and natural gas, can easily have wider implications. We must work to bring peace and stability to Southeast Asia. Both morally and practically, we must stay engaged.

I have met a number of times in the past with Hun Sen. He is a tough individual not vulnerable to intimidation. He is capable of acting as ruthlessly as he deems necessary. His troops have actively sought out Members of Cambodia's elected Parliament with the clear intent of imprisoning those who oppose him and incorporating into his movement those who do not. Cambodia's interior minister was captured and executed. Sam Rainsy, president of the Khmer National Party and a friend of some of ours, expressed the situation appropriately when he asked, only partly rhetorically,

> On what ground, following what rule, what law, what article of the Constitution, what legal procedure can the Second Prime Minister unilaterally ''dismiss'' the First Prime Minister . . . (O)nly with the backing of his tanks Hun Sen gave to himself the right to dismiss the First Prime Minister and to announce the formation of a new government.

A reign of terror has been launched and a shadow has fallen over a country now known more for its violence than its awesome natural beauty. Gunfire around the Angkor Wat Temple, revered by Buddhism and universally identified with solemnity, provides a sad contrast that illustrates all too well the tragic fate of Cambodia. The international community, which invested so much time, energy, prestige, and money in establishing in Cambodia a democratic form of government and the opportunity for the same peaceful and prosperous future enjoyed by so many of Asia's countries, can be forgiven if it does not attempt a repeat of its efforts earlier this decade.

The United States should, I believe, work to resolve this crisis and repair the damage. I would be hard-pressed at

the moment, however, to argue on behalf of foreign assistance for Cambodia while a government that took power via coup d'etat rules in Phnom Penh and the ousted FUNCINPEC party negotiates in the northwest with the Khmer Rouge. The administration must communicate more forcefully than it has to date to Hun Sen that his actions are unacceptable and it must meet with Prince Ranariddh while he is here in Washington at the highest possible level of government to convey our continued support for the democratically-elected government that was ousted. It must be reiterated that Hun Sen was made Second Prime Minister and the Cambodian People's Party given a sizable representation in Parliament not because of its popular support, which it lacks, but because of its history of extreme violence and willingness to employ that violence to attain its objectives. It must be illuminated the degree to which the international community bent over backward and the Cambodian people's interests sacrificed in order to bring the CPP into the coalition that was torn apart by the coup.

Mr. President, the tragedy that is Cambodia continues. The Senate as a body, the Congress as an institution, and the administration as this country's representative abroad must communicate the message that the recent events in Cambodia represent a reversal that cannot be accepted without a price. I, for one, stand ready to do my part.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Lugar modified amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs.

Gorton amendment No. 645, to provide for the implementation of designated provider agreements for uniformed services treatment facilities.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 668, to require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes.

Wellstone modified amendment No. 670, to require the Secretary of Defense to transfer $5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Gorton/Murray/Feinstein amendment No. 424, to reestablish a selection process for donation of the USS Missouri.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Mr. THURMOND. Mr. President, we are now back on the defense authorization bill, S. 936. We are ready to take up amendments. I want to inform my colleagues, if you have an amendment, come to the floor and present it. We are ready to act on these amendments. We have to finish this bill this week. We have lots of amendments. If you want your amendment acted on, you better come to the floor and see about it, otherwise we are going to proceed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, I rise to comment on one of the most important authorization bills to be debated by the Senate each year, the defense authorization bill. In fact, if you consider that the first duty of government is to assure the life and freedom of its people, then this is the most important authorization bill we will take up this year.

Our debate, like most of what we do on this floor, will eventually produce a law. In our democracy, Mr. President, law is really our collective national imagining of how something should be. In this debate, America imagines its Armed Forces and crafts a law that authorizes their existence and shapes them to their tasks. This law has global reach and global consequences; so we should approach this debate with seriousness, with respect for those who serve, and respect toward those who wrestle with these issues on a daily basis.

Deserving respect in the latter category are our colleagues who serve on the Armed Services Committee. They have produced a good bill, on balance, and they have done an exceptionally difficult task in putting together this legislation because they have to consider not only the threats to the Nation and the nonnegotiable requirements to repel those threats today, but also to support the force that is already deployed, as they are in Bosnia. They also face tough budget limitations, along with the demands of competing bureaucracies and those in the private sector who supply equipment and services for defense. Our colleagues on the Armed Services Committee must balance near-term with long-term, readiness with research, and through it all keep their eyes focused on the overall good of protecting the Nation. Mr. President, I thank them for taking on this tough task and producing such a good product. I especially thank the distinguished Senator from South Carolina and the distinguished Senator from Michigan for their fine work on this legislation.

National strategy should be the basis for our consideration of the Defense authorization, and strategy is illuminated by history. We have a history, in the aftermath of decisive military involvement overseas, of withdrawing from foreign commitments. The surest sign of our withdrawal has always been the deep reduction of our Armed Forces. After World War I, we listened to our isolationist instincts, refused to join the League of Nations which our own President had created, and cut our military to the bare bones. Absent our leadership, Europe and Asia developed into a conflict which killed 50 million people—a conflict which only renewed American engagement could win. Again, after World War II, we deeply cut our military, only to be shocked into rearmament by the initial victories of Communist forces in Korea—forces which might well have been deterred had we kept our forces capable. Again, after Vietnam we deeply cut our forces but fortunately rebuilt them when it became clear that our military was less capable than our national strategy required. We wisely rearmed and created a force which outlasted the Soviet Union and won a historic victory in the cold war.

The clear lessons of history are: Stay engaged in the world and keep our Armed Forces congruent with the national strategy and with the threats we

face. In other words, we should not withdraw from the world—we should continue to lead, and an essential component of leadership is Armed Forces who can do what our strategy requires. Keeping those forces capable means sizing and shaping and equipping them to deal with the threats of today and tomorrow, changing and improving them so they can achieve their purpose.

Our forces have an overriding purpose: To defend the Nation. But they also have subsidiary purposes: To defend our national interests and to support the stability which shields prosperity and democracy. We Americans also expect our military to do more than just national defense. We expect them to maintain and embody our national leadership. We expect them to be the agent of America's desire to lead a response to anarchy or famine or other instances in which American values call for action. These are the American values the world loves and depends on, and our military delivers on them.

No other country on Earth has such a set of purposes for its armed forces, and no other country has the multifaceted, action-oriented, take-charge people in its military who can accomplish any or all of these purposes and think outside the box to do it better. Developing and nurturing such people is yet another essential task of our Armed Forces.

The military that can answer the tall orders we place it cannot be a static institution, and our is not. It is not a status quo force. Some fail to see it, but in fact the U.S. military has become significantly smaller since the cold war. In 1990, there were 2,069,000 active duty service members. This bill authorizes 1,431,000 for fiscal year 1998. In 1990, there were 18 active Army divisions and 10 divisions in the Army National Guard. This bill authorizes 10 and 8 divisions, respectively, for fiscal year 1998. The number of Navy aircraft carriers has gone from 15—and 1 for training—to 22 and 1. Battle force ships have gone from 546 to 346. Air Force fighter wings have gone from 24 active and 12 reserve to 13 active and 7 reserve. My point is not to argue with these reductions, which made sense in terms of the threats and our commitments, but to note they occurred, and also to note they have been traumatic, not just for the communities in which they are located, but also for the services themselves.

Let me add parenthetically, whatever the size of our forces, they should be supported by logistics and infrastructure that reflects their size. If our forces get smaller, we should not retain unneeded military basis. I, therefore, support the distinguished ranking member's amendment to initiate a new base closure process. The money we can save on excess bases is a matter for debate, but excess bases hurt readiness regardless of money because they add requirements for our most precious resource: personnel.

Too much of what passes for strategic decisionmaking in defense these days is really about money. In my view, money is an issue only after you decide on a strategy and the military component of the strategy. The lesson of the cold war is, if we need something military to protect our country and achieve our strategic goal, we will pay for it, whatever the cost. In examining this bill and our strategic direction, saving money is not my highest priority. In fact, I don't think we spend too much on defense, given our global responsibilities and the size of our economy.

My question is whether we are spending it on the right things. We can answer it by reviewing the threats we are facing and will face in the future.

The top threat, the only threat that can instantly extinguish our national life and the lives of scores of millions of our citizens, is Russian nuclear weapons. The mission of U.S. Strategic Command is as essential as ever. It is the fashion to consign the cold war to the historic past, and Russia today is a friendly country. Indeed, the growth of prosperity and democracy in a friendly, peaceful Russia ought to be at the top of our strategic priorities—the potential for such a Russia is one of the principal fruits of the cold war. Conversely, a poor, unstable, chaotic Russia threatens our security because the command and control of nuclear weapons could be weakened. The likelihood of accidental launch or leakage of fissile materials into the hands of criminals or terrorists is increased. No aspect of the proliferation problem is more potentially threatening than the possibility that Russian fissile materials get into the wrong hands.

The Armed Services Committee has understood the connection between Russian nuclear surety and our own national security. The Nunn-Lugar programs are proof of that understanding and the strategic vision of those two statesmen and many of their colleagues. The cuts made in those programs in this bill suggest we may have briefly lost sight of that vision, and I will join with the Senator from Michigan in seeking to restore the requested levels.

Russian nuclear weapons are an inescapable, obvious part of our strategic reality. We also face a serious threat of proliferation of weapons of mass destruction to rogue States, countries like Iraq, Iran, Libya, and North Korea. One appropriate response to the threat from these countries, when the threat matures and becomes specific, is missile defense. But there are other responses that should not wait, including advanced research and development on the detection and targeting of nuclear, chemical, and biological weapons. Our global responsibilities could propel us with little warning into a conflict in which these weapons, the so-called poor man's nuclear weapons, are present, just as we now know they were during the gulf war.

A third threat is the conventional capabilities of potentially hostile states, and analysis suggests to me these capabilities are in broad decline around the world, just as are the conventional capabilities of many allies. Most countries can stage a decent military parade. But there are few who can sustain ground combat operations or an air campaign lasting more than a few days.

Recent history, and I am thinking especially of the performance of non-United States NATO forces in the earlier UNPROFOR stage of Bosnia, shows there are not many armies willing to even engage in ground combat unless United States troops are in action alongside them. Likewise, the Russian invasion of Chechnya several years ago seemed to me to be a repeated instance of Russian troops who would not leave the safety of their armored vehicles and their artillery positions to fight on the ground. The Russians blew up a lot of things from a distance but they did not win the war.

I am most grateful American soldiers and marines still have the warrior spirit and have it in abundance, but I think we should recognize that this spirit, at least at this time in history, is far from universal. There are many armed people in the world who are willing to fight, but not generally on behalf of governments. The foreigners who are eager for a fight are likelier to be with Hizbollah or the PKK than with an established government. This reality, which may be only a temporary condition, should be reflected in how we shape our forces. We may be overstressing the likelihood of conventional conflict and understressing the unconventional, although the latter may be more likely. Let me add that unconventional operations have not been our forte, historically. As the nation-state declines in many regions and dissolves altogether in some parts of Africa, the potential for unconventional operations by U.S. forces grows larger.

Conventional naval threats also appear to be in decline. Certainly there are no naval forces in the world remotely close to ours in either size or capability. The Russian Navy is experiencing severe problems just in paying and feeding its sailors, much less getting underway. At least temporarily, we may have the world's last real navy. But the gradual emergence of the navies of developing powers like China and India present a more distant threat that bears watching. At the other end of the spectrum, unconventional and shore-based attacks on our warships are already a threat to our forces which, as in the Persian Gulf, must come close to hostile coasts to maintain regional stability.

Our global responsibilities, in the opinion of the administration, require us to be prepared to fight simultaneously in two major regional contingencies. Looking at the situation in North Korea, a regime which was described to the Intelligence Committee

in open session earlier this year by Lt. Gen. Pat Hughes, the Director of Defense Intelligence, as ''terminal,'' I respectfully disagree with the two MRC assumption. I think the likeliest near term possibility is for a combination of one major and several minor simultaneous contingencies which could be inconveniently located in terms of our logistics structure. In my view, the soundest investment we could make is more airlift so we can rapidly force a favorable outcome in these contingencies, and better sealift to sustain them.

As we take on new international responsibilities our military should be appropriately tasked and shaped to carry them out. I note the Senate will soon consider the expansion of NATO. Our most significant new responsibility from this policy decision will be to be prepared to defend the eastern border of Poland. That is the guarantee we will make. It will not be a meaningful guarantee unless U.S. military forces are dedicated for this mission and train for it, and for all the logistic support which will also be required. I have yet to learn how this commitment, if we make it, will affect our force structure and what it will cost.

Every human environment is a potential military target or theater of conflict, and that includes the new environment of cyberspace, an environment which is essential to our national security and yet is an environment without international borders or government controls. If we are to defend our communications systems, our transportation systems, our power transmission systems, our medical care delivery systems, we must defend our national information environment, our public networks. Robust encryption is an essential part of the defense of this environment as well as its assured, secure use by consumers, the private sector, and Government. The Secure Public Networks Act, which Senator MCCAIN and I and others have introduced, aims to make set a global as well as a national standard for secure public networks. Our bill serves national defense as well as our commercial interest, and I commend it to my colleagues.

Mr. President, as the threats and the environments change, it is our duty, as well as that of the administration, to ask ourselves if our forces are designed and equipped in the light of today's and tomorrow's reality. What is the likelihood that our Army will have to conduct large-scale armored operations against an enemy like the Iraqis of 1991? Is the aircraft carrier the optimum fire support or air supremacy system in areas where we are denied access to airfields? What is the likelihood of a major amphibious assault in today's world, or a mass tactical parachute jump? What are the tactics and platforms best suited to achieve rapid, overwhelming victory today and tomorrow?

We have in our military officers who can answer these and many other questions essential to formulating the future of our forces. Our military education system trains officers to think outside the box. Will their political masters in the Pentagon and White House let them? Are we in Congress open to real change or does it present political risk to us that we would rather not face?

In the past, we have only made major positive changes in our military under the pressure of external threats. Now we have the opportunity to do it for ourselves. The seriousness of the tasks we assign to our military, and the quality and spirit of those who serve and who are willing—even enthusiastic—about going into danger for the rest of us, demand no less.

Again, Mr. President, I commend both the chairman of the Armed Services Committee, the distinguished senior Senator from South Carolina, and the Senator from Michigan, the ranking member of this committee, for their very constructive and important work. They have produced a good piece of legislation. There are some changes that I would like to make with their support, especially of the ranking member. But overall they have kept the faith with the people of this Nation and produced a piece of legislation that, if enacted, will enable the United States of America to continue to be safe and secure.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Nebraska, who incidentally is the only Member of Congress who is a Congressional Medal of Honor winner, for the excellent statement he just made. It will be very beneficial to the country to hear a statement like that.

PRIVILEGE OF THE FLOOR

Mr. President, while I am on my feet, I ask unanimous consent that Ron Moranville, a legislative fellow on Senator MCCAIN's staff, be granted privileges of the floor during the debate of S. 936.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Nebraska is still on the floor, I want to add my voice to my good friend, the chairman of our committee, for his comments about the Senator's remarks. I only wish that every Member of the U.S. Senate could have been here to hear the Senator from Nebraska.

It is a comprehensive statement. It is thorough. It is intellectually solid. It is based, most importantly, on experience. There are some times theoretical statements that we hear that do not have that kind of a base and experience.

The Senator talked about old values of this country and new threats. He set forth what these new challenges and new threats are. But he also underpinned our commitment as we hope to reflect in this bill with his help the old values which he has so superbly represented throughout his life.

I just simply want to thank the Senator from Nebraska for his commitment, for his dedication, for his patriotism, and for taking the time to set forth in a document, as he did this morning, and in speeches he gave this morning, some of the most critical challenges that this Nation faces.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me not miss this opportunity to join our chairman and ranking member in saying good things about our dear friend from Nebraska. I am glad I was over and got to hear part of his speech.

Mr. President, I have waited until we got to a lull in consideration of amendments to come over today and talk about an issue which is very important to me and to my State. But I think more importantly it is very important to our national security, and it is very important to the American taxpayer who is intimately involved in all of these considerations as the ultimate payer for all that we undertake.

I want to apologize in advance to my colleagues because I want to cover a series of issues here that are related to base closing and privatization.

We have had a protracted debate in the House of Representatives, most of which I would have to say I believe is based on a view of the facts that do not comport with my view, and I think don't comport with the facts. I think it is very important at least to have on record at one place as we enter into the debate, which ultimately will occur in conference, on what this whole issue is about and what it is not about, because I want our colleagues to know that this is not a dispute among Senators that are simply representing the views and interests of their States.

In my mind this is about a fundamental issue. I think when you cut through all of the rhetoric, when you separate out all of the random facts that are out there in the debate, that the ultimate issue is, do you believe in competition? Do you believe the taxpayer benefits from competition with a lower price? And do you believe that competition produces quality and excellence? If you do, you are for it. If you do not, you are against it. And it is my belief that these decisions about privatization ought to be made on that basis.

Having thrown a bunch of ideas out there that to any listener not involved in this sounds to be random, let me go back to the beginning, back to the 1995 Base Closing Commission report, and then come forward to the present, to the House action and where we are today, and basically try to set this whole thing in the context of facts. So let me begin with the base closing report.

As our colleagues are painfully aware—and especially if they represent a State as I do where bases have been closed—we adopted a bill establishing a commission to close military bases that were no longer needed. I was a principal cosponsor of that bill. I supported it. I have voted for each of the recommendations of the Base Closing Commission including the recommendations that closed five military bases in my State. I am committed to continuing the base closing process. I will be one of the Senators, assuming that Senator MCCAIN and I can work out some language differences, who will be cosponsoring Senator MCCAIN's amendment to reinstitute the Base Closing Commission.

So I do not want anybody to be the least bit confused. I am in favor of closing military bases to reduce the overhead that we have which is literally starving national defense, and in the process threatens our modernization and threatens our ability to maintain the pay and benefits that have allowed us to recruit and retain the finest young men and women who have ever worn the uniform of this country.

I intend, assuming that we can work out these minor language differences, to cosponsor the McCain amendment to reinstitute base closing, though it is very unpopular in my State, and very unpopular in the country. The bottom line is we have cut national defense spending by over a third, and we have closed only 18 percent of the military bases.

We have a huge overhang from the cold war in the bureaucracy in Washington, around the world, and in our own country, which makes absolutely no sense. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge overhang of resources, facilities, production capacity, and bureaucracy that ultimately have to be pared down to meet the defense needs of the Nation. And while I am not happy about doing it, while I worry that more military bases in my State will be closed, I am for it because I think the national interest dictates it.

I also believe it is a tragedy that cannot be avoided that the very communities whose support allowed us to operate military bases and facilities that won the cold war and tore down the Berlin Wall and liberated Eastern Europe and transformed the world are the very communities that end up being hurt by this process. But the alternative to this process is that we end up with a huge bureaucracy where we are spending our money to maintain facilities rather than to maintain defense. We have in terms of our ''tiger,'' so to speak, our military strength today, too little tooth and too much tail. That is what the Base Closing Commission is about.

Having said all of that, let me go back to the Base Closing Commission Report of 1995. I want to talk about a base in my State. And then from that I want to discuss this whole issue because I have never heard a debate since I have been here that has been more confused on what the real issues are than this debate about privatization.

Let me take you back to 1995. We are in the process of moving toward congressional and Presidential elections. The Base Closing Commission recommends, among other things, closing Kelly Air Force Base in San Antonio, TX, a huge facility with 14,000 employees. And they recommend two options. I want to read from the Base Closure Commission report, because one of the assertions that has been made in all this debate is that the President is trying to use politics to overcome the recommendation of the Base Closure Commission. There is only one problem with that assertion, and that is it is not true.

Now, when the Base Closure Commission in 1995 closed Kelly, they had two recommendations as to what to do. One was consolidate the workload to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. In other words, the recommendation was to close Kelly Air Force Base and then either transfer its functions to another depot or put them out for private bids, and if under the procedures established by the Defense Depot Maintenance Council it is cheaper to do it in the private sector than to transfer it to a depot, DOD could do it that way.

Now, this is not me talking; this is not what I am in favor of. This is what was recommended by the Base Closure Commission.

Now, it does get confusing after that. You have a base closed, a big maintenance facility in California, and you have a big maintenance facility in Texas closed, Kelly Air Force Base, and President Clinton is running for reelection. Obviously, people in California are not happy about the base closing. Obviously, people in Texas are not happy about it. So what do you expect the President to do? Do you expect him to go around and say this is great? What the President did, which I would have to say 9 out of 10 politicians would have done, including many people on my side of the aisle, is he went out of his way to say, well, look, all is not lost. Maybe we can privatize some of these functions in facilities that are currently at McClellan or currently at Kelly. In other words, the President, in campaigning, did what any politician would do. He took the options of the Base Closure Commission and wrapped them in as pretty a package as we could wrap them and led people to believe that he somehow was going to support ''privatizing these functions in place,'' which was a term that he used.

Now, those who oppose competition based on price and quality have seized on what the President did during the campaign and claimed that somehow that violated the principles of the Base Closure Commission. It seems to me that as politicians we are all familiar, intimately familiar, practiced, in fact, in the skill of taking bad news and putting as pretty a face on it as you can. And what the President did all through the campaign in voter-rich California and Texas, two big States with huge electoral votes, is he talked about the potential for privatization. But I want to remind my colleagues that the President signed the Base Closure Commission report. We had some effort in my State to try to encourage the President not to sign the Base Closure Commission report. I am proud to say that I rejected it, refused to participate in it and thought the President had no choice, and in the end he did not.

But to somehow assert, as has been done in the debate in the House and to some extent here, that the President has tampered with the process by trying to put a pretty face on a corpse is just not fair, and it misleads people about this whole debate.

Now, let me outline what we are actually talking about. We are going to have a contract where maintenance work on the C–5 is put out for competition. If a private contractor can do it for less, it will be privatized to save the taxpayer money. Now, that private contractor can do the work anywhere they choose, and obviously one of the options that is going to be bid will be the option of using the C–5 hangar which exists at Kelly and nowhere else—it would cost $100 million to rebuild it somewhere else—and doing the work not with Government employees but with private employees. They will not get the contract if they cannot do it for less.

So what is the issue here? Well, some people say the issue is DOD is not following the Base Closure Commission report because they are not closing Kelly Air Force Base. They are not closing McClellan Air Force Base. Well, look, we all want to take facts and try to use them to bolster our argument, but this is not true. No one is proposing that we not close Kelly Air Force Base. No one is proposing that we not close McClellan Air Force Base. There are a lot of people in San Antonio, there are a lot of people in Texas, there are a lot of people in California who would rather not close these bases, but there is no debate about it. The debate is about this: Should private industry have a right to compete for the work that will no longer be done by the Government at Kelly and McClellan? That is the question. So nobody is saying do not close the military bases. To listen to the debate in the House, you would think that is what is being proposed.

Now, that brings me to the next point I want to make. All throughout the debate in the House of Representatives reference was made to a GAO study entitled ''Air Force Depot Maintenance: Privatization in Place Plans Are Costly While Excess Capacity Exists.''

Now, might I say that this is so typical of GAO work, because what happened is somebody asked GAO to do a

study that in essence said, if your whole objective is to reduce Air Force overhead, would you want to consolidate or would you want to privatize? Nobody asked the question, if you want to save the taxpayer money, if you want to improve quality, what would you do? But to listen to the debate in the House of Representatives, where over and over again people held up this study, you would think that the General Accounting Office had concluded that having the Government do this work rather than having a public/private competition, where we would decide who does it based on who could do it better or cheaper, that GAO had looked at this option and had decided the Government could do it better.

Now, when you actually look at their study, you find, in fact, that is not what the study looks at at all. What the study basically looks at is, if your objective is to reduce the level of overhead in depots, what you would want to do is consolidate. If your objective is to reduce the amount of excess capacity in private industry, as if that is our concern, you would want to consolidate into the depots. But when they get down to cost, all they can say is that ''Air Force planning has not progressed far enough to compare precisely the cost of privatization of depot workload in place with the cost of transferring the work to other unused depots.''

So, in other words, all the GAO study says is if the only options are to close Kelly and McClellan and transfer the work versus keeping them open, operating at the same cost, you ought to close them and transfer the work, especially if your sole objective is to reduce overhead. I do not disagree with a word this study says, but the problem is it does not have anything to do with the debate that is being conducted. The debate is not about excess capacity. The debate is about cost. The debate is about dollars and cents: Is it cheaper to have public/private competition, or is it cheaper to simply have the maintenance work done in Government depots?

Interestingly enough, there was another study on this subject which was never referred to in the debate in the House, and this is a July 1995 study done by the Congressional Budget Office. I want to remind my colleagues this study was done before the Base Closure Commission report and was in no way colored by anybody trying to tilt the evidence in favor or against privatization.

Now, the CBO study basically concludes, comparing the public sector, where the Government does maintenance work with Government employees, versus the private sector, that ''shifting depot work to the private sector might reasonably be expected to save $1 billion annually in the long run.''

In other words, you have two studies. One looks at whether or not to close a facility and shift the function, where those are the only two options—and which is not what we are debating at all. The other study tries to look at competition between the public sector and the private sector in doing this work, and—something that should not come as startling to an American—competition means lower prices and higher quality, and this study projects about $1 billion of savings from competition once you fully implement competition.

Let me summarize then what the real issue here is about. The real issue here is not about closing two Air Force maintenance facilities. Nobody is arguing that these two bases should not be closed. But what is being argued, and being argued with some passion, is whether or not we ought to look at the least costly way of doing this work. Should we simply close these two military bases, which everyone supports, and shift the functions to other Air Force maintenance facilities, or should we put out this work for bids, and if it can be done cheaper in a Government depot, do it there, and if it can be done cheaper by the private sector, do it there?

That is what the issue really is about, but you would never know it from the debate. The debate we hear really goes in two directions. One, we are talking about keeping bases open that the Base Closure Commission closed and that violates the agreement. Nobody is talking about keeping the bases open. They are going to be closed. We are going to bring down the flag. The military personnel are going to be shifted. Nobody is debating that option. The question is, should we allow a private contractor, who would come in and lease a facility that will belong in this case to the city of San Antonio, a C–5 hangar that does not exist anywhere else in America, should a private contractor be able to come in and lease that facility and compete with other private contractors and with the Government to maintain, for example, the C–5?

That is the question. Obviously, if we have private competition, that is going to mean that our remaining depots are going to have to compete.

I am not going to get into the business of trying to determine the intentions of our colleagues. I never try to impugn anybody's intentions. But let me talk specifically about that issue. I have proposed a compromise that I think makes sense. In this sort of supercharged environment where this has become one State versus another, we have not yet worked out a compromise, but I wanted to outline what my compromise is because I think in the future we are going to have to come to some conclusion here.

My proposed compromise is the following thing. We have in this bill a requirement that 50 percent of our maintenance work be done in Government depots and no more than 50 percent be done by the private sector. This is an arbitrary provision. It ought to be repealed. We ought to make the decision based on defense needs and cost. But what has really happened here is that at the very time when defense spending is being cut, you might initially believe that, well, with defense having been cut by a third, we have all been forced to make tough decisions, and in the name of a strong national defense and in the name of the security of the United States, we are all forced to make decisions about cutting overhead and waste and protecting special interests, dropping that so that we can get the most return we can on our defense dollars. You might think that would happen. But I am sorry to say that I think there is every evidence that exactly the opposite has occurred, that what has happened with defense spending declining is that our defense facilities and the people who live in those communities and those who represent those communities have started to view defense like welfare or an entitlement, that somehow because you have a defense maintenance facility, for example, that you are entitled to the work and the fact that we have less of it makes you more entitled.

So what we have seen in the House is sweeping language that would bar privatization and price competition for all practical purposes, forcing the Air Force to do something they do not want to do. The Secretary of Defense, the Secretary of the Air Force, the uniformed leadership, the Joint Chiefs of Staff, the people who are trying to preserve a strong defense desperately want the ability to engage in price competition. They understand we won the cold war because the private sector can do things well. So what they want to do, with the limited amount of money they have, is take a requirement and put it out for competitive bids and get the most return we can by having competitive bids. So that, if a depot in some State wants work, they have to prove they can do it cheaper than any other depot or than any other private sector person who might do that work.

I have offered to our colleagues on the other side of this issue to sit down with them and define a level playing surface, so that we can be absolutely sure that this is going to be a fair competition. But, basically, what has happened, I am afraid, and I am unhappy to say, is that increasingly defense is being viewed as an entitlement or welfare program, where, as we have less of it, rather than spending our money more efficiently, there is a demand to protect the interests of individual communities and individual military facilities. If we follow this procedure, we are going to end up with a less effective military force, we are going to end up with less procurement of new equipment, we are going to end up with poorer pay and working conditions, we are going to end up with a military that does not represent the best and the brightest in our society.

What my proposal has been is the following: Leave this division of public/private work in place, at least temporarily. I would have to say that logic

dictates that we ought not to have any arbitrary division, that it ought to be done based on competition. But my proposal is the following, that within this arbitrary division set out in law, in our bill 50–50—no more than 50 percent can be contracted out—leave that provision in place, but add a provision that says that, if a private contractor using a level playing surface that takes into account all costs, where a bidder has to have a firm, fixed price and where you don't pay them if they have a cost overrun, they have to eat it, and where you impose a fine and other penalties on them if they don't meet quality requirements and a timetable, including disbarring them from doing defense work, then have a full and fair competition, however we want to define it. I would define it to include all costs, including retirement and overhead, and require the public and the private sector to have fixed-price contracts, and then make them live up to the contract.

I am trying to work out a compromise and break this impasse that not only fractures the Senate and House but that threatens our national defense efficiency, in my opinion. What I am willing to say is, OK, stay with the 50–50 arbitrary division except in the cases where the savings are 10 percent or greater. In other words, begin with a presumption that it is worth 10 percent to have the Government do it, but if the private sector can do it for more than 10 percent less than what the Government can do it for, let the private sector have the contract. In other words, give a 10-percent bias toward the Government. If you really are concerned about efficiency, it seems to me that is more than a reasonable proposal. What it would say is that any time the Government in its depots can do the work within 10 percent of what the private sector can do it, we leave the existing restrictions in place. But in those cases where the savings are at least 10 percent or more, let the private sector have the opportunity to bid on it and, if they win the bid by that margin, let them have the work.

That is, I believe, the ultimate solution to this problem. I don't think it makes sense economically. I think it is tilted toward Government procurement, Government provision of maintenance. But to try to reach a compromise, it is what I am in favor of. But let me make it clear, not only do I believe the position I have taken is right for America and right for the taxpayer, but the idea that companies in Texas or anywhere else don't have a right to bid on work and, if they can do it cheaper, get the contract is so alien to everything that I believe and everything that I believe is in the national interest that, if there is any provision in this final bill that stops competition, that precludes price competition to benefit the taxpayer, I am going to vigorously resist.

Also, I might note that the President has said that he would veto the bill if such a provision were in it. I hope my colleagues, at the very time when we are all down here bemoaning the decline in defense spending and the threat it poses to our security, I hope we are not going to put ourselves in a position where we are defending special interests and the President is vetoing the bill because we are more concerned about the pork barrel and treating defense like welfare than we are concerned about providing for the national defense.

Let me go to the final point. So confused has this issue become that we now have colleagues who are saying that they are not going to support another base closing commission because of what the President supposedly has done about the last one. Our chairman of the Defense Appropriations Subcommittee, TED STEVENS—we all know and admire him—he is quoted in today's paper in the following way: ''Senator TED STEVENS, Alaska Republican, said there will be no further closure until Mr. Clinton backs off his plan to protect bases in California and Texas.''

Let me respond by saying, obviously the President, like any good parade leader, when the Base Closing Commission proposed one of the options being price competition, the President grabbed his baton and got out in front of the parade. He just thought it was a great idea and he thought that we would almost certainly do it. And he was for it. He was very much for it. Because people were getting ready to vote on whether to renew his contract or not.

But it is not what he said that is important; it is what his administration did. The point is, they didn't do it. All they have said is that they want to follow the Base Closing Commission report where they would put out bids, and if the private sector can do the work on these closed military bases, or anywhere else, cheaper than the Government can do the work internally, they want to do it.

So, are we going to base the public policy of the country on political posturing by a candidate for office during a contested Presidential election? The plain truth is, the President said over and over he was for privatization and he believed that contractors at these bases would win the competition. But he didn't change Government policy. He didn't say we are going to write the proposals so that they have to win. In fact, the Defense Department believes, our Secretary of Defense believes, the Secretary of the Air Force believes, the uniformed services believe, that we could save as much as 30 percent by having price competition.

So, what a terrible confusion we find ourselves in, where we are talking about not moving forward with necessary policy because the President, taking the best provisions of the Base Closing Act from a political point of view and trying to hide behind them, somehow confuses people. We are going to let a contract on C–5 maintenance. If it can be done cheaper by the private sector, it will be done by the private sector. If it can't, it won't. Now, if it is cheaper to be done by the private sector—and I believe it will be substantially cheaper—but if it is, do I expect the President to make a statement about it and say: I am delighted that a private contractor in California or Texas or Timbuktu has gotten this contract? Yes, I expect him to do that. But does that change the fact that the taxpayer has benefited? That defense has benefited? No. So, I urge my colleagues to go back and look at this issue.

A final point and I will yield the floor. This is not, in my mind—and I believe demonstrably it is not a fact—to say that this is a dispute between the Senators who represent Texas and California on one hand and the Senators who represent States that have Air Force depots on the other hand. In fact, I had the great privilege, as our distinguished chairman will remember, of serving on the Armed Services Committee for 6 years. Every day in every way on every issue, I supported privatization as a member of that committee. Now, granted, if the situation were reversed and we had closed a maintenance facility in some other State and we were moving it to Texas, my position would be more difficult than it is today, because the national interest and my State's little special interest would be at least partially on a different side. But I don't believe that my position would be any different than it is today. I cannot imagine that I would ever oppose price competition as a way of getting the largest return on our dollar. I hope, if the day ever comes that I have to go against something that I believe in as strongly as I believe in price competition, that maybe I'll get out of the way and let somebody else do this job.

The point I want to make in concluding is this is not a dispute among States. Granted, everybody can look at this, this collage of facts and political posturing, and they can pick and choose what they want. They can take reports that do not have anything to do with price competition and say, ''You see, it's cheaper to let the Government do it and have no price competition.'' Anybody who has lived in America for more than a day would know this can't be right. But you can do that. You can take political posturing and make whatever you want to out of it. But, when you get down to the bottom line, this is a debate about price competition, are you for it or are you not for it? I'm for it.

Let me say, I want to work something out. This ends up, in a sense, pitting me against some of the Members for whom I have the highest affection. There is no Senator I love more than the Senator from Georgia, Senator COVERDELL, or Senator INHOFE from Oklahoma. I was instrumental, as chairman of the senatorial committee, I think, in helping to elect both of them.

I want to work out an agreement where everybody can feel that we have a good national policy, and their interests are protected. If there is a legitimate concern about full and fair competition, if people are in any way concerned that the Air Force is going to tilt the competition to benefit private contractors at the expense of depots, which I don't believe because I think every pressure will be in the opposite direction, but the point is, if people are concerned about that, I am willing to sit down and work with them and come up with an ironclad system.

I am willing to bring private accounting firms into the certification process to guarantee that it is a fair competition. I am willing to do whatever we have to do to safeguard the competitive process. But I am not willing to let what I perceive to be special interest treat defense spending as welfare and say this belongs to us, even if we can't do it better, even if we can't do it cheaper, that the fact that we have done it means that we ought to have it forever.

We all have to resist that. We all have to represent our States. That is why we are elected. But we have to also look at the overriding national interest.

I wanted to come down today and go over all these issues because someday, the Senate is going to have to reach a decision on this. I think as it stands now, this decision will be made in conference. I hope that we can, in conference, preserve the ability to have price competition. I am hoping that next year, we can sit down and work out an agreement where everybody believes and is confident, to the degree we can make people confident, that their individual interests are protected.

But the issue here is not preventing base closures. We are going to close the bases. The flags are coming down. We are already moving people. Nobody is disputing that. Despite all the political rhetoric to the contrary, we are closing these bases. The question is: Should we use price competition to determine whether some of their functions go to other bases or whether they go to the private sector? And the Base Closing Commission recommended that we do that. So nobody is here trying to override the Base Closing Commission. What we are here trying to do is to implement the Base Closing Commission recommendations.

We all, obviously, look at an array of facts, and we often try to take the facts that bolster our case. I think that is only human nature. But I believe that if a person gathers all the facts and cuts through all the irrelevant issues and gets to the bottom line on this issue, it is: Do we believe in competition? Do we believe that we can maximize the effectiveness of national defense by having public-private competition where the best provider at the lowest price wins? I believe we do. I believe that is the principle that most Members of the Senate and the House believe in.

I wanted to take the time today—and I thank my colleagues for their forbearance in this lengthy speech—to at least get on the public record what one Member believes the facts to be. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who seeks time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I offer my congratulations to my friend and colleague from South Carolina, the distinguished chairman of the committee, and Senator LEVIN and others who have done, I think, a wonderful job in putting this bill together. I commend them for it. It is comprehensive, from a parochial standpoint. There are issues in my State that are addressed in this defense authorization bill which I think are extremely important from a national security standpoint, maintaining an industrial base, the teaming approach, the creative approach that the Defense Department has come up with that Electric Boat Division and Newport News in Virginia have joined together in a teaming process for the next generation of submarine technology that will allow both of those industrial bases to maintain their viability well into the next century.

Mr. President, stepping back a bit and looking at the Defense authorization bill as a whole, I'd like to complement my colleagues, Senator THURMOND and Senator LEVIN, the chairman and ranking member of the Armed Services Committee for bringing to the floor a bill that provides for the Nation's defense in a sound and fiscally responsible manner.

Let me comment on several provisions of the bill in particular.

First and foremost, this bill supports the submarine teaming plan which will save hundreds of millions of taxpayer dollars and keep our current submarine industrial base viable for the near future. The Navy estimates that this teaming plan will save $650 million, or about half a submarine, when compared to straight competition. That's a fact, and it has not been disputed. In this era of cost cutting, teaming on submarines is clearly the best course. Moreover, if at some point in the future there is enough work for full competition between two submarine builders, only the teaming plan will ensure that two submarine builders still exist.

It is far too early, however, to become complacent on this matter, for high hurdles remain, but I plan to do my utmost to make sure that this plan, fully backed by the Navy, becomes law.

On a related matter, I'm glad to see that we are on track in authorizing funds to complete the third and final *Seawolf* submarine. Just last week, Electric Boat in Groton, CT, turned over to the Navy the U.S.S. *Seawolf*, the first submarine in the class and the most advanced submarine in the world. It once again demonstrates that the Nation looks to Connecticut to produce the world's finest equipment for the world's finest fighting forces.

This bill also calls for 36 UH–60 Blackhawk helicopters, a testament to the continued need for these versatile aircraft used by nearly every branch of the Armed Forces as well as a host of countries around the world. Also, these helicopters are ever-present in disaster relief operations, from the wildfires in California to the floods in the Dakotas. This bill will ease a bit the National Guard's massive shortfall in modern helicopters. Any National Guard adjutant general will attest to the outstanding capabilities of these helicopters, especially when compared to the aging, Vietnam-era UH–1 Huey helicopters many units may be forced to continue to use for the coming years.

Finally, this bill holds off on more rounds of base closures and I support that position. Although I've stood behind base closure rounds in the past, we don't have a good handle at this point on the costs and benefits from those previous rounds, so I'm disinclined to go forward. The GAO has found that, while there are probably eventual savings that accrue from BRAC rounds, the specific amounts cannot be pinned down from the available data. Furthermore, GAO has found that environmental cleanup costs have been underestimated and revenue from land sales has been overestimated—both resulting in lesser savings than DoD had initially calculated.

That is why I have signed onto an amendment offered by Senator DORGAN that has the support of both the majority leader and the minority leader. The amendment simply requires that we closely examine the data from the four previous base closure rounds as well as the shutdowns scheduled over the next year before we go forward with additional rounds. This doesn't seem too much to ask when we consider the difficulties that confront communities that surround a military base on the closure list. We owe it to those communities to provide accurate estimates rather than the more familiar overstatements of savings used to justify their extreme hardship.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 762

(Purpose: To add a subtitle relating to Persian Gulf War illnesses)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 762.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DODD. Mr. President, very briefly, this is an amendment that was adopted in the other body's consideration of the authorization for the Armed Services of this country, adopted 417–0. But I thought it was worthwhile for this body to speak as well to this issue.

I speak of the gulf war illnesses, Mr. President, that virtually every Member of this body and others have expressed deep concern about to the members of their own States who served in the gulf war. We know now that at least 10 percent of the 700,000 that served in the war may have been afflicted with a gulf war illness of one kind. To the credit of General Schwarzkopf and others who testified in recent weeks, it was suggested this matter ought to be pursued.

It is mystifying and disturbing to many exactly what kind of exposure those men and women were subjected to. I do not know that anyone can tell you categorically what the answer is yet, but this amendment tracks some of the conclusions reached by the General Accounting Office that they revealed in a recent report about the gulf war illnesses. The author of the amendment in the House, as well as myself, tracked that report, drafted this language, and are asking our colleagues to support it so that we might not only get to the bottom of this and provide the kind of treatment that our veterans deserve, but also maybe minimize in future situations being faced with the kind of difficulties that we have all heard about in various hearings that have been held in this body and the other over the last number of months regarding this issue.

This amendment, as I mentioned a moment ago, will provide, I think, some real solace, not to mention significant help, particularly help to the 700,000 members of the Armed Forces who served in the Persian Gulf war. And perhaps as many, as I said, as 10 percent of them who may be suffering from some form of these Persian Gulf war illnesses. It is a modest attempt to help those people.

In a $268 billion defense bill, I do not think we ought to find it too difficult to provide $4.5 million, which is what this amendment does, to study the most effective treatments of gulf war illnesses and encourage efforts to replicate those treatments. If there is one thing I think this body and this Nation can agree on, it is to do better by our gulf war veterans.

Clearly, our colleagues in the House recognized the imperative here. That body approved an amendment 417–0.

Mr. President, let me just briefly describe this amendment and why I think it is necessary.

This amendment will require the Defense Department and the Veterans Administration to work together to determine what is working in the treatment of gulf war illnesses. While the DOD and VA have taken an important step of offering examinations to all who fought in the Persian Gulf war, those agencies have not examined the adequacy and effectiveness of treatments after those initial examinations.

Mr. President, let me, just as an aside here, suggest as well utilizing the forum of this body to urge the gulf war veterans to visit their veterans hospitals in their States to be examined. There are 5,000 people in my State who served in the gulf war. Only about 400 to 500 have showed up at the veterans hospital in West Haven to be examined to determine whether or not they may be suffering any of the effects of the gulf war illnesses.

Many have had no effects whatsoever. But we are being told by experts that some of the reactions are delayed reactions, and they may not be showing up in the normal predictable course of events in a timely fashion. But if more people would just go for that half an hour examination, I am confident that the overwhelming majority will not find that they suffered any consequence, but it would be helpful for them and their families, but it would assist us immeasurably as we try to get to the bottom of this issue.

This, as I said, is an amendment that would help us identify some of the treatments that are working. This is based on the General Accounting Office report that was recently released and called ''Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis Are Needed.'' It clearly asserts that neither the DOD nor the VA has a mechanism in place to monitor the effectiveness of treatment after those initial exams. This amendment would provide such a means, one that I feel is long overdue.

But it is not enough, in my view, to take just a close look at the present treatments. I think we must look ahead to make sure we do not repeat the mistakes. And this amendment will take steps on that front as well.

For example, the Defense Department has been unable to provide the location of military units at certain times during the Persian Gulf war. Specifically, we are apparently uncertain of troop movements in the proximity of the ammunition depot at Khamisiyah when it was destroyed.

That is why this amendment, I think, would be helpful in requiring the Defense Department to develop a plan to collect and maintain information regarding the daily location of units engaged in a contingency or combat operation. Had we done that during the gulf war, we would know where our troops were when the emissions of chemical or biological agents occurred. That is vitally important information.

Furthermore, both the General Accounting Office and the President's Advisory Committee on Gulf War Illnesses have highlighted the loss or incompleteness of military medical records. Now, years later, as researchers attempt to determine who is and who is not suffering from an illness that resulted from their service in the Persian Gulf war, the fact that in many cases they cannot piece together medical histories does not allow them to make an informed decision.

This amendment, Mr. President, would therefore require the Department of Defense to put a system in place that would accurately record the medical condition of service members prior to their deployment and retain such data in a centralized location to ease future access. Again, this is a modest proposal that would have prevented, I think, our current difficulties had it been in place prior to or during the Persian Gulf conflict.

Concerning the fact that troops in the Persian Gulf were given drugs that did not yet receive FDA approval for usage, this amendment would require that members of the Armed Forces at least be notified when they receive an investigational new drug. That way, if such drugs are required, at least our troops will not have any mistaken impressions about them.

Finally, Mr. President, I urge my colleagues to support this amendment. It gives the Defense Department and the Department of Veterans Affairs wide discretion and simply guides their action in areas where I think there have been some shortcomings.

The final objective is a better understanding of the best treatments of these illnesses and to guard against similar problems in the future.

Again, even though we have passed legislation banning the use of chemical weapons—the treaty—I think we all realize that this may be a reoccurring problem in the future. And this modest amendment, I think, would go a great distance to alleviating some of these problems.

Again, I emphasize that this has been adopted by the other body unanimously. I think it would be worthwhile

if this body were to express its opinion on this issue as well.

For those reasons, Mr. President, I offer this amendment and urge its adoption.

Mr. President, I am not asking for a rollcall vote on this. One may be necessary.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor this amendment to the Department of Defense authorization bill. This amendment would better coordinate DOD's and VA's response to Persian Gulf war illnesses and would provide a plan to better protect the health of our troops during future deployments.

At the outset, it is important to note that DOD and VA have made a lot of progress on the important issues surrounding the illnesses suffered by veterans of the 1990–91 Persian Gulf war. They have coordinated their efforts in areas of evaluation, research, and outreach in ways that will benefit gulf war veterans as well as veterans of future deployments. But I think we all agree that there is still much to be done. This amendment builds on the coordination and progress that has been made so far. Therefore, I encourage all of my colleagues to join in support of this important measure.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the human costs of the gulf war. It is my belief, and that of many others, that the casualties of this war continued long after the battles were over. This is true of many wars, but the chronic health problems of many of the men and women who served in the gulf war have been particularly devastating as they have had to continue to fight to be heard and to get the care and benefits they have earned. Their battles should have been over by now, but their struggles are still ongoing. This amendment would go a long way to help address some of their concerns, and it puts some measures in place so that hopefully, we will not repeat our mistakes with the next deployment.

This amendment is important because it would require a joint plan from the Secretary of Defense and the Secretary of Veterans Affairs for providing appropriate health care for veterans of the gulf war, including those serving in Reserve units. It would require that this care be appropriate to the specific health problems or illnesses of gulf war veterans and that the quality and effectiveness of their health care be carefully monitored.

This amendment also attempts to address some of the lessons we have learned form the gulf war. It calls for DOD to improve medical tracking of service members deployed overseas in contingency or combat operations through the use of pre- and post-deployment medical examinations and through improved recordkeeping of immunization and health records. It calls for a plan to improve collection and maintenance of troop location information so we can better reconstruct risks and exposure data when unanticipated exposures such as Khamisiyah occur. It also would provide that service members receive timely notice of use of unapproved or investigational drugs, and it would require adequate record keeping of the administration of such drugs.

This amendment would authorize $4.5 million for the funding of clinical trials to evaluate the effectiveness of treatment protocols for gulf war veterans who present with ill-defined or undiagnosed conditions. It would call for a review of the previous Federal research efforts examining gulf war illnesses, as well as recommendations for the direction of future research efforts.

In my rule as ranking member of the Committee on Veterans' Affairs, I have witnessed the struggles of America's gulf war veterans. I have heard their testimony in our hearings and I have met with them in hospitals and in their homes. I have received testimony from representatives from DOD and VA and I have heard their concerns and explanations. The course of events stemming from the gulf war, the resulting health problems, and our Federal response have contributed to a lack of public trust on this issue. This amendment is a step toward making things right and restoring our veterans' trust. I am proud to cosponsor this amendment and I encourage my colleagues to support it as well.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I think the amendment of the Senator from Connecticut is a very worthy one. I have been asked to review it, and other members of the committee asked to review it, including a Democrat member. And so, if it is agreeable to the Senator from Connecticut, we will have the amendment in line. Whether it is accepted on a recorded vote, we will know later on this afternoon.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Parliamentary inquiry. I would not have to at this moment then make a request for a recorded vote, but I could wait on that if that became necessary?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair, and I thank my colleague.

I would like to move to another two matters, if I could, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 765

(Purpose: To commend Mexico on the conduct of free and fair elections in Mexico)

Mr. DODD. Mr. President, on behalf of myself and my colleague from Arizona, I send an amendment to the desk and ask for its consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. McCAIN, proposes an amendment numbered 765.

Mr. DODD. Mr. President, I ask unanimous consent that further 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 in the bill add the following new section:

SECTION. .

(A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates receive 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

Mr. DODD. Mr. President, this is an amendment that I offer on behalf of myself and my colleague from Arizona. This really is an amendment commending the people of Mexico, the Government of Mexico, and the people of Mexico as well, for this remarkable election that occurred just last Sunday which, for the first time in 68 years, has changed the political landscape of that country.

One might ask, ''Why are we offering a resolution on this? They had their election. So be it.''

Mr. President, for over the last number of years, the only time the issue of Mexico has come up on the floor of the Senate has been in a usually highly critical way having to do with the issue of drugs, narcotics, and our concern there. We had a debate on the North American Free Trade Agreement; obviously, that provoked a lot of criticism.

I thought it might be worthwhile for this body to take a moment out to say to our neighbor to the south, we applaud you as a people and as a Government for the election that you went through last Sunday.

To those who were victorious, we congratulate them. To those who lost, we express our regrets for you. We commend President Zedillo for having embraced the results, who saw to it that a process was in place that would not allow the corruption that occurred in the last election when apparently people who were legitimately elected were denied those victories.

The people of Mexico voted in strong numbers. There is a new mayor for the city of Mexico. Mexico, in the past, has not had freely elected mayors.

So while we as a Congress have been critical of Mexico in the past, I think it is worthwhile to take a moment out to say, ''Well done,'' and that Mexico has done an excellent job here. It is the first election. We hope there will be many more like it in the years to come. Obviously, one election is only the beginning of a process, but it is good for those of us who wanted to see improved relations between ourselves and our neighbor to the south.

My colleague from Arizona has spent a good deal of his time as a Member of this body interested in Mexico, not just from a geographical standpoint, although the State shares a border with our neighbor to the south, but because of his concern, as well, over the issue of narcotics and trade, the border issues which his State and other States in the Southwest face all the time.

We are not reluctant, as a body, to raise our voice where criticism is due. It is worthwhile to take a few moments out and to offer praise where praise is due. The people of Mexico, the Government of Mexico, the candidates and the parties involved, I think, are worthy of taking a moment out to congratulate them on their election last Sunday and to urge they continue in that process in the years ahead.

I urge the adoption of this language, and on this amendment, at some point, I will want to get a recorded vote because I am sure it will be unanimous, and I think it may be worthwhile to have such a recorded vote when it is appropriate and proper to do so.

Mr. MCCAIN. Mr. President, I want to congratulate the Senator from Connecticut on proposing this amendment.

As he has pointed out, quite often when something goes wrong in Mexico, we and our colleagues are quick to take the floor and criticize, which is our role. But I think, as the Senator from Connecticut also pointed out, when something good happens, it is also important for us to take the floor and encourage our neighbors to the south in continuing the very difficult process toward a free and open society, which has been very difficult and arduous.

I also agree with the Senator from Connecticut we ought to have a vote on this amendment to tell the people in Mexico and their leaders of our support and our interest. Quite often, as I travel, especially in Latin America with my friend from Connecticut, I continue to be surprised at how much attention is paid to what we say here, how much attention is paid to what we do here. Quite often, we will do a unanimous-consent agreement, it comes to the floor, and it will make headlines all over that particular nation which is affected. Usually it is in the negative.

I cannot elaborate on what the Senator from Connecticut said except to point out again—I believe the first time the Senator from Connecticut and I traveled together was in 1987. If, 10 years ago, he and I had been in a conversation and I said, ''Guess what? In Mexico, an opposition party is now the mayor, a member of the opposition party is now the mayor of Mexico City,'' which has the largest concentration of people in Mexico, ''that many of the Governorships have been taken over by both opposing parties, both on the right and on the left, and that by all judgments that it was a free, fair, and open election,'' the Senator from Connecticut and I would have been accused of irrational thinking, to say the least, because it was not in the realm of possibility 10 years ago.

Now what has happened in Mexico, we are seeing a transition which, by the way, will be characterized and fraught with great danger and perhaps violence because of the inequities that exist in Mexico that we are all aware of, but a major step forward was made. It is an important landmark election in the history of the country of Mexico where the ruling party not only allowed but encouraged a free and fair process, which we all know was not the case before.

I think that we, the representatives of the American people, should do everything in our power to applaud, appreciate, and encourage such actions. I want to thank the Senator from Connecticut, whose long involvement of many years on these issues is important, and it has been an honor and a privilege for me to have the opportunity of working with him, as we have seen our neighbors to the south, not just Mexico but the other nations in Central and Latin America, make a transition for which I think holds a prospect for the peoples of our hemisphere which most observers thought was highly unlikely, if not impossible, in the recent past.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. There is a good editorial in the Hartford Courant, entitled ''Mexico's Bloodless Revolution.'' I ask unanimous consent that that article be printed in the RECORD to underscore the point the Senator from Arizona and I have made with this amendment.

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

MEXICO'S BLOODLESS REVOLUTION

It's hard for most Americans to grasp the momentous nature of Mexico's election last Sunday.

Imagine if the same political party controlled Congress and the White House for almost 70 years. Imagine if the party won successive elections through fraud and ruled in a manner as imperious as a dictatorship. Then imagine that the party, in spite of its tremendous power, lost an election.

That's what happened in Mexico. Ever since its founding in 1929, the Institutional Revolutionary Party, known as PRI, has run the government as a fiefdom. The party's long rule was unnatural. In a healthy democracy, voters usually prefer periodic change if only to remind officeholders who is in charge.

Until recent years, Mexicans lived under a quasi-democracy. Although people voted for president, Congress and municipal officers, the outcome was pre-ordained.

As democracy swept through Latin America and the rest of the world—even Russia—Mexicans became convinced that their system stood out as a democracy in name only. To their credit, President Ernesto Zedillo and his recent predecessors understood the necessity of change, albeit much too slowly.

Mr. Zedillo helped form an autonomous election council that included no government officials and was not dominated by PRI. To minimize fraud, every voter's photograph was included on an identity card. Polling officials received special training and political parties and candidates received campaign funds from the treasury.

The turnout was estimated at 75 percent of the 52.2 million registered voters, and the elections were judged by independent observers to be clean. Unofficial results showed PRI losing its majority in the lower house of Congress.

Mr. Zedillo could become the first Mexican president since 1913 to face an opposition legislature. Even though his party, PRI, lost, he proclaimed that ''all Mexicans can say with pride and with unity that democracy has been institutionalized in our country.''

One honest election does not institutionalize democracy, but it's a big step forward. Mexico's northern neighbors can only be pleased by this historic development.

Mr. DODD. I thank our colleagues on the Armed Services Committee. Certainly a case can be made that this is not directly bearing on the dollar amounts here, but there is a security issue involved.

AMENDMENT NO. 763

(Purpose: To congratulate Governor Christopher Patten of Hong Kong)

Mr. DODD. Mr. President, I have an amendment that will not require a recorded vote. The reason I am offering it here is for the sense of timeliness. Again, I appreciate the indulgence of the members of the Armed Services Committee.

I ask unanimous consent that the pending amendment be temporarily set aside.

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

Mr. DODD. Mr. President, I now send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 763.

Mr. DODD. I ask unanimous consent that the 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 in the bill at the following new section:

SEC. . (a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to ''put in place a solidly based democratic administration'' in Hong Kong prior to July 1, 1997.

(b) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

Mr. DODD. Mr. President, for reasons that will become obvious as I engage in these remarks on why I am offering this amendment at this time, this amendment congratulates Chris Patten, who served as the Governor General of Hong Kong. We can wait, I suppose, a few weeks, and it might lose its sense of timeliness.

I think Chris Patten did a remarkable job in Hong Kong. He was the source of a lot of criticism within the People's Republic of China and elsewhere because he spoke up on behalf of democracy in Hong Kong and established the first freely elected assembly in Hong Kong, which we are hopeful will be reinstituted based on commitments that have been made.

I thought it might be worthwhile for us as a body here to express our appreciation for the job that Chris Patten did during his tenure as a Governor of Hong Kong. It was a remarkable and historic tenure.

Before the July 4th recess, I spoke at some length about Chris Patten's accomplishments as the last Governor of Hong Kong under British rule. Much of what I said at the time I have sought to incorporate in the sense-of-the-Congress amendment.

Mr. President, we all watched the pomp and circumstance on Monday, June 30, as the clock in Hong Kong ticked toward midnight. At 1 minute before midnight Hong Kong time we witnessed the Union Jack being lowered for the last time, and the unfurling of the People's Republic of China flag in the night sky.

That was truly a historic occasion. Appropriately, the events were attended by representatives from governments around the world. July 1, 1997, will at the very least, become an important footnote in the history of the 20th century.

Having said that, I think the U.S. Senate should also acknowledge what preceded those events—the very impressive accomplishments of the Governor, Chris Patten, during his tenure in Hong Kong. We should thank him, I think, for his service to his own country, but more importantly, in many ways to the people of Hong Kong. Simply put, that is what my amendment seeks to do.

I hope my colleagues support this expression of our appreciation and congratulate him for a job well done on behalf not only of his own nation, the people of Hong Kong, but for all democracy-loving people around the globe.

I ask for the adoption of the amendment at the appropriate time. I will reserve the yeas and nays. I do not want to take up time for a recorded vote unnecessarily.

Mr. ASHCROFT. Mr. President, I ask unanimous consent the pending amendment be set aside and I be allowed to speak as in morning business.

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

Mr. ASHCROFT. I ask unanimous consent I be able to proceed until I complete my remarks, which will be 20 or 25 minutes.

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

CHINESE MILITARY EXPANSION AND UNITED STATES NATIONAL SECURITY

Mr. ASHCROFT. Mr. President, no one did more to bring peace and prosperity in our time than our 40th President, Ronald Reagan. President Reagan's economic and foreign policies gave us the longest peacetime expansion in our history and, indeed, did fulfill an ambition of this country to make the world safe again for democracy. But more than that, Ronald Reagan called us to our highest and best; we never spoke with more certainty or sat taller in the saddle than when Ronald Reagan was riding point.

In his second inaugural address, Reagan spoke of the danger of simple-minded appeasement, of accommodating countries at their lowest and least. ''History,'' said President Reagan, ''teaches us that wars begin when governments believe the price of aggression is cheap.'' Having seen the death and destruction of five wars in his lifetime, President Reagan's was a lesson learned at some expense. It was a lesson which he refused to repeat. And from his experience was borne the policy of peace through strength—a strategy that recognized that wishful thinking about our adversaries is a betrayal of our past and a squandering of our freedom.

But today, the administration seems to have forgotten this costly lesson. It seems driven not by foreign policy so much as by foreign politics, willing to pursue that which sounds historic rather than adopting policies that are historically sound.

Nowhere is this administration's failed thinking more apparent than in United States policy toward China. As I noted on the floor 2 weeks ago, Beijing has embarked on a military buildup that may soon threaten security interests in Asia, including our own. China already has the world's largest military at 2.9 million and is taking steps to enhance its force projection capabilities, including the acquisition of a blue water navy and a 21st century air force.

China is not an enemy of the United States. I sincerely hope that Washington and Beijing can develop a forthright and an enduring relationship. For such a relationship to develop, however, security issues must be addressed and fundamental questions about those issues must be answered.

What does it mean when China engages in a dramatic military buildup aimed at achieving superpower status? What does it mean when China proliferates technology for weapons of mass destruction and signs a $4.5 billion arms deal with the terrorist State of Iran? What does it mean when China fires missiles in the Taiwan Strait and seizes small islands in the South China Sea? For this belligerence suggests a China bent on regional domination.

While China's official military budget is roughly $8 billion, Beijing effectively conceals military spending through off-budget funding and revenue. Reliable estimates place China's military spending from 4 to 10 times the official budget. Russia alone, has made over $7 billion in arm sales to China since 1990, and hundreds, perhaps thousands, of underemployed Russian nuclear engineers have been hired by China in the last several years.

Mr. President, the People's Liberation Army of China, has 20,000 companies, business enterprises, that funnel revenue into the military's coffers. These PLA companies are not the kind of competitors we want to welcome to the American market. Companies with ties to the PLA benefit from their special relationship with Beijing and have been involved in criminal activities ranging from smuggling assault weapons onto the streets of San Francisco to stealing defense-related technology.

So what, then, has this explosion in military spending wrought? First, a missile program that will soon give China the capacity to build hundreds of highly accurate ballistic missiles. Second, short- to medium-range ballistic

missiles that will provide Beijing with versatile nonnuclear weapons to target U.S. military personnel in a variety of contingencies if they so desire.

And, as if this were not enough, China is modernizing its long-range nuclear intercontinental ballistic missiles with mobile ICBM systems and advance reentry technology. Due to the potential of secret underground construction which is said to be available in China, China could have as many as 130 of such missiles with a range of 8,000 miles. China's missile modernization program is accompanied by the buildup of China's Air Force.

By 2010, China could have over 100 SU–27 and SU–30 aircraft. The SU–27 is comparable to, and may be more advanced in some areas than, the U.S. F–15C Eagle. Russia has been the primary provider of these aircraft and has signed a $2.2 billion coproduction agreement with China to help Beijing develop the domestic capacity to produce these planes.

China's ultimate goal is to acquire an all-weather Air Force within 5 years. Attack aircraft, precision-guided munitions, airborne early warning and control systems [AWACS], and large transport aircraft are all items on Beijing's wish list. With the help of Russian arms suppliers, China is putting the pieces of this lethal puzzle in place.

Beijing is also working to develop a blue water navy. Their ambitions are perhaps summed up best by the words of Admiral Liu Huaqing. ''The Chinese Navy,'' said Admiral Liu, ''should exert effective control of the seas within the first island chain. Offshore should not be interpreted as coastal as we used to know it. Offshore is a concept relative to the high seas. It means the vast sea waters within the second island chain.''

Mr. President, it just so happens that the first island chain China seeks to control encompasses Japan, Taiwan, the Philippines, and some of the most critical shipping lanes in the world. The South China Sea alone accommodates 25 percent of the world's maritime trade and 75 percent of Japan's oil shipments.

To achieve Admiral Liu's objective, Beijing has purchased *Kilo*-class submarines and *Sovremenny*-class missile destroyers from Russia. In addition, the United States Office of Naval Intelligence [ONI] cites a National People's Congress report that China is seeking to build two 48,000-ton aircraft carriers, each with 40 combat aircraft, by the year 2005.

China's arms buildup would be less disturbing if Beijing were acting to resist aggression by an enemy power. But China faces no grave security threats, leaving us with troubling conclusions about Beijing's real intent. China has historically demonstrated a willingness to settle territorial disputes with force, and greater capacity can only increase the likelihood of belligerence in the future.

Since WWII, a catalog of China's regional conflicts covers almost her entire periphery. China has invaded Tibet and Vietnam, entered the Korean war, ousted Vietnamese forces from several islands in the South China Sea, fought India twice and Russia once over boundary disputes, and—not to forget the most consistent aspect of China's military adventurism—threatened Taiwan with military exercises and outright invasion of Taiwanese islands close to China's shore.

China currently has territorial disputes with India, Russia, Japan, Vietnam, and has vied with the Philippines, Vietnam, Taiwan, Brunei, and Malaysia for control of the resource-rich and strategically important South China Sea. To defend its claim, Beijing has already constructed five naval installations in the Paracel Islands and seven installations in the Spratly Island group.

And what has been the Clinton administration's response to the rising Chinese military threat? Appeasement at every turn. China proliferates missile, nuclear, and chemical weapons technology to rogue regimes like Iran; in fact, China is identified by the CIA as the world's worst proliferator of weapons of mass destruction. And yet, the administration refuses to impose consistently sanctions authorized by U.S. law.

The China Ocean Shipping Co., better known as COSCO, is implicated in weapons smuggling to the United States and missile transfers to Pakistan, and the President personally assists the city of Long Beach, CA, in leasing the local United States naval harbor to COSCO.

The China National Nuclear Corp. orchestrates most of the nuclear technology transfers to Pakistan and Iran, and the administration responds by approving Export-Import Bank loans to help this Chinese company complete a nuclear reactor in China.

These examples reveal an underlying laxity also clearly seen in President Clinton's dismantling of export controls for sensitive technology. President Reagan's formation of the Combat Command [COCOM] helped enforce an international embargo of sensitive technology exports to the Soviet Union and effectively expanded America's technological lead. Unfortunately, having confused short-term profits with long-term security, this administration has undermined our export control framework.

For example, advanced U.S. aircraft engines have historically been a protected item on the munitions list of goods and services. Sales of Munitions List items are illegal to any country without formal approval from the State Department. In addition, sales of Munitions List items to China were prohibited after the Tiananmen Square crackdown and could only be permitted with a Presidential waiver.

Instead of openly issuing a waiver for the sale of aircraft engines to China, the Clinton administration quietly took airplane engines off the Munitions List and shifted their control from the Department of State to the Department of Commerce. Licenses for the sale of aircraft engines were quickly issued by then-Secretary Brown, and they continue to this day.

In addition to aircraft technology, export controls for supercomputers have also been relaxed. As Senator COCHRAN has argued so compellingly on the floor this week, supercomputers are not extra large versions of a Macintosh or an IBM, but advanced machines that can simulate warfare contingencies and model sophisticated weapons.

The Bush administration defined supercomputers as machines that could perform 195 MTOPS—million theoretical operations per second. The Clinton administration relaxed export controls by changing this definition to 2,000 MTOPS, a tenfold increase in the capability of noncontrolled supercomputers within 2 years. Shortly thereafter, the Clinton administration raised the threshold to 7,000 MTOPS for export of supercomputers for civilian use.

In the euphoria of the post-cold war world, the Clinton administration seems to have forgotten that civilian and military distinctions have little use in a Communist State like China where Government control of industry ensures that civilian technology is applied to military ends and where thousands of so-called businesses are literally owned by the military.

Again, as Senator COCHRAN has noted, United States companies have used these relaxed regulations to sell 47 supercomputers to China. Dozens more have been indirectly shipped to China via Europe, the Persian Gulf, and East Asia. The Clinton administration cannot account for where many of these computers are located or how they are being used.

As Stephen Bryan, former Deputy Undersecretary of Defense, writes:

> Thanks to * * * the Clinton administration, the Chinese can now conduct tests of nuclear weapons, conventional explosives, and chemical and biological weapons by simulating them on supercomputers. Not only can they now make better weapons of mass destruction, but they can do a lot of the work secretly, thus threatening us with an additional element of surprise.

For too long we have heard the argument that if the United States does not sell technology to Beijing, China will simply acquire the products from other sources. This contention is as familiar as it is flawed. United States military and dual-use technology is often a generation ahead of its Russian and European counterparts. How can the United States call on other nations to stop transferring dangerous technology when America is giving China some of the most advanced technology in the world?

A final thought. This week the Government Affairs Committee began investigating an ominous and startling facet of our national security—the security of this Nation's democratic elections. Every American has an interest

in investigating the alleged plot of the Beijing government to influence the election of our President and Members of this Congress. Trying to corrupt American elections is shocking, outrageous, and wrong. And, if true, it must be dealt with in a forthright and forceful fashion.

In the end, it all comes down to leadership. That is what Ronald Reagan gave us throughout the 1980's, and that is what this country is looking for now. Leaders are willing to call this Nation—and nations around the world—to their highest and best, not accommodate them at their lowest and least.

Continued appeasement can only lead to further belligerence from Beijing. We must not let China slam shut the gate of freedom. We must show the quiet courage and common sense that have marked our foreign policy since America's first days.

It is time for America to place restrictions on high-technology exports to Beijing by supporting the Cochran-Durbin amendment; time to impose consistently sanctions on China for proliferating weapons of mass destruction; time to restrict United States market access to PLA-front companies; and time to let Beijing know that American security interests in East Asia will not be compromised. So, that 1 day, the long tug of memory might look favorably upon us as we look approvingly on those who fought for freedom in decades passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 670, AS MODIFIED

Mr. WELLSTONE. Mr. President, I call up amendment 670.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 670, as modified.

Mr. WELLSTONE. Mr. President, just as a courtesy to my colleagues, let me say that I am not offering a new amendment. This is an amendment that I introduced yesterday morning. I wanted to take advantage of this time to speak about this amendment.

This amendment would authorize the Secretary of Defense to transfer $5 million out of the $265 billion Pentagon budget—some $2.6 billion more than the President himself asked for—to the Secretary of Agriculture, to be used for outreach and startup grants for the school breakfast program.

Mr. President, this amendment involves a very small amount of money. While it involves a small amount of money—at least given the kind of money we are dealing with here—it actually speaks to a very large question. I think the question has to do with what our priorities are.

I think it is a distorted priority to provide the Pentagon with $2.6 billion more than it originally asked for. For the third year in a row—these are one of the few times I can remember in my adult life that the Congress actually wants to provide the Pentagon with more money than the Pentagon has actually asked for. At the same time, when it comes to some really vitally important programs that dramatically affect children's lives, we don't make the investment.

By way of background: In the welfare bill that passed last Congress, $5 million was eliminated from a critically important program, which was a program that on the one hand provided States and school districts with the information they needed—call it an outreach program—about how they could set up a breakfast program, and on the other hand, it provided some badly needed funding for some of the poorer school districts to actually, for example, purchase refrigerators in order to have milk.

It is difficult to understand how this could have been cut, especially given the heralded success of the school breakfast program. Some things I guess we do not know enough about, but we do know that a nutritious breakfast really is important in enabling a child to learn. We also know that if a child is not able to learn, as I said yesterday, when he or she becomes an adult they may very well not be able to earn. This is a small amount of money that makes a huge difference.

So this amendment says that out of a $265 billion Pentagon budget, some $2.6 billion more than the Pentagon asked for, can't we authorize the Secretary of Defense to be able to transfer $5 million—$5 million—for school breakfasts? For what I would call catalyst money that gets necessary information out to the States and school districts and some needed assistance by way of refrigerators and resources to enable them to expand the school breakfast program.

Mr. President, I want to point out by way of context that there are still some 27,000 schools that do not have school breakfast programs available. There are some 8 million vulnerable, low-income children, therefore, who are not able to participate. Too many of those children go to school without having had a nutritious breakfast.

This may seem abstract to many of us in the Senate, but it is a very concrete and a very important issue.

This amendment has the support of FRAC, the Food Research Action Center, which has a longstanding history of working on childhood hunger and nutrition issues. It has the support of the Elementary School Principals Association, the American School Food Services, and Bread for the World.

Mr. President, I might point out that these organizations have a tremendous amount of credibility for all of us who care about hunger and malnutrition. These are organizations that have been down in the trenches for years working on these issues. I don't think anybody can quarrel with the values and ethics of Bread for the World and the work that they have done, much of it very rooted in the religious community, and the American School Food Services. These are food service workers. These are the people who know what it means when they can't provide a nutritious breakfast to low-income students.

This is a special endorsement for me because my mother was a food service worker.

What the Elementary School Principals Association is saying by endorsing this amendment is simply this: If a child hasn't had a nutritious breakfast, how is that child going to be able to learn?

Mr. President, let me talk a little bit about the extent of hunger and the scope of the problem. This is from the Food Research Action Committee.

Approximately 4 million American children under the age of 12 go hungry, and approximately 9.6 million are in risk of hunger. According to estimates based on the results of the most comprehensive study ever done on childhood hunger in the United States—this was the community childhood hunger education project—based on the results of over 5,000 surveys of families with incomes below 185 percent of poverty, applied to the best available national data, FRAC estimates that of the approximately 13.6 million children under age 12 in the United States, 29 percent live in families that must cope with hunger or the risk of hunger during some part of one or more months in the previous year.

Let me just raise a question with colleagues before we have this vote. I just think that this goes to the heart of what we are about. This goes to the heart of priorities.

I, as a Senator from Minnesota, tire of the symbolic politics. We have had the conferences on early childhood development. The books and the reports, the magazines, the TV documentaries have come out.

We know—let me repeat this—we know that in order for children to do well, it is important that they have a nutritious breakfast. We know that when children are hungry, they don't do well in school. We know, as parents and grandparents, that we want to make sure that our children and our grandchildren start school after having a nutritious breakfast. And we also know, based on clear evidence, that sometimes we don't know what we don't want to know—that there is a significant amount of children who still go to bed hungry or still wake up in the morning hungry and go to school hungry.

Why can't the U.S. Senate make this small investment in this program which was so important in enabling States and school districts to expand the school breakfast program?

Mr. President, I am going to bring this amendment to the floor of the Senate over and over and over again starting with this defense authorization bill.

Let me just read. I am assuming that my colleagues are interested in this information, and I am assuming that we want to address the problem. Let me just talk a little bit about this relationship between hunger and nutrition and learning.

Undernutrition increases the risk of illness and its severity.

Undernutrition has a negative effect on a child's ability to learn . . .

Iron deficiency anemia is a specific kind of undernutrition and is one of the most prevalent undernutritional problems in the United States especially among children. Even mild cases lead to shortened attention span, irritability, fatigue and decreased ability to concentrate . . .

Hunger leads to nervousness, irritability, disinterest in the learning situation, and an inability to concentrate . . .

Hunger . . . disrupt(s) the learning process—one developmental step is lost, and it is difficult to move on to the next one.

A United States Department of Agriculture study of the lunch and breakfast programs demonstrated that these programs make nutritional improvements in children's diets.

I could go on and on, but—I see my colleague from Arizona in the Chamber—I will try to summarize. Let me just make it clear that the data is out there. And over and over again, in report after report after report, we see clearly that malnourished children are not going to do well in school, and we know that 8 million low-income children are not able to participate because there is no School Breakfast Program.

We had a $5 million USDA outreach program that enabled school districts to get started, provided them with badly needed information, provided them with refrigerators if they needed that, and we eliminated it. And at the same time we have a Pentagon budget that is $2.6 billion more than the Pentagon asked.

We all say we care about children. We are all referring to these studies that say children have to do well in school, we are talking about the importance of good nutrition, and here we have an opportunity to make a difference.

So, Mr. President, I want to over and over again come to the floor with amendments that speak to this question. One more time, just in terms of looking at the endorsements for this amendment, we have endorsements from FRAC, which is Food Research and Action Center—FRAC has been as involved in children's nutritional issues as any organization I know—the Elementary School Principals Association—they are saying to us, colleagues, at least make sure that children are able to have a nutritious breakfast. I think the elementary school principals know something about learning and something about children at this young age—American School Food Services and Bread for the World.

I hope we will have strong support for this amendment.

I point out by way of conclusion that if you look at participation in the School Breakfast Program from 1976 to 1996 —and remember, once upon a time, I say to my colleagues, we used to think this program was only for rural areas, for students with long bus rides, students who were not going to be able to eat at home. Now what we find is the reality that in many of these families there are split shifts, different shifts, both parents working, and all too often these kids in urban areas and suburbs come to school and they really have not had a nutritious breakfast.

We saw a good increase in participation in the School Breakfast Program from 1976 to 1996, but now what has happened as a result of eliminating this small $5 million outreach program is there is tremendous concern from USDA all the way to the different child advocacy organizations that the participation is going to begin to decline.

So here is an opportunity, colleagues, to invest a small amount of money in the basic idea that each child ought to have the same opportunity to reach his or her full potential. This is an opportunity for all of us to come through for these vulnerable children, understanding full well—and I know my colleague from Arizona is out here, but I say to him and this really is my conclusion—understanding full well that, indeed, there is a linkage to reform and to the work that he and others are doing on trying to get the money out of politics. There are a number of us who are absolutely convinced we have to act on this agenda. That is to say these children and these families are not the heavy hitters; they are not the big players; they are not the givers; they do not have the big lobbyists; they all too often are faceless and voiceless, and that it is profoundly wrong. I hope to get 100 votes for this amendment.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Arizona.

Mr. McCAIN. Before I call up my amendment, I wish to respond to my friend from Minnesota for just a moment on his amendment. I preface my remarks by saying I know of no more passionate or compassionate Member of this body than the Senator from Minnesota, nor do I believe that there is anyone in this body who articulates as well as he the plight of those who, as he pointed out, may be underrepresented here in this body in our deliberations. I have grown and developed over the years a great respect and even affection for the Senator from Minnesota because of my admiration for his incredible commitment to serving those who may not always have a voice.

But I say to the Senator from Minnesota that this amendment, like many others, is what I call the Willie Sutton syndrome. When the famous bank robber was once asked why he robbed banks, he said, ''Because that's where the money is.'' And time after time I see amendments that are worthwhile and at times, as the Senator from Minnesota just articulated, compelling, but they come out of funds that are earmarked for national defense. In my view, that is not an appropriate way to spend defense money.

I would also quickly point out that this is not the first time it has happened. There are literally billions of dollars now that we spend out of defense appropriations and authorization that have absolutely nothing to do with defending this Nation's vital national security interests, again because of the Willie Sutton syndrome. Although I admire and appreciate the amendment of the Senator from Minnesota, I would oppose it, not because of its urgency but because of its inappropriate placement on a defense appropriations bill. And I would also like to work with the Senator from Minnesota when the Labor-HHS appropriations bill comes to the floor to see if we cannot provide that funding, which the Senator from Minnesota appropriately points out is not a great deal of money given the large amounts of money we deal with and also considering the importance and urgency of the issue.

Mr. President, I ask unanimous consent——

Mr. WELLSTONE. Will the Senator yield at this moment.

Mr. McCAIN. I would be glad to yield to the Senator from Minnesota for a comment.

I ask unanimous consent to yield to the Senator from Minnesota for 5 minutes.

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

Mr. WELLSTONE. I thank my colleague. The respect is mutual.

I just wanted to say—it was going to be a question, but I can just make a comment instead—as a matter of history, the School Lunch Program was created by the Congress 50 years ago, and I quote, ''As a measure of national security to safeguard the health and well-being of the Nation's children.'' It was a direct response to the fact that many of the young men who were drafted in World War II were rejected due to conditions arising from nutritional deficiencies. So there is, in fact, a direct linkage to national defense.

It is, in fact, very much a national security issue to make sure that children have full nutrition and that we do not end up with men and women later on who have not been able to learn, not been able to earn and may, in fact, not even be healthy enough to qualify to serve our Nation.

So it is an interesting history, and I just wanted my colleague to know that this program is very much connected to national security.

My second point is I too look forward to working with my colleague in the future. But I hope to win on this amendment now. This is simply a matter of saying, look, we have a budget

that is $2.6 billion over what the Pentagon asked. There have been plenty of studies which have pointed out excesses in the defense budget. Can we not at least authorize the Secretary of Defense to transfer this $5 million.

And then, finally, I say to all my colleagues that I think there is going to come a point in time where people cannot—and I know the Senator from Arizona is not trying to do this—but people cannot say, well, we shouldn't vote for this now; we can't vote for this now; we won't vote for this now; there will be a more appropriate place; there will be a more appropriate time. And I find that when it comes to all these issues that have to do with how can we refurbish and renew and restore our national vow of equal opportunity for every child, the vote always gets put off. It always gets put in parenthesis. So I absolutely take what my friend from Arizona said in good faith. I look forward to working with him. But I do think that on this bill, on this amendment, this is the time to vote for such a small step for a good many very vulnerable children in our country.

I thank my colleague for his graciousness.

AMENDMENT NO. 705

(Purpose: To authorize base closure rounds in 1999 and 2001)

Mr. MCCAIN. Mr. President, I ask unanimous consent to lay aside the pending amendments and ask that the clerk call up amendment No. 705.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. LEVIN, Mr. COATS, and Mr. ROBB, proposes an amendment numbered 705.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr. President, this amendment would authorize two additional base closure rounds in 1999 and the year 2001 consistent with the recommendations in the Quadrennial Defense Review, known as the QDR. The amendment authorizes a process which is identical to the process established in 1990 for the last three BRAC rounds. The amendment also contains language which addresses the politicization in the last BRAC process which permitted the President to implement privatization in place at Kelly and McClellan Air Force Bases.

I might point out that I am working with the Senator from Texas [Mr GRAMM], in trying to frame language to modify the amendment at the appropriate time which would allow the Secretary of Defense to privatize where it can be proven to be of benefit to the taxpayer. We are still working on that legislation.

Mr. President, we need to authorize additional base closure rounds to correct a current imbalance in force structure and infrastructure. After four base closing rounds, only 21 percent of the military installations in the continental United States have been reduced. Our force structure, however, will have been reduced by over 36 percent by the time that quarterly defense review recommendations are complete. Obviously, retaining excess base infrastructure is unnecessary with a smaller military force and wastes scarce defense resources that are essential to future military modernization.

I think it is important to frame the debate about this amendment in the terms of the realistic approach we have to take to future defense budgets. I do not believe there is any of us here, barring a national security emergency, who believes we are going to see increases in defense spending, certainly not increases in defense spending which would justify the size of our infrastructure as it exists today. It just is not possible, in a period, in real terms, of declining defense budgets, to maintain this infrastructure and, at the same time, modernize our force and provide the men and women in the military with the necessary tools to fight and to win any future conflict with a minimization of casualties.

I am very confident that the United States has emerged at the end of the cold war as the world's No. 1 superpower. I don't think there is any doubt about that. But I also think it is important to point out that we are seeing problems within the military that some of us, with the benefit of experience and old age, recognize as having happened before. We are now seeing a failure to meet our recruitment goals for our All Volunteer Force. We are now seeing a derogation of our readiness capabilities in parts of the military establishment. We clearly are not modernizing the force in a way that will give us the ability to maintain our technological edge, which has made us the world's No. 1 superpower and won the magnificent victory of the Persian Gulf war.

So, if you accept the premise that there will be at best a leveling of defense spending, and certainly realistically speaking a decline, at least in terms of inflation if not worse, then there really is no argument against closing more bases. I have heard some very interesting arguments and we will hear on the floor some interesting arguments against base closure. One that has some legitimacy is that, either in reality or by perception, the last base closing round was politicized by the President of the United States by privatizing in place two major bases, both of them with very large electoral votes. I wish that had not happened. It has caused an enormous amount of acrimony and division within this body, within America, within the Senate Armed Services Committee. And this particular reauthorization of further BRAC rounds will not allow a privatization in place to take place. So it will be well, I am sure, by some, to lament the politicization of the process as took place—or the perception that it took place, depending on which side you are on in the argument—of the last BRAC process.

But it does not change the reality. It does not change the reality that we have a significant imbalance between operating forces and infrastructure. In other words, we don't need the number of bases that we have in our defense establishment in order to match up to the fighting forces that we must maintain. If we maintain that base structure, it will siphon more and more funds unnecessarily into a base structure and away from the much needed funding, such as pay raises, such as operations and maintenance, such as training funds, such as modernization of force, such as recruitment, such as, for example, addressing the problem we are seeing right now in aviation in the military, an exodus of pilots from the military to go with the airlines. One of the reasons is pilots are putting pen to paper and figuring out that after a short period of time financially they will be better off as airline pilots than as military pilots.

If you couple that with ever-increasing deployments and separation from family and home, this is causing a hemorrhaging from our most highly skilled and highly trained branches of our military.

Another argument you are going to hear is that we are spending too much money on other functions, such as peacekeeping. All of us regret that we have had to spend—I believe the estimates are now up to somewhere around $7.5 billion or $8 billion on peacekeeping in Bosnia. I regret that, too. I hope that by next June 30 the United States will not only be out of Bosnia militarily but also financially. I will bend every effort that I can, short of jeopardizing the lives of those young men and women and short of provoking another conflict in the region which may cost the United States more in the long run, but I will do everything in my power to see that we stop spending that money on peacekeeping.

But what in the world is the connection between the money we are spending on peacekeeping and the base infrastructure? What is the point? There is none, because whether we had a large or small establishment, we would still be spending too much money on peacekeeping.

So, I respect the arguments that will come in opposition to this amendment. Those are the two primary arguments. But I fail to see the relation between those arguments and what we have to do in the national interest.

One of the interesting things that has happened since the end of the cold war is that we see very little, if any, interest in national security issues and national defense on the part of the American public. I think in some ways that

is good news, because the American people feel content. They do not see a threat to our security out on the horizon. And, although that sentiment does not prevail when Americans are killed in places like Somalia and others, generally speaking there is no urgent feeling on the part of the American people that we need to spend, not only not more, but even as much as we are spending on national defense.

It is also true, however, that we do have to maintain a certain level, otherwise we will not maintain our position in the world. It is also true in my view that, if we don't wish to be the world's No. 1 superpower, then it is a very valid question as to who, then, do we expect to be the world's No. 1 superpower? Because other nations, I think, would be perfectly willing to do so.

Mr. President, I have a letter to Chairman STROM THURMOND, and I quote from it:

> We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live. We ask your assistance in addressing this difficult issue.
>
> Sincerely, John M. Shalikashvili, Chairman of the Joint Chiefs of Staff; Joseph W. Ralston, Vice Chairman; Dennis Reimer, General, United States Army, Chief of Staff; Jay L. Johnson, Admiral, U.S. Navy, Chief of operations; Ronald R. Fogleman, General, United States Air Force; Charles Krulak, General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. President, I ask unanimous consent that this letter and a letter I will read in a few minutes from the Secretary of Defense be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the Joint Chiefs of Staff.
DENNIS J. REIMER,
General, U.S. Army Chief of Staff.
RONALD R. FOGLEMAN,
General, U.S. Air Force Chief of Staff.
JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
JAY L. JOHNSON,
Admiral, United States Navy Chief of Naval Operations.
CHARLES C. KRULAK,
General, U.S. Marine Corps, Commandant of the Marine Corps.

THE SECRETARY OF DEFENSE,
Washington, DC, June 24, 1997.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR JOHN: As you consider the Fiscal Year 1998 National Defense Authorization Bill, I urge you to add a provision that would permit the Department to conduct two additional base closure and realignment rounds, in FY99 and FY01. Reducing excess infrastructure was an essential element of the Quadrennial Defense Review (QDR). The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.

With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent of our U.S. base structure while force structure will drop by 36 percent by FY03. The QDR concluded that additional infrastructure savings were required to close this gap and begin to reduce the share of the defense budget devoted to infrastructure. Base closings are an integral part of this plan. The QDR found that the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.

The Department estimates two additional base closure rounds would result in savings of approximately $2.7 billion annually. These savings are critical to the Department's modernization plans. We must modernize our force structure over the long term, laying the groundwork now for the platforms and technologies our forces need in the future. Without the ability to modernize, we would face future threats with obsolete forces. Additionally, the Department will continue to waste resources by maintaining excess military installations, impacting readiness.

As you may know, when I was in the Senate, a base in my state was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary. Further, there have been many communities which have been successful in their base reuse efforts. I am enclosing, for your consideration, additional information on BRAC, the views of the Joint Chiefs of Staff and community success stories including a New York Times piece on how Charleston survived the closing of the Charleston Naval Base.

I would greatly appreciate your support for an amendment to authorize additional base closures and would be pleased to answer any questions or to discuss this matter with you.

Sincerely,

BILL COHEN.

Enclosure

Mr. MCCAIN. Mr. President, I do not think we can lightly ignore—or not seriously consider, I guess is a better way of saying it—this letter from the individuals that we have asked to lead our military. Every one of these individuals knows the pain and hardship that comes about when a base is closed. But each of these individuals has been charged by the President, with the advice and consent of the Senate, to run our military establishment. And all of those individuals feel, not just supportive of what Secretary Cohen is saying, but obviously that this is a very important issue if they are going to be able to carry out their responsibilities.

Mr. President, I have a letter from the Secretary of Defense, Secretary Bill Cohen, former Senator Bill Cohen, whom we all know quite well. Secretary of Defense Cohen says:

> Reducing excess infrastructure was an essential element of the Quadrennial Defense Review. The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.
>
> * * * * *
>
> Base closings are an integral part of this plan. The QDR found the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.
>
> The Department estimates two additional base closure rounds would result in savings of approximately $2.7 billion annually. These savings are critical to the Department's modernization plans.

Let me say that again:

> These savings are critical to the Department's modernization plans.

He goes on to say:

> As you may know, when I was in the Senate, a base in my State was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary.

Mr. President, I think it might be appropriate to point out at this time, in light of what I just read from Secretary Cohen's letter, that there are bases in my State that I know will be vulnerable in light of two additional rounds of base closing. And I know that I will have to go back to my home State, if one of them is closed, and say: Yes, I'm the guy who proposed the amendment for two more rounds of base closings.

But I will also tell the people of my State that I did it because I told them, when I sought to serve in this body, that I would act in the national interest first. I would also add that we went through a base closing in my State, in the case of Williams Air Force Base, and I am happy to say, by the way, as has been the case in many bases in many areas of the country, that the community has ended up by generating more economic benefit than less. That certainly has not been in all cases, but it certainly has been in many.

Mr. President, I want to point out that there are several urban success stories: Charleston Naval Base, Charleston, SC, where currently there are 32 agencies reusing this former naval base; Pease Air Force Base, Portsmouth, NH, the establishment of

Pease International Tradeport created more than 1,161 new jobs; Sacramento Army Depot, Sacramento, Packard Bell NEC, the country's largest manufacturer of personal computers, has created more than 5,000 jobs at this former depot; Williams Air Force Base, now known as the Williams Gateway Airport, quickly emerged as an international aviation and aerospace center where more than 20 companies engage in aircraft maintenance; Mather Air Force Base; Gentile Air Force Station, Kettering, OH; Norton Air Force Base, San Bernardino; Fort Benjamin Harrison, Indianapolis; Griffiss Air Force Base; Cameron Station, Alexandria; Naval Air Station/Naval Aviation Depot Alameda, Alameda—the list goes on and on.

Mr. President, there are a large number of success stories. That does not diminish the fact that in some rural areas there will be significant economic impact. There is no doubt about that. But it also is part of the BRAC process that economic impact is a factor in the determination of a base closing.

Mr. President, I have talked too long a time, probably, on this issue, because the issue is well known to my colleagues. I am grateful to my colleague from Michigan, Senator LEVIN, who, along with me in the Armed Services Committee deliberations, tried to—we were cosponsors of an amendment; had it put in the authorization bill. We were defeated on a tie vote. I appreciate the efforts of Senator LEVIN very much on this issue.

This is a nonpartisan issue. It is an issue that has to do with the future military capabilities of this country and our ability, over time, if called upon, to defend our vital national security interests. It is not possible to modernize the force, maintain the level of training and readiness and recruit the qualified men and women in an all-volunteer force if we refuse to put back into balance the base support structure with the fighting forces and operational forces that are necessary to do the fighting.

My friend from Virginia, Senator ROBB, former Marine Corps officer, carries around with him from time to time a chart that is very simple. It shows what he calls the tooth to tail—tooth being the fighting forces, the tail being those in support—and how those two lines have diverged steadily over the intervening years. With this BRAC closure we may not cause that trend to reverse, but at least we can level it off. I believe we must do so.

I know there will be a lot of debate on this amendment, and I hope we can agree to this and move forward.

I feel so strongly about this particular issue that unless we do include a base closing round and unless we do something about the depot issue, if I were the President of the United States, I would be very tempted to veto this legislation.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. LEVIN. Will the Senator from California yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Greg Renden, Senator WELLSTONE's intern, be allowed the privilege of the floor for the duration of the debate on this bill.

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

The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Michigan, and I thank the Chair.

Mr. President, in my 4½ years in this body, I have not seen an effort as egregious, as badly flawed, as unfair as the base closure process. I happen to have great respect for the Senator from Arizona and the Senator from Michigan, but I think to adopt this amendment at this time is really only to continue this kind of egregious pursuit. I hope, in the course of my remarks, to at least point out some of the areas where I find the base closure process very wanting.

The Senator from Arizona spoke of States with big electoral clout, and I would have to plead guilty. No State has bigger electoral clout than California. I also hasten to point out that no State has suffered more base closures than California—29 bases cited for closure to date, and the largest number of jobs lost all across this Nation. In net jobs lost to date, California has lost 123,000 net jobs. The next State in net jobs lost is Pennsylvania at 35,000. So we are more than four times Pennsylvania's job loss. The next highest State in total number of bases closed to California is Texas, then Pennsylvania, then New York, then Illinois.

If I really believed that this was going to end up being an important cost saving for the U.S. military, I would say, "All right, Dianne, you may represent this State, but, by and large, this is for the best interest of the military." I don't believe it, and I have seen no evidence to date to corroborate that. I believe strongly that it is much too soon to begin another round without having some of this information.

We don't know how much the four rounds cost. We don't know how much the four rounds have saved. And we haven't met our commitments to local communities impacted by these closures, despite the letter of the distinguished Secretary of Defense to the contrary.

The CBO—even the CBO—the 1995 BRAC Commission, they both say wait. CBO recommends waiting until at least 2001 for another round. They say:

> The Congress should consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after—

And I stress the word "after"—

> all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

(Mr. HAGEL assumed the chair.)

Mrs. FEINSTEIN. I would like this distinguished body to know that we cannot get a single figure from the U.S. Navy as to what the cost savings actually will be from the closures of the Navy bases in the State of California. Not a single figure. They will not give us estimates. And yet we are going to run ahead, pass another round and begin this same procedure again. It doesn't make any sense.

Let me quote what the BRAC 1995 commission itself recommended:

> . . . the Commission recommends that the Congress authorize another Base Closure Commission for the year 2001 . . . [giving] military services time to complete the current closures in an orderly fashion—

Which has not happened, I might allude to—

> while ensuring that the Defense Department has the opportunity in the future to make further reductions . . .

In addition to these new BRAC rounds beginning too quickly, and contrary to what DOD and supporters of this amendment claim, the base reuse process has been cumbersome and has been fraught with bureaucratic nightmares.

Secretary Cohen's letter of June 24 says that the DOD has assigned "transition coordinators" to each base to solve closure problems and to speed the process. Well, let me say, as one Senator from California, this approach has not worked well. I have had to intervene with DOD for communities in my State numerous times to fight for a community's needs in just this past year alone.

Let me speak for a moment about environmental costs. I think every Member of this body knows that the costs of environmental remediation are grossly underestimated, grossly underbudgeted. DOD claims it is "empowering communities" by speeding base cleanup, and I would like to give you the results in California of what is termed "speedy base cleanup."

Environmental remediation—that is just remediation—is in place at only 29 percent of the Army BRAC sites; 14 percent of the Navy BRAC sites; and 18 percent of the Air Force BRAC sites in my State. Environmental remediation has not been completed at a single base closed in any of the four rounds in the State of California.

This issue is important, because without clean property, transfers by deed cannot occur and individuals cannot get financing. Therefore, if they don't have the bases cleaned up, they can't be effectively and fully put to use.

Let me take the four California instances that the Secretary of Defense raises in his letter. First, Castle Air Force Base. That is in California's Central Valley. It was closed by BRAC in 1991. To date, there have been 262 separate sites at this base identified for cleanup; 65 of these sites have not yet even been evaluated to determine what contaminants are in the soil or water; and none of the sites—none of the sites—on this base, held out as a model, have remediation efforts currently in place.

Second base: Mather Air Force Base in Sacramento was closed by BRAC in 1988. To date, there have been 87 sites identified for cleanup; 15 have not yet been evaluated to determine what contaminants are in the soil or the water; and only 39 of the sites, or 44 percent, have remediation efforts in place. So 55 percent of the sites haven't even begun to be worked on yet.

Another of these sterling examples, Norton Air Force Base in southern California, closed by BRAC in 1988. To date, 25 sites have been identified for cleanup; 6 have not yet been evaluated to determine what contaminants are in the soil or water; and only 10 of the sites, or 40 percent, have remediation efforts in place.

None of the environmental cleanup has been completed at any of the bases anywhere in California. These were bases, Mather and Norton, that were closed nearly 10 years ago, and yet they are not close to being clean. No transfer by deed have yet occurred at Norton and a very limited number of these transfers by deed have occurred at Mather.

Alameda Naval Air Station and Naval Aviation Depot was closed by BRAC in 1993. One of the real problems I had when this was closed was that Alameda had 7,600 units of housing that were going to be vacated. The fleet, the nuclear carriers were to be moved to Everett and San Diego. Everett had no housing for the wings. Housing had to be built. MilCon was not included in the cost of closing that base.

To date at Alameda, there have been 30 sites identified for cleanup. Only one of these sites has not yet been evaluated to determine what contaminants are in the soil or water. But none of the sites have remediation in place. So at Alameda, they have done some identification; they have done no remediation.

Sacramento Army Depot was closed by BRAC in 1991, and this is probably California's most successful reuse site to date. They have 16 sites identified for cleanup. All cleanup sites have been evaluated, and 12 sites, or 75 percent, have remediation efforts in place.

It should also be pointed out, there is no deadline for the completion of environmental cleanup at BRAC sites. Let me, once again, make this point clear. Communities can't reuse a base when they don't know when it is going to be clean. The law has been liberalized to allow long-term, interim leases to be granted for dirty property, but these leases are limited in scope, and the potential buyer cannot obtain financing under these circumstances, and this has further delayed and deterred base reuse.

DOD has given communities estimates as to when their bases will be clean, but DOD will not guarantee these completion dates, and every year, environmental cleanup is underfunded and every year it is delayed even more.

The Air Force estimates that Castle Air Force Base should have environmental remediation in place by the year 2000 and that it should be complete by 2018. So the total base cannot be transferred into private reuse at Castle Air Force Base until the year 2018.

The Air Force estimates that Mather should have environmental remediation in place by 1999 and that this should be complete by the year 2027. So it will take to 2027 for the process to be completed and the base to be transferred.

The Air Force estimates that Norton Air Force Base should have environmental remediation in place by 1999, and that this should be complete by 2012. So, again, one has to wait for the base to be transferred.

DOD is also far behind on the transfer of base closure property, due in large part to environmental contamination. In my State, and this is the largest State, only 4 percent of the acreage—4 percent of 79,618 acres—have been transferred by deed to new owners.

So we are contemplating here a new BRAC closure round when only 4 percent of the land covered in California has been deeded to new owners. It does not make sense. If one is thinking about the communities and really means that reuse should work, how can you go ahead with a new round where you have 80,000 acres of land and only 4 percent of them at this stage have been deeded to a local entity?

Only 19 percent of these acres have been transferred by long-term lease, and a whopping 49 percent are still sitting there with no action on any kind of transfer having taken place.

So one-half of the acreage that has been closed in California has no plan for a transfer at this stage, and we are still contemplating a new round.

Many of these base closure communities are working hard to make the best of their misfortune and many are optimistic about the prospects of base reuse. But before we pile on these additional rounds, let us look candidly at some of the difficulties they are facing.

In Tustin, CA, the community is trying to reuse the Tustin Marine Corps Air Station. After 14 months of negotiations for an interim lease for one of the large blimp hangars and the loss of nine potential film tenants, a lease was approved by the city of Tustin and the Navy's Southwest Engineering Division. When the Pentagon subsequently rejected this lease, the prospective tenant, Walt Disney Productions, simply got fed up and left to lease space elsewhere.

So here you had a base with a prime potential tenant, and the bureaucratic nightmare that has ensued caused it to be rejected, and Disney walked off and went somewhere else. So that was the 10th one they lost.

At Norton Air Force Base, the Worldpointe Trade Center project that Secretary Cohen lauds in his June 24 letter will not happen due to a lack of financing. The community has regrouped, though, and now this project will be replaced by an industrial park that will take 5 years to build and yield only 40 percent of the jobs hoped for with the trade center development.

At Mather Air Force Base in Sacramento, the Air Force and Sacramento County have finally reached agreement on the sale of 1,200 housing units. It took four separate appraisals and 5 years of negotiations to finally reach the price of $4.25 million—the same price as the county's 1993 appraisal.

At George Air Force Base in southern California, it took 20 months to get a signed economic development conveyance. It was submitted by the community in February 1995 and finally signed in 1996.

Another EDC at Mare Island Naval Shipyard was submitted in January of 1996—of 1996—and a year and a half later is still pending. They are still waiting for a decision.

The city of Long Beach just completed a negotiated sale with the former Long Beach Naval Hospital. After 18 months of negotiations, the city will have to pay the Navy $8.6 million to buy back this 30-acre site that the city sold to the Navy in 1964 for 10 dollars. So they sold it to the Navy for 10 dollars and now they buy it back at $8.6 million. To make matters worse, the Navy required that the city provide the Navy with a letter of credit to secure two promissory notes to buy back the property. This cost the city of Long Beach an additional $50,000.

Finally, the goal of base closures was to save DOD money so that we could modernize our force. If anybody could come in here and say, look, the Navy has saved x dollars in California by closing bases, I would say, OK, now we know either it was cost efficient or it was not cost efficient and we have a sound basis on which to make another judgment.

But as I said before, the Navy will not give my office a single figure as to what cost savings can be anticipated from closure of major Navy bases in the State of California. Yet, we are going to go about another round today.

The GAO and the CBO both say that DOD's estimated savings cannot be quantified. GAO and CBO cannot quantify what the military says the savings estimates are.

DOD has not included the total cost of environmental cleanup in its net savings figures. By 2001, DOD claims

that it will have saved nearly $14 billion from BRAC. To their credit, they did include the cost of environmental cleanup through 2001. That was $7.3 billion. But they did not include the cost of BRAC cleanup for these sites after 2001. In California alone this will cost another $1.56 billion.

So, in the costs that have been provided by the military to this body, with California alone it is $1.56 billion shy, short, lacking, not defined, not there; and yet we would go ahead with another round regardless of knowing what the true costs and true savings actually are.

Let us look at how much additional cleanup funding four of five California success stories will need past the year 2001.

Castle will require an additional $53.1 million.

Mather will require an additional $73.8 million.

Norton will require an additional $1.25 million.

Alameda Naval Air Station and Naval Aviation Depot will require an additional $73.4 million.

None of this is counted before we make the decision. And I am just giving you four bases here—not 29.

The true costs of BRAC should include all of these costs related to closure, not just those funded directly by the BRAC account. Until they do, frankly, I will not vote ever for another round. Just because these costs are funded from other Federal accounts does not mean that they are any less real.

So what is happening, Mr. President, is that they fund some of this from other accounts and they do not cost them in. So that way the military costs look less, but the Federal costs—it is all the same, it all comes from the same taxpayer, all goes into the same budget, but it is not counted here.

DOD's Office of Economic Adjustment grants to base closure communities for base reuse planning, $125 million. It is not counted here, not counted as a cost. It is a cost? Of course it is a cost.

The Department of Commerce, Economic Development Administration grants to base closure communities, $371 million. It is not counted here as a cost.

FAA grants to establish airports at closed bases, $182 million. It is not counted here.

It is like MilCon, except MilCon is in the defense budget. These are not in the defense budget. They are necessary, but not counted.

Department of Labor job retraining grants, $103 million. It is not counted in the cost of base closure.

So without at least a firm accounting of how much the first four rounds of BRAC cost and how much was saved, I cannot and I do not believe any Member of this body should support a new round.

We have moved too fast in closing these bases. We need to look at the bottom line. What are these closures costing, not only the Defense Department, but the FAA, the Department of Commerce, the Department of Labor in retraining grants, the Office of Economic Adjustment? What are the costs? And factor those costs in. What are the costs of MilCon for all of the rounds? Factor those costs in as well.

Later this afternoon it is my understanding that Senator DORGAN will be offering an amendment to propose a study to come up with just this very information. I think to proceed with another round until the study is done and until we have the specific information would really be a major, major mistake.

We need to look at operations and maintenance. We need to look at military construction, environmental cleanup costs, base reuse costs and economic redevelopment costs also funded by the Federal Government, unemployment compensation costs, military health care costs and force structure costs. All of this should be looked at, I believe, by an independent agency, figures ascertained on which responsible people can depend, and then another decision can be made on another day about another round.

I think this is ill-advised. It is too fast. And it will simply complicate one flawed procedure with another flawed round.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I strongly support the amendment which has been offered by Senator MCCAIN to have an additional two rounds of base closings. I do so for many, many reasons. But let me just cite first that we have a recommendation which is as strong a one as I have ever seen from the uniformed military of this country, pleading with us to reduce excess baggage, the infrastructure that they no longer need because it is costing money which is desperately needed elsewhere.

We cannot successfully do what we need to do for the defense of this Nation, they are telling us—and I will quote that letter in a moment—if we continue to carry excess infrastructure which we simply no longer needed. Now, we are going to hear lots of reasons why it is tough to do it and lots of reasons why we should not do it. We will address those one by one.

But when you get a letter, which we have received, signed by the Joint Chiefs of Staff, every single member, a so-called 24-star letter, it does not happen very often around here. But when we get a letter from General Shalikashvili and the Vice Chairman Joe Ralston, and each of the Chiefs signing a letter as succinct and to the point as this one is, I think we ought to give it the most serious consideration. We cannot just shed this and say, base closing is tough or we cannot prove precisely how much money it saves. We have a pretty good idea, by the way, and I will get to that in a moment. But we just cannot simply say, base closings are tough. And they are. Let me tell you, my State knows it. Percentagewise, it is one of the 10 hardest hit States with base closings, and we still have facilities where people feel they are at risk.

But this is what the letter from the Joint Chiefs says. It is addressed to our chairman, Senator THURMOND. I am going to read it all. It is a short letter, but it is very much to the point.

Dear Mr. Chairman.

As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Now that is point one. We have to make every effort we can to find the funds necessary for future investments in the defense of this country inside the defense budget. That is a statement based on reality. It is a statement based on the desire of all of us to get down to a zero deficit and to begin to pay off the national debt. It is a statement based on the reality that the defense budget is not going to grow faster or in a different way than what we have projected in our 5-year defense budget, unless, of course, world circumstances change.

Then the letter goes on:

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Now, they are asking our assistance to do something which is difficult, and it is difficult politically, and every one of us knows that. I don't think there is any one of us who has a facility in our State that we have not been worried about it, that we have not gone to bat for, that we have not been an advocate for and, in some cases, have won a battle for a base and, in other cases, lost a battle for a base.

That is one of the reasons we are here, to be advocates for our States, and we do that proudly. I have done that for bases in my State. I have won some and I have lost some. We have lost every Strategic Air Command base in my State—all three, gone—and it has been painful. They have been in rural communities. In one case, most recently, up in the Upper Peninsula of Michigan, it was the largest single employer in the Upper Peninsula, Sawyer Air Force.

Has the environmental cleanup gone as predicted? It has not gone as fast.

Have we struggled to make sure the leases are available to people who want to lease that property? We have; we work with them every day. Is it working out OK? It is. Is it tough? It is. Have there been dislocations? Yes. But is there any alternative if we are going to do our job to come up with the necessary resources to defend this country? Is there any alternative but to shed the excess baggage which our Joint Chiefs are asking us to shed? This is not easy for them, either. Those are communities that they have their hearts and souls in. But what they are telling us is we must bite this political bullet again if we are going to save the funds necessary for modernization, for investment accounts, for readiness, for the other things which we need to do in our defense budget.

The Quadrennial Defense Review reached the same conclusion. The Secretary of Defense has reached the same conclusion. So the amendment is simple. It authorizes the same process that we used in 1991, 1993, and 1995 for two new rounds in 1999 and 2001. We have changed this process over the years. We have tried to make the environmental cleanup faster. We worked on the leases to make sure that they be available to lease land, even before it was finally cleaned up. We tried to improve the notice requirements, the fairness requirements. We made lots of changes over the years. But to say we are going to not continue to do what our uniformed military says we must do to avoid wasting billions of dollars each year because it is politically difficult or because we cannot determine the precise amount, in an audited fashion, of the savings, it seems to me, is inconsistent with the desire of this body to protect the Nation's defense.

This process has the Secretary of Defense, again, making recommendations to a commission, nominated by the President, confirmed by the Senate. During those confirmation hearings, we got into all of the kinds of issues and concerns which each of us has relative to base closing. The commission, after being confirmed by the Senate, reviews these recommendations and makes their own recommendations to the President. The President then reviews the recommendation, either sends those back to the commission for additional work or forwards them, without changes, to the Congress, and then the recommendations of the commission go into effect unless disapproved by a joint resolution of the Congress. That is the process.

Has it been perfect? It has not. There have been many changes made in this process over the years. This amendment is open to other changes in terms of how do we approve the process. But to say that the process is not perfect means we should perfect it. It does not mean that we should ditch it when it has led to significant savings already and when it is essential to lead to additional savings in the future.

The case for closing more military bases is simply clear, and it is compelling. From 1989 to 1997, the Department of Defense reduced total active duty military end strength by 32 percent, and that figure will grow to 36 percent by 2003 as a result of the recently completed Quadrennial Defense Review, known as the QDR. So we are going to be reducing the active end strength, the number of people in our military, by 36 percent. But even after the four base closure rounds that are now completed, the reduction in domestic base structure will be 21 percent. So we have a gap. We have excess. We have surplus. We have baggage we must shed. We have facilities that are no longer being fully used, facilities that are not being run in a way which makes economic sense. These are facilities which we can no longer justify keeping.

Which are those facilities? Does anyone really believe that we on the Senate floor could decide which facilities need to be closed? It was the inability of the Congress to make those kinds of decisions which brought the Base Closure Commission into effect to begin with. We realized a few years back that we could not close bases ourselves. It is too difficult politically. There are too many pressures on us. There are too many tradeoffs that are possible. So we created a BRAC commission, giving ourselves a final right to veto, but basically saying that this is the only realistic way we are going to downsize the unneeded structure.

Now, this year, General Shalikashvili, who is our Chairman of the Joint Chiefs, testified before our committee as follows: ''As difficult as it is politically, we will have to further reduce our infrastructure. We, perhaps, have more excess infrastructure today than we did when the BRAC process started. In the short run, we need to close more facilities, as painful and as expensive as it is.'' That is his quote.

One line in that quote, I hope, if nothing else, will remain with us: ''We, perhaps, have more excess infrastructure today than we did when the BRAC process started.''

Now, both the QDR and the independent National Defense Panel—and this is the group of citizens outside the Defense Department that have been appointed by the President—both the QDR, the Quadrennial Defense Review, inside the Defense Department, and the independent National Defense Panel have concluded that further reductions in DOD infrastructure—that is the base structure of the Department of Defense—are essential to free up the money that we need to modernize our forces.

On May 23, Secretary Cohen wrote to the chairman, Senator THURMOND, and to me, asking the Congress to act this year on his request to authorize two additional base closure rounds in 1999 and 2001. Though we will not get the final report of the National Defense Panel until later this year, they do have an interim report dated May 15 which accompanies the Quadrennial Defense Review. This is what the outside citizens panel said about base closures:

> We endorse the Secretary's plan to request authority for two additional rounds of base closure and realignment. We strongly urge the administration to support legislation that will start this process in 1999 and encourage Congress to approve the request despite constituency challenges.

Several weeks ago, the Armed Services Committee received a letter, as I indicated, which all six members of the Joint Chiefs signed. We do not get these 24-star letters every day or every week or even every year. I am not sure I can even remember the last 24-star letter that we have received. But now the Chiefs, every one of them, say that the committee should reduce base structure supported by the Secretary of Defense.

While I have read this letter, I ask unanimous consent, Mr. President, that a copy of the letter from the Chiefs be printed in the RECORD.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 26 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the Joint Chiefs of Staff.

DENNIS J. REIMER,
General, United States Army, Chief of Staff.

RONALD R. FOGLEMAN,
General, United States Air Force, Chief of Staff.

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

JAY L. JOHNSON,
Admiral, United States Navy, Chief of Naval Operations.

CHARLES C. KRULAK,
General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. LEVIN. The service chiefs have also made the case for shrinking our base structure. In testimony before the committee, General Reimer said:

> We cut 36 percent out of the force structure and 21 percent of the infrastructure in

the Army. I think we need to balance those two out or we are going to pay a heavy price that we should not have to pay.

The testimony of the service chiefs makes this point very clear. The issue is not base closures or no base closures. The issue is either we shrink the base structure or we are going to have to cut modernization. If we make the wrong choice and do not close any more bases, this problem is not going to go away. If we keep excess bases open and try to protect modernization by cutting the size of our forces instead, that will further increase the amount of excess base structure, which will, in turn, increase the pressure to close bases.

This problem is not going to go away. This problem will get worse if we delay it. If we cut forces instead of closing bases, that will inevitably lead to increased operating costs and increases days away from home for the smaller number of personnel who will be left. This issue is not going to go away. It will fester and get worse unless we address it. It will not be easier to determine and make this decision a year from now or 2 years from now than it is now.

The reason there is so much pressure coming from our defense establishment to authorize more base closures is because the Defense Department understands that reductions in the base structure are essential to the modernization of our forces. Every dollar we spend to keep bases open that we do not need—excess bases—is a dollar we cannot spend on modernization programs that our military forces do need.

As Secretary Cohen said in his preface to the QDR report:

> In essence, our combat forces are headed toward the 21st century, but our infrastructure is stuck in the past. We cannot afford this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight.

This is not just a choice which the Defense Department faces. This is not just Secretary Cohen's problem. This is our problem, and it is a problem which will get worse unless we make this decision earlier rather than later.

We cannot just tell the Department of Defense, ''Reform yourself.'' The Department of Defense can reform if they want to, which they do, but they can't reform if we can't let them. It requires legislative action. As General Fogleman, who is Chief of Staff of the Air Force, said to our committee, ''Getting lean and mean is no easy feat. We can be mean if we have to, but we need your help to get lean.''

Make no mistake, if we don't act this year to approve and to authorize additional base closure rounds, there will not be any additional base closures before the turn of the century. No bases have been or will be closed outside of the Base Closure Commission process contained in this amendment, and every year we delay facing this issue, we delay achieving the potential savings that we need to modernize our forces.

Now, the argument has been made that we can't prove exactly how much previous base closures have saved. I agree that we don't know exactly how much base closures have saved. We can't audit it; it is not that precise. But I don't know of any disagreement over the fact that closing bases has saved, and will save, substantial amounts of money. The savings don't always come as quickly as the Department of Defense originally forecasts, for a number of reasons. But the savings have been there, and they are documented.

The CBO concluded in that same report, which was read before, that ''BRAC actions will result in significant long-term savings.'' Now, the Department of Defense makes an estimate on savings. These estimates are available for Members of the Senate. They are based on 100 or so reports of base closings. Their estimate is that implementing the BRAC actions in the first four rounds will result in $23 billion in one-time implementation costs—that is the cost—and this is offset by savings of $36.5 billion—that's the savings—for a total net savings of $13.5 billion. So that is between 1990 and 2001 when the implementation of the first four rounds is supposed to be concluded. That is a net savings—deducting the investment from the gross savings—of $13.5 billion. That's what Secretary Cohen has written us. That is what he has testified to. That is the best information that is available.

Secretary Cohen estimates that each of the additional BRAC rounds that he is asking the Congress to approve will save $1.4 billion a year once they are fully implemented. That is comparable to the savings that will be achieved from the 1991 and 1995 rounds.

Maybe 5 years from now we are going to find that the actual savings from the first four rounds of base closures will be slightly smaller or slightly larger than the $5.6 billion I have referred to. But there is no question that there are large, ongoing savings from shrinking our base structure. Before the first base closure round, we had approximately 500 domestic military bases. When all of the bases from the first four BRAC rounds are closed, we will have about 400 bases. So 80 percent of the bases will remain after all four BRAC rounds are implemented, even though we will have seen a reduction of one-third of our force structure.

Now, the exact amount that we are saving is impossible to prove—these are approximations and estimates—for lots of reasons, including the fact that these savings represent money we would have spent to pay civilians we no longer have and to operate bases that we no longer have. So they are, by definition, estimates; we can't audit them. But I cannot imagine someone trying to argue that we are not going to save large sums of money by operating 400 bases instead of 500 bases. That is 100 fewer bases at which we have to pay for electricity, heat, water, telephone service, maintenance, and security.

These BRAC savings, Mr. President, are an important part of the funds that are going to finance the future modernization of the armed services that will keep our military the most technologically advanced and lethal fighting force in the world.

Some people have expressed concern that funds from base closures may not go toward modernization. But this amendment includes a provision that would require the Department to ensure that all savings that come from future base closings go toward modernization programs.

Now, over the last few months, another issue has been raised, an issue relative to the question of privatization in place. Some of our colleagues complain about the implementation of the 1995 Base Closure Commission recommendation with respect to the closing of two Air Force depots, at Kelly and Sacramento. There are clearly very strong feelings on this issue, and understandably so. I don't agree with those who say that what happened, however, in 1995, whatever one's view of those events are, somehow justifies refusing to ever close any more bases.

My own view is that we should let the market decide the most efficient way to redistribute the workload of these two closing depots and that the way to let the market decide that is through a fair and open competition.

Deputy Secretary of Defense John White testified before our Readiness Subcommittee in May that the Department's policy is no longer to privatize the work of these two closing depots in place, but to compete their workload between the public depots and the private sector. Secretary Cohen wrote a letter to the majority and minority leaders reaffirming the Department's policy of competing this work. He also testified before our committee that, ''If you disagree with giving the commission this kind of discretion''—he was referring to privatization in place—''then you can always restrict it in the future.''

That is what the amendment does. To address the problem of privatization in place for future BRAC rounds, this amendment includes language that would allow the Secretary of Defense to privatize in place the workload of a closing military installation only when it is explicitly recommended by the Base Closure Commission as either the correct way to close the base or as one option.

But whatever our view is of privatization in place at the two air logistic centers that were closed by the 1995 Base Closure Commission, that is no reason to cut off our nose to spite our face and keep excess base structures open at a huge, unjustifiable cost in the future.

As I said a moment ago, I know personally how painful the base closing process is. Michigan never had a very large military presence, but we rank seventh among all States in the percentage of total BRAC job losses. So we

know in our State, and we know that we have a few additional facilities that some people think could be at risk.

If we are serious about modernizing our military forces and if we are serious about maintaining the qualitative technological edge that we have, then we have no choice but to reduce our infrastructure costs so that they are in line with our foresight.

The Secretary of Defense and the Joint Chiefs are right. We need to close more bases if we are going to modernize our forces, and we are not going to be able to do that unless this amendment is adopted.

I thank the Chair and yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I appreciate the opportunity to speak on behalf of the overall defense bill and to give credit where credit is due in regard to the distinguished chairman of the committee, Senator THURMOND, and the distinguished ranking member from Michigan, Senator LEVIN. I want to pay tribute to their leadership. I think the committee did great work, and there was much bipartisan agreement. I think we had a very difficult task in this regard.

I would like to draw the attention of my colleagues to a study called ''America's National Interests'' by the Commission on America's National Interest. It was about a year ago, and I served on the commission with some very qualified people who have a great deal of expertise in regard to defense matters. The cochairs were Robert Ellsworth, Andrew Goodpaster, and Rita Hauser. The study was done by the Center for Science and International Affairs of Harvard University and also by the Nixon Center for Peace and Freedom and the Rand Corp.

Basically, they had an executive summary that pretty well said this: No. 1, American foreign policy and American national interests don't really represent a very high blip on the national attention radar screen. They said America was adrift. ''In the wake of the Cold War, the American public's interest in foreign policy has declined sharply and political leaders have been pressed to attend to immediate domestic concerns.'' Certainly that is true. ''After four decades of unusual single-mindedness in containing Soviet expansion, we have seen five years of ad hoc fits and starts.'' This was last year, remember. ''If it continues, this drift will threaten our values, our fortunes, and indeed our lives.''

I think the committee took an important first step in trying to end this drift. They mentioned confusion and the lack of a national strategy as we try to determine how much money to spend on defense, which, after all, is the first obligation of the Federal Government.

So having said that, I want to again thank Senator LEVIN and Senator THURMOND for their leadership. However, I must rise in opposition to the amendment as argued for by Senator LEVIN and as proposed by Senator MCCAIN. I am talking about BRAC. I am talking about the effort to, obviously, reduce the excess infrastructure that we have in regard to our national defense system.

I want to make it very clear and I want to really emphasize that I do not support—and I don't know of anybody in the Senate or, for that matter, in the House of Representatives who supports—carrying excess or unproductive capacity in our military infrastructure. After all, how could anybody stand up here and say that they were supporting that? Having said that, I don't think we should sign onto another BRAC process until we are confident that the process will be done without making it a political football or without receiving an answer to several very fundamental questions, which I would like to go into.

No. 1, we need to certify what is meant by overcapacity. Everybody seems to agree that there is excess capacity in the structure of the military. I think that is obvious. Senator LEVIN just went over that. But if you ask different people where exactly that excess infrastructure exists, a variety of answers will certainly be given. Many argue that there is a great disparity between the reduction of military end-strength, down 36 percent—Senator MCCAIN mentioned that. Every proponent of the BRAC process and of this amendment will tell you that the military end-strength is down 36 percent and reduction of military base structure is down 21 percent. Now, there is a relationship between these two. I know that. But there is no numerical correlation that would define what percentage of base closure we should strive for. That is extremely important. If there were such a numerical correlation, closing any of our bases would help bring the percentage in line.

I think common sense tells us that it is a lot more complex than simple percentages. If we all agree that excess capacity exists—and I think we do—I think that the Department of Defense, before we approve something like this amendment, should develop a certified list defining that excess capacity. What's wrong with that? I might add, I think we probably have that list already prepared. Why not really delineate the amount of excess and the priority of eliminating that excess and the difficulty of restoring the capability if required by a military operation? Let me repeat that. Let us try to delineate the amount of excess and the priority of eliminating that excess and, most important, the difficulty of restoring the capability if required by a military operation.

Once you lose the base, once you lose that infrastructure, like Humpty-Dumpty, it is off the wall, gone; you can't regain it. It is not reasonable to agree to a BRAC if we don't fully understand the nature and location and the amount of the reported excess.

I have the same letter from Secretary Cohen and the letter illustrated on the minority side from the Joint Chiefs of Staff expressing their support for a BRAC. Secretary Cohen, a good friend, a former colleague, said this: ''With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent''—here we go again—''of our U.S. base structure while force structure will drop by 36 percent by fiscal year 2003.''

Let me repeat again what I think is a fallacy. Secretary Cohen's letter—I know it is not his intent, but his letter suggests the direct correlation, again in percentage points, between base closures of 21 percent and force structure reductions of 36 percent. There is no direct correlation between the reduction of troops and how many bases should be cut. There is, of course, a connection, but to suggest there is some kind of a mathematical correlation is false. It is misleading. Exactly how we could get into indiscriminate cutting of facilities—the assumption of such a simple-minded statement is that all bases are equal.

Senator LEVIN has just indicated that of 100 bases remaining, and there is a need to reduce base structure by perhaps 15 percent, that any 15 bases would do the trick. Unfortunately, this is the exact argument—down 36 percent in troops but only 21 percent in bases—which was made in behalf of this whole argument. It is the very reason we need to understand which bases are in excess and which bases support the strategy. If it is 15 percent and you cut 15 bases out of 100, if that doesn't have anything to do with what kind of a base it is, what kind of force is there, or what the mission of the base is, I don't think that correlation really makes any sense.

Let's talk about the type of facilities to be considered once the DOD develops a certified list of excess capacity, and then what specific types of facilities to be considered for closure should be provided. If the Department of Defense demonstrates that certain types of facilities do not represent excess capacity, it doesn't make any sense to include them in the process. Why would we want to do that?

The effect of this action would shorten and focus the BRAC process. We would have successful BRAC, we would eliminate a lot of the headaches, pain and suffering, and the politics that the proponents of this amendment always talk about. Just as important, it would let those communities with military facilities as neighbors know whether they need to be concerned or not and prevent them from spending large sums of money to help save their bases. That is what happens.

As soon as this amendment is passed—I hope it does not; the committee did not pass it and the House of

Representatives did not pass it—every community next to a base in America will hire a consultant, spending large sums of money, and will end up in BRAC purgatory. It is not necessary. We could shorten the process and get this job done with a better process.

Let's talk about the criteria to be used for closure recommendations.

There needs to be a full discussion of the criteria used for the BRAC process. I have the old criteria here somewhere, but, obviously, this isn't the criteria that is going to be used. This is the former base realignment and closure criteria. I thought the new criteria were going to be judged on the Bottom-Up Review and the QDR and the National Defense Panel. The National Defense Panel hasn't made a comment on where we are headed in terms of national defense strategy. We don't have the criteria yet. I think we are putting the cart before the horse.

So, at any rate, I think we need a full discussion of the criteria used for the BRAC process to ensure the results of the process are consistent with the strategy, as I have indicated, of the Bottom-Up Review and the QDR. For example, it makes little sense to me to use the same criteria of the last BRAC since we have substantially altered the military since then and our strategy has been changed. That is why we are going through this. A critical analysis of the criteria and their weight in the process is required. We should not inadvertently cut meat from our capacity if fat exists somewhere else simply because the criteria we used is flawed.

I want to talk about cost for just a moment. It seems to me, despite the claims of, I think, $2.7 billion that the letter indicated that we are going to save—and I think Senators LEVIN, MCCAIN, and others listed $13.5 billion by the year 2001—I question that either in magnitude or when those savings will be seen. The whole purpose of this process, as proposed by the authors of this amendment, is to save the precious defense dollars.

Let me point out that we are supposed to be talking about national strategy here. The committee did its best, but in terms of trying to determine how much we spend on defense in the post-cold-war period, we said, ''OK, you can have all the strategy you want, but don't spend more than $250 billion.''

So it is budget driven and numbers driven, and the whole key argument in behalf of this is to save the precious defense dollars and use them for procurement and modernization and quality of life. So you close the bases. You save the money. And, as the Joint Chiefs of Staff, the Secretary, and the proponents of the amendment said, we are going to improve the quality of life, modernization, and procurement.

Well, I am not sure that those savings will be there. And, second, I will tell you where the money will go. If we could earmark this money, maybe put it in a lockbox and give the key to Senator THURMOND—I sure trust him as to where the money should go—I might support this. But do you know where the money is going to go? Peacekeeping missions. For peacekeeping missions since President Clinton took office: 1993, $2.441 billion; 1994, $1.9 billion; 1995, $2.16 billion; 1996, $3.3 billion; 1997, projected $3.27 billion. I am not sure that even accounts for Bosnia.

We are talking about savings that are going to occur in the outyears. And, yet, we have been using the peacekeeping fund for modernization and readiness and quality of life? That is what has been happening. If we could earmark these savings for all of the very good purposes that proponents of this amendment are talking about, it might be one thing. But we are not.

So what will happen is that we will go through this whole process only to find out that we are putting a lot of people into what I call BRAC purgatory only to find out that we don't have the separation by the people who really do that right now between those bases that are needed and not, and also the problem with cost savings only to find out that it will be spent for peacekeeping.

I am not opposed to peacekeeping in every instance. But it seems to me in terms of our national strategy and in America's national interest, I am not sure that that has been simply well spent.

I would like to associate myself with the remarks of Senator FEINSTEIN of California, and I would like to say that I know that it is the right thing to do in regard to base closures. Nobody in this Senate—nobody anywhere—is for saving excess infrastructure. That is just not a possible position, and we shouldn't do that.

I might add in closing, Mr. President, that I am one who is concerned about some of my colleagues who with some degree of condescending understanding look at me and say, ''Well, now, you know, we all have politics, and we all have the pain of politics.'' I know it is going to be hard. This is not premised on any base in Kansas. This is based on a firm belief that this may be the right thing to do. But we are going at it the wrong way, and it is very premature.

So for the reasons that I have listed—and I would only add that there is no reason why we can't wait on the QDR, the review, and the National Defense Panel, have the new criteria, certify the excess, earmark the savings, and, yes, then go ahead with some kind of a BRAC. There is no reason why we can't do that. But it seems to me that we are rushing to judgment here, and I think it would be very counterproductive. I think we should watch out for the law of unintended affects.

I rise in opposition to the amendment offered by the Senator from Arizona and as agreed to by the Senator from Michigan and urge my colleagues to take another look at this. Let's take a little time. Let's do this right.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Maine.

Ms. SNOWE. Thank you.

PRIVILEGE OF THE FLOOR

Mr. President, first of all, I ask unanimous consent that the privilege of the floor be granted to two of my staff members, Tom Vecchiolla and Peggy Kline, during the pending consideration of the Defense authorization bill.

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

Ms. SNOWE. Mr. President, thank you.

First of all, I would like to commend the chairman of the Senate Armed Services Committee, Senator THURMOND, and the ranking member, Senator LEVIN, for their tremendous efforts in bringing the Defense Department authorization bill to the floor. I certainly think they have taken a great deal of initiative and leadership in putting this legislation together. I appreciate their efforts in that regard.

I certainly want to associate myself with the remarks made by the Senator from Kansas, Senator ROBERTS, on the amendment that has been offered by our colleague from Arizona, Senator MCCAIN. It is an amendment that I certainly will oppose in proposing more rounds of military base closures and realignment.

I am certain the committee rejected the call for new base closings, and the Senate should follow suit.

As we all know, the administration has asked for two more rounds of base closings with the intent of realizing $2.8 billion per year in savings from these new BRAC rounds. The administration further stated that these estimated savings are to be used to meet the well-established requirements for $60 billion in procurement funding which is necessary to modernize our forces to meet the challenges of the 21st century.

I have consistently asked the question as to exactly what has happened to the savings in the past four BRAC rounds that started in 1988. The Pentagon estimated the savings to occur from those four rounds to be in the area of $57 billion over the next 20 years with the annualized savings of upwards of $5.6 billion per year starting in the year 2001. In its April 1995 report, the GAO estimated that such savings projects their estimates at less than $17 billion over the next 20 years, past the number that had been projected by the Department of Defense, with annual recurring savings possibly being in the area of $1.8 billion in the year 2001.

Mr. President, GAO conducted a further analysis and issued a following report in April 1996. In this report GAO found that the total amount of actual savings that may be estimated from the four previous BRAC rounds is uncertain, for a number of reasons, the primary of which, according to the

GAO, is that the DOD accounting systems do not provide adequate information or isolate their impact from that of other DOD initiatives.

Despite the fact that the DOD has complied with legislative requirements for submitting annual costs and savings estimates, the GAO further stated that the estimates' usefulness is limited because the estimates are not budget quality and that the inclusion of these estimates of reduced personnel costs by all of the services are not uniform and, further, the GAO determined that certain community assistance costs were excluded. In fact, in one example, GAO identified the fact that DOD BRAC cost estimates included more than $781 million in economic assistance to local communities as well as other costs.

In December 1996, the Congressional Budget Office, in its report, stated that it was unable to confirm or accept DOD's estimates of cost savings because the DOD is unable to report actual spending and savings from BRAC action.

So now we have the Pentagon, the GAO, and the Congressional Budget Office with differing estimates on what has actually been saved and what is supposed to happen as a result of these four BRAC rounds since 1988. There is no consensus on the numbers. That, indeed, in my opinion, is a significant problem, if we are to predicate future closings on these savings and estimated savings for the future.

The fact is we are chasing an elusive infrastructure savings because there is no straight-line corollary between the size of our forces and the infrastructure required to meet two nearly simultaneous major regional conflicts. The Department of Defense has even admitted to the GAO investigators that they do not have accounting systems in place to isolate the impact of specific initiatives such as BRAC.

So, in fact, we have no comprehensive adjustment of the reduction of the infrastructure that has occurred as a result of the four previous rounds of base closings and the impact on munitions as well as our forces. In fact, when these base closing rounds were first initiated, one of the greatest concerns that I had was that they would underestimate the cost of savings and overestimate the savings to accomplish the base closings.

Mr. President, the projections for national defense outlays decrease 34 percent over the period from 1990 to the year 2002. We have all seen the downward pressure in defense spending. In fact, we have seen a reduction of more than 40-percent in the defense budget since 1985. Future years' defense plans call for a 40 percent increase in the defense modernization budget within the confines of an overall defense budget that essentially will remain flat over the next few years. But yet, we have seen a procurement budget that has plummeted from $54 billion in 1990 to today's level of just over $42 billion.

It is interesting, because in the same time that we are seeing a reduction in procurement, we have had four previous rounds of base closings. You might have thought that money would have been invested in the procurement budget, but, in fact, the contrary has happened because again the Department of Defense underestimated the cost that is required to close these bases and overestimated the savings.

As of May 1997, the DOD has invested $14 billion in base closings. The total implementation costs of the four previous BRAC actions through 2001 are estimated at $23 billion. Through fiscal year 1996, the DOD estimates that it may have saved through cost avoidance approximately $10 billion.

So, in simple terms, to date we have spent $14 billion to avoid costs of $10 billion. Yet, we are promised by the DOD that the savings is in the outyear savings—savings that even DOD's own budget analysts say they are not equipped to track.

The promise for the outyears has been a recurring theme for the Pentagon over the last 4 years. How many times have each of us heard that the fix for the procurement account is in the outyears? And each year we see the administration's request for procurement steadily decline. In fact, in each of these 4 years since the Pentagon completed the Bottom-Up Review an investment in the procurement accounts has actually been postponed.

The procurement request for 1998 is $42 billion, whereas the fiscal year 1995 program had projected reaching $54 billion by now. So we have not seen the funding promised, and the DOD cannot show it to us in its own budgets, and the reasons are obvious. The funding has migrated elsewhere.

In its own Quadrennial Defense Review, the DOD said the $18 billion meant for procurement under the 1995 plan has disappeared. The QDR report tells us that the funding migrated to three places. First, it went to unprogrammed operating expenses such as contingency operations like Bosnia. The second place was unrealized savings from initiatives like outsourcing or business process reengineering which failed to achieve the objectives and expectations, similar to the failure to achieve the levels of savings expected in the previous four BRAC rounds. And the third, of course, was new program demands.

The QDR stated national defense policy of shape-respond-prepare reinforces the fact that U.S. forces will conduct smaller scale contingency operations for peacetime engagement. These operations include, according to the report, intervention, limited strike, no-fly zone enforcement, peace enforcement, peacekeeping, humanitarian assistance, and disaster relief. The QDR further projects that U.S. involvement in the smaller scale contingency operations will increase over the next 20 years.

So we can expect more and more peacekeeping operations, far beyond the traditional missions of peacekeeping operations, that are going to require more robust military requirements. The QDR cites the obvious problem that DOD has had with the constant migration of funds which were planned for procurement ending up in operation and support activities. This certainly has been the case in the last few years to pay for operations like Bosnia and other areas where we have developed peacekeeping operations.

Since 1991, in over 39 separate contingency operations in Southwest Asia, Bosnia, Somalia, Rwanda, et cetera, it is estimated that the taxpayers will pay over $17 billion for these operations. And as I illustrate in this chart here today, I think we can get an example of the multiple operations that the United States has been engaged in just in the decade of the 1990's. We know that in 1989 we spent less than $100 million in peacekeeping operations. In the decade of the 1990's alone we have spent the grand total of $17.2 billion and counting.

We all know the administration has underestimated the costs of our participation in the forces in Bosnia, not to mention the length of time. It is estimated that we will spend upward of $6.8 to $7 billion until June 1998. My expectation is that we will have underestimated those costs as well. But we have spent a total of $17.2 billion in peacekeeping operations. That is an exorbitant price that we are now paying for unbudgeted, for the most part, operations and missions elsewhere—unanticipated and in most cases unbudgeted. The cost for Bosnia, as I said, has been over $7.2 billion, assuming we withdraw in June 1998. The cost for these operations have quadrupled—quadrupled—since 1991. The fact is the Department of Defense has been heavily taxed to meet these deployments.

We know that of the $17.2 billion that will have been spent in contingency operations through June 1998, about $8 billion of this amount was reimbursed to the Department of Defense by Congress through supplementals. The Department of Defense, however, has also told us that $2.3 of the $17.2 billion total were service absorbed costs, funding that was taken directly out of procurement and other accounts to pay for these operations.

Mr. President, I suspect that the remaining difference of almost $7 billion was siphoned from procurement accounts as well as the operations and readiness accounts to pay for these contingency operations. We have asked the Department of Defense for these figures and they cannot provide them. As of 1997, we readily know that we were facing over 2.5 billion dollars' worth of unfunded contingency operations and that required, as we know, a supplemental appropriation which we passed a couple of weeks ago. But we must ask the question, because it has been asked but it has not been answered, how many modernization programs got impacted as procurement

dollars were siphoned from the modernization programs by the DOD comptroller to pay for these unprogrammed operations? It is obvious that this is a persistent problem. We know that we can expect more of the same. In fact, the QDR report that was issued by the administration, as I said previously, expects that small scale contingency operations will be high over the next 20 years, so that we literally cannot anticipate the numerous unbudgeted operations in which the United States will participate.

The State Department did a compilation in 1995 of the voluntary contributions of the United States in 13 other countries to support U.N. peacekeeping operations. The United States provided for 54 percent of those costs—54 percent—11 other countries, NATO countries and Australia, 45 percent, and Japan less than 1 percent.

So it is obvious and clearly apparent that the United States is assuming an enormous cost and burden for these peacekeeping operations. And as I also said earlier, these peacekeeping operations are not within the traditional operations as we have known them in the past where we are upholding and enforcing a cease-fire agreement that has been reached by two or more parties. These operations have gone beyond that to peace enforcement where we are imposing a peace on recalcitrant parties. That requires more military expertise, weaponry, and requirements on the part of our own military as we have seen not only in Somalia but, of course, as we have seen in Bosnia.

The point of all of this is that what we are seeing happening in the Defense Department's budget is that more and more of the funds are being drawn from operations and the readiness account, indeed, from modernization, because even the administration has not been able to meet its own procurements modernization goal of $60 billion. The fact is a $17 billion gap in the modernization goal because that money is being drawn away into these operations.

I believe that the pressure to come up with more base closing rounds is premised on the need to finance these operations; that we will see whatever savings we can achieve from base closings will not be realized in the modernization accounts. The fact is we have no guidance from the administration in terms of what the administration is apt to spend on base closings because we know there are enormous up-front costs just in the environmental cleanup arena alone, not to mention all the other costs associated with base closings that require up-front expenditures. So we do not have the costs nor the real savings realized in the future. And yet at the same time we are spending more and more of the Defense Department's immediate funds on these peacekeeping operations for which we have not been able to precisely project what the costs will be in the future.

These missions have quadrupled since 1991. We can expect more of the same. And yet we do not have a comprehensive analysis of the impact of the four previous rounds. They have not been completed. They have not come through yet. And so the administration is now asking for two more rounds without even knowing what the previous rounds have exacted in terms of the impact on our forces, our mission, as well as our infrastructure.

We know that once a base is closed, it is lost forever; it is irreplaceable, and yet we have had no thorough analysis done on what the impact will be for the future. I believe that the pressure for more base closing rounds from the administration is due to the fact that more of these dollars are being siphoned away from modernization and into peacekeeping operations. So we could have two more rounds, but we do not know what the savings will be, we do not know whether or not it is going to go into modernization, and we do not know what the impact will be on our forces as well as our mission.

I believe we are relying on a flawed approach to achieve the savings from infrastructure reductions that have yet to be realized, and we are finding that the Defense Department is spending billions of dollars on contingency operations which have little or no relevance to our vital national interests, and yet we are willing to cut the heart out of our military infrastructure within our sovereign borders without fully evaluating the impact to our national defense.

The fact is I believe that we are on a collision course with less than expected savings from base closings and an increased number of contingency operations that will result in a further degradation of our force readiness and it will delay much needed procurement.

I realize that we are facing limited resources within the Defense Department's budget and within our own overall Federal budget, but we must also be concerned for our troops and our resources, that they are not overtaxed in support of these numerous contingency operations over which we obviously have had little control. We have to take a more judicious approach to the deployment of our forces in view of our constrained resources as well as protecting our vital national interests, not only for today but also for tomorrow.

So I ask the Senate to reject the amendment that has been offered by the Senator from Arizona because I believe clearly that we have to begin a thorough examination of what has already transpired before we take any future actions that we will regret, and at the same time I hope that it will put some pressure on this administration to begin a thorough reexamination of the necessity of constantly deploying troops in areas that perhaps they should not be engaged.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank both the chairman and ranking member of the Armed Services Committee for their handling of this bill and for their help in bringing it to this particular position. I particularly want to commend my friend, the ranking member, the distinguished Senator from Michigan, for his advocacy of this particular amendment. I am pleased to join as a cosponsor with the Senator from Michigan and the Senator from Arizona and others. But I recognize it is a very difficult amendment for all concerned, as the Senator from Michigan so eloquently explained a few minutes ago on this floor. I know his particular State was more impacted in terms of strategic air base closures.

My own State is more dependent on defense spending on a per capita basis than any other State in the Union. Year after year more defense dollars, per capita, are spent in Virginia than in any other State. So this is not a popular or easy issue in my own State. But I have tried to analyze the reasons why most of those who do oppose this particular amendment are opposed. It seems to me, Members are opposing another BRAC round for three principal reasons: No. 1, unwillingness to endure the pain of another closure round; No. 2, concerns about the accuracy of estimated savings; and, No. 3, concerns over the integrity of the process.

Regarding the pain of closures, I can only say that I see the choice as a simple one. We can either preserve jobs and facilities in our own States or we can provide desperately needed funding to ensure that our troops can fight and win in future wars, which, of course, is the reason that we have a national defense capability in the first place. By virtually every expert estimate, early in the new century we will simply be unable to fund a force necessary to support a very prudent and measured national military strategy.

During the cold war, our massive base infrastructure had substantial duplication built in because of enormous uncertainties about the scale and consequences of a strategic war with the Soviet Union. Much of that duplication we probably could have done without, but I would certainly concede that military construction in Members' home States or districts has undeniable appeal politically. But we no longer have the luxury of duplicating infrastructure just to keep the folks back home happy.

As many have noted, every dollar we keep spending on bases we don't really need is a dollar we cannot spend on maintaining end strength, replacing aging weapons systems, advancing our military technology to ensure dominance of the future battlefield, and keeping quality of life at a level that will ensure strong recruiting and retention.

The second rationale for opposing a new BRAC round stems from the assertion that because we don't know exactly how much we saved from previous BRAC rounds, that we should not go forward until we do. If we accept this rationale, however, we would never have another round of base closures, which I suspect would be just fine with many who cite this reason for opposing the effort. But if our net savings from another BRAC round are significant, although indefinite, it seems to me we ought to move forward now. Why should we postpone doing what we know we are going to have to do anyway, just because our estimate of savings are imprecise, as long as we know they are significant?

The reality is that the long-term savings from the first four-base closure rounds will exceed $5 billion a year when they are completed. It just so happens the Secretary of Defense is still seeking approximately that much money to meet the modernization objectives that he set forth in the Quadrennial Defense Review. New base closure commissions, if they are courageous enough to close the bulk of the remaining excess bases, should add billions in additional savings. If Members want to conduct more studies on exactly how much has been and will be saved by BRAC rounds, that's fine, but let's not hold up this process for a study that we know will tell us that billions will be saved.

The third reason Members are opposing a new BRAC round is their concern about the integrity of the BRAC process in light of the attempt to privatize-in-place the work at Kelly and McClellan Air Force depots, or ALC's. To avoid any future ambiguities about this matter, a provision here clarifies that privatization in place will be allowed only if the BRAC explicitly permits this at a military installation.

None of these reasons for opposing another base closure round, in my judgment, is compelling. The responsible thing to do, I believe, for our Nation's security is to cut excess infrastructure as soon as possible. Waiting will only delay the inevitable and cost our military billions in funds that are badly needed for maintaining force structure, supporting training and day-to-day operations, and adequately funding modernization.

I urge my colleagues, in this case, to make the responsible choice, the choice that the Secretary of Defense, that all of the service Secretaries, that all of the service chiefs and that all of the CINC's agree is the only responsible choice, and that is to begin another round of BRAC closures as soon as possible.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 771 TO AMENDMENT NO. 705

(Purpose: To require a report on the actual costs and savings attributable to previous base closure rounds and on the need, if any, for additional base closure rounds)

Mr. DORGAN. Mr. President, I rise today to offer a second-degree amendment to the amendment that has been offered by Senators MCCAIN and LEVIN, an amendment that was just supported by my colleague and friend from Virginia. I do this with great respect for the views of those who have offered the amendment on base closing. But I come to a different conclusion than they do on this subject, and represent that conclusion with a second-degree amendment. When I conclude my remarks, I will send my second-degree amendment to the desk.

I would tell my colleagues I offer the amendment on my behalf, on behalf of Senator LOTT, Senator DASCHLE, Senator THURMOND, Senator DOMENICI, Senator CONRAD, Senator FEINSTEIN, Senator DODD, Senator BINGAMAN, Senator BOXER, Senator BURNS, Senator LANDRIEU, Senator ROBERTS, and Senator FORD.

I am offering this second-degree amendment to the amendment now pending, which would authorize two additional rounds of base closures, one in 1999 and the other in the year 2001.

For those unfamiliar with the issue of base closures, they should know that we have established in this country previously, on several occasions—actually, through four rounds, but three of them really full rounds—something called the Defense Base Realignment and Closure Commission. And the Commission then begins to study what kind of military installations do we have in this country, where are they, what is their capability, and how many of them might now be surplus and might be closed in order to save money for the future. That is what the base closure process was about.

I have supported the base closure process on those occasions. I have voted for it and believed it was appropriate, as we downsized the military after the cold war, that we also then needed to get rid of the surplus in our facilities and save the money that we can save that is necessary for other areas, such as training and readiness and weapons programs and other priorities. So I have supported that in the past, believing that as you downsize force structure, you also are going to have surplus military installations that must, in fact, be closed.

In the process of doing that, we have ordered the closures in the rounds of 1988, 1991, 1993, and 1995. That resulted in the decisions to close 97 military installations in this country. The military is slightly over halfway through the process of closure of these 97 installations; slightly more than one-half of those bases have, in fact, been closed. In fact, the second base closure round is scheduled to finish this month, and those are the bases that the 1991 Base Closure Commission decided to close. The 1993 and 1995 closures, the third round and the fourth round, they will be shut down completely—and they are in the process now—but they will be shut down completely perhaps in the year 2001. So we have been involved in the substantial shutdown of military facilities under the Base Closure Commission process, have done it now for a number of years—9 years this process has been in effect—and now the proposal in this defense authorization amendment is to say, let's have two additional rounds of base closures.

What is the problem with that and why do I offer an amendment? Let me describe my amendment first and then describe the problem. I say in my amendment that the Secretary of Defense shall prepare and submit to Congress, to the defense committees of Congress, a report on the costs and the savings attributable to the base closure rounds before 1996, and on the need, if any, for additional base closure rounds. The rest of the second-degree amendment describes what we would like the Secretary to report to us on. The amendment also would prohibit the funding of further base closure commissions until the Congress has received that report.

But I would like to go through a series of charts, to tell you why I think there are significant questions that must be answered before this Congress should authorize one additional or two additional rounds of base closures.

The General Accounting Office, the GAO, which is the congressional accounting watchdog agency, says that ''Congressional auditors can't verify the estimates of base closure savings''; the Department of Defense ''cannot provide information on actual savings'' from the previous rounds; the DOD's savings estimates, according to the GAO, are ''inconsistent . . . unreliable . . . incomplete.'' That is the GAO.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, says: ''The Congressional Budget Office was unable to confirm or assess the Department of Defense's estimates of costs and savings because the Defense Department is unable to report actual spending and savings for BRAC actions''—in other words, the base closures.

The Congressional Budget Office also says:

> CBO cannot evaluate the accuracy of DOD's estimates without empirical data.
>
> The DOD does not track . . . actual savings that have accrued.

And on the specific subject of the McCain-Levin amendment, the Congressional Budget Office says this about additional rounds of base closing:

> The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

And then it says, and this is important for my colleagues to understand:

> That consideration, however, should follow an interval during which the Department of

Defense and independent analysts examine the actual impact of the measures that have been taken thus far.

Finally, CBO says:

Such a pause [or an interval] would allow the Department of Defense to collect the data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and the actual savings achieved.

That is not me. It is not a conservative or liberal or Democrat or Republican; that is the General Accounting Office, the GAO, the investigative watchdog, and the Congressional Budget Office, the nonpartisan Congressional Budget Office, saying that after all of these rounds of base closures, they can't get information about what have the costs and the savings been.

What has been the experience? What is the impact for the American taxpayer on all of this? How much do you save when you close them down? And what have been the costs of closing them down?

The Congressional Budget Office says it would be a reasonable thing to do to have an interval to really evaluate what are you doing, what are you achieving, how much are you saving. That is why I think it makes no sense for us in this authorization bill to proceed immediately now, before nearly one-half of the bases that have been previously ordered closed are closed, and say, ''Well, now, let's do two additional rounds. We don't know what the costs and benefits are of the previous rounds, we don't know what the savings to the taxpayers have been, we don't know what the costs have been, but let's order two more rounds.''

So I offer a second-degree amendment that says the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs attributable to base closure rounds. Let's get a full accounting before we move for two additional base closure rounds.

Let me respond to some of the other statements that have been made on this issue. Proponents of more base closures suggest more closures are needed to match the base infrastructure to our force structure. They say as the force structure comes down, clearly we should be able to close some bases, and that is true. But let's look at the figures.

According to Congressman HEFLEY, the chairman of the House National Security Committee's Subcommittee on Military Installation and Facilities, if you measure by plant replacement the value of bases in the United States and around the world, base infrastructure has fallen by 27 percent, very close to the one-third or 33 percent reduction in force structure. Other estimates of reduction in base structure are either not calculating the plant replacement value or they are calculating values of only bases in the Continental United States, which ignores the 43 percent reduction in U.S. bases overseas.

In addition to that, the military's operational bases—that is, the bases that host the combat units—are already closing down in proportion to the defense drawdown. For example, when all the BRAC rounds are done, the Air Force will have closed 22 of 74 major air bases, 30 percent; the Navy will have closed 10 of 17 naval stations, nearly 60 percent, and 12 of 29 naval air stations, 40 percent; the Army will have closed 10 major combat and training facilities, about one-third of those Army bases. So with respect to the operational bases, there has already been an appropriate amount of base closing done.

Proponents of the amendment to authorize two additional rounds of base closings say we need more base closing rounds in order to be able to afford new weapons. We will achieve savings from base closings and, therefore, be able to afford the new weapons programs. Let's examine just a bit what these arguments mean by asking what the savings from base closures are or will be or have been with what sketchy information we have.

There are various estimates of savings from the BRAC implementation period from 1988 to the year 2001. The Congressional Budget Office in December said they were not able to get very much information. They estimated, with what information they had, that we would save $5.3 billion in that period, this despite four base closing rounds in closures that began 9 years ago.

So, if this number is accurate, with sketchy information, yes, base closures save some money but very slowly, and if future base closing commissions decide to close bases in 2001, the savings would be available, again, very slowly perhaps by the year 2010. And the savings here are only estimates from sketchy information that both the GAO and the Congressional Budget Office indicate is unreliable and incomplete. They say the information on this is simply not available from the Department of Defense.

The Government Accounting Office and the Congressional Budget Office also say in closing military installations that the Department of Defense has not taken into account the full cost of environmental cleanup when a base is closed, the accurate proceeds from the sale of land in closing bases, the economic transition costs, especially those not funded by the Department's base closing program, the higher costs of operation at bases that gain missions from the bases that are closed and higher construction costs at the bases that gain missions.

In summary, Mr. President, my amendment is important because it would require the Pentagon to report to Congress on what have been the actual costs and savings in four base closing rounds over nearly a 10-year period. Until and unless we get information about what are the costs and benefits, I don't think we ought to legislate in the dark, and that is what we would be doing if we were to decide now to rush off and authorize two additional rounds of base closures without knowing the impact of, the costs of, or the benefits of the closures in the previous four rounds.

I am pleased to offer the amendment with some very strong support from some very influential Members of the Senate. The majority leader, Senator LOTT, is a cosponsor; the minority leader, Senator DASCHLE; the distinguished chairman of the Armed Services Committee, Senator THURMOND; and many others.

I think all of us feel the same way. There may be at some future date a need to reconcile further base capacity with troop strength. We understand that, we have understood that through four rounds of base closings. However, there will also be, and is now, a requirement that we understand exactly what we are doing, what are the costs and what are the benefits, and this would not be the time to authorize additional rounds of base closures prior to our having the information available on what we have done in the past.

One final point. All of us perhaps have some parochial interests, and I would certainly understand if someone said, ''Well, but you have some military installations in your State.'' Yes, we do, and I have supported previous base closing rounds despite the fact that we have military installations, and it would probably not be in my best interest to do that, but I supported that because I understand we must reduce capacity in these installations.

But, I also understand that every time you go through a base closing round, there are additional costs imposed on nearly every community that has a military installation that is not calculated anywhere on these papers, and that is the cost of the economic investment that doesn't happen and the stunted economic growth in a community because a potential investor says, ''That, community, I don't want to invest there at the moment. I want to wait a couple years to see if that military installation, that community is going to be there for the long-term future. If not, that region is going to have 20 percent unemployment, and the last thing I want to do is lose my investment.''

So community after community after community has imposed on it a stunted cost of economic development whenever we begin this process.

I am not here today to say I will never support another BRAC round, but this is the wrong time to initiate two additional rounds. If we look in the future at what the overcapacity might be, if there is, in fact, an overcapacity, then we should respond to that. But I do not want, in this circumstance, to authorize two rounds before we know the full cost, the full value and the full benefit of previous base closure rounds.

Mr. President, I ask unanimous consent that Senator FORD from the State of Kentucky be added as a cosponsor.

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

Mr. DORGAN. Mr. President, as I conclude, I send my second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. THURMOND, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, and Mr. ROBERTS, proposes an amendment numbered 771 to amendment No. 705.

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

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

The amendment is as follows:

After ''SEC.'' on page 1, line 3 of the amendment, strike all and insert:

. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the cost and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

Mr. DORGAN. Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I rise in opposition to the Levin-McCain amendment and in support of the Dorgan-Daschle-Lott amendment. Before I speak on the substance, I want to, again, take note of the tremendous leadership we are receiving from the Armed Services Committee chairman, the Senator from South Carolina, and the cooperation we are getting from the Senator from Michigan as they try to move this legislation through. They are doing an outstanding job. I know we will start a series of votes later on this afternoon, and we continue to look forward to completing this very important legislation before the week is out.

Mr. President, I have followed these base closure recommendations, so-called BRAC issues, now for many years. I was in the House when it was first proposed by a young Congressman from Texas, DICK ARMEY. I was a member of the Rules Committee, and he came to me and asked about how to get this procedure to be considered, to get it through the Rules Committee, to get it to the floor of the House of Representatives. I remember specifically telling him how the procedure would work, but assuring him from the beginning I would oppose it.

I have always been opposed to this approach. It is one more example of Congress not being able to deal with the tough issues of what we need in terms of facilities in this country and passing the decisions off—the tough decisions off—to others, in this case the Commission. I don't think that is the way it should be done, and that is not the way it was done until recent years.

In the past, the Pentagon, the Department of Defense, would make recommendations to Congress. Congress, through the appropriate committees—Armed Services and the Appropriations Committee—would consider those recommendations and, in some instances, base closures were approved, including facilities in my own State and probably most States in the Nation, and in others, it was rejected. But somehow over the years, it became more and more difficult to close these bases or to make decisions, to make changes in the bases, and so these so-called BRAC rounds gained some currency and were pushed and, in fact, passed through the Congress.

We have been down this old BRAC road before, three-and-a-half or four times, if you will. I maintain it has not worked well. First of all, we found that it is a very difficult process. There is always concern about the fairness of how it is done. There are always some implications or indications that some political considerations came into play, and there always will be. But also I think it is important that we remember what it does to the communities and to the people who are involved.

These are just not nameless, faceless people. These are bases in communities, communities that are disrupted by these proceedings, communities and States spending millions of dollars trying to prove the worth of their bases. So we know that it has had an impact on the communities where these bases have existed.

We know it has created problems for the Defense Department among the various branches. We know that it is almost totally impossible to assess the real damages or the benefits or the savings from these closings. We have seen this in instance after instance. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it has been very difficult to move toward closing those bases and getting the savings for no other reason than we have found, in many instances, that there are environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities.

To this day, the recommendations of previous BRAC's have not been completed. We have bases or facilities, depots that supposedly were going to be closed. They are not closed. So without having had an opportunity to really assess the damage that has been done to our capabilities and our facilities for the military of this country, without having an opportunity to really get these bases closed and, therefore, the savings achieved, we have now the recommendation that we have not one but two more of these base closure rounds.

I think that it has been a very dubious process that has caused lots of problems, and it should not go forward again with two more rounds until we fully understand the ramifications and the implications of what we have already done.

So that is why I think that the Dorgan amendment is a better approach. It doesn't say that we will never have another base closure round, although I can't envision myself voting for one in the future anymore than I have in the past, but it does set up a legitimate, logical process to assess what has already happened, what has been achieved in terms of savings as a result of those decisions, what it has done to our capabilities militarily, before we go forward with another round.

The amendment that has been offered by Senator DORGAN and others allows already authorized base closures and realignments to go forward, and that is important, I emphasize again, because what has already been agreed to has, in fact, not been completed. This would include the 97 base closures and the 55 realignments that have already been agreed to.

Economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The Pentagon estimates on the savings cannot be supported. GAO, for instance, recently concluded that the ''Department of Defense cannot provide [accurate] information on actual savings.'' The Congressional Budget Office has stated that it ''was unable to confirm or assess DOD's estimates of cost and savings because the Department is unable to report actual spending and savings for [these] actions.'' As a result of all these factors, CBO observed that additional base closures ''should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken * * * ''

The Dorgan-Daschle-Lott amendment sets up a logical process to review what we have already done before we go forward with recommended rounds in the future. The last Base Closure Commission concurred in the assessment and stated that another round of base closures should not occur until the year 2001—not 1999, as proposed in the Levin-McCain amendment. That is an important point. The last Base Closure Commission specifically recommended that there not be another one until the year 2001, if then, so that we could get our work done, see what happened, and then make an informed judgment about whether to go forward with it again in the future.

This amendment provides the Pentagon with the time to develop accounting techniques so they can fully and accurately reflect the costs and savings from previous and future rounds of base closures, and it requires the Pentagon to prepare a report on the financial ramifications of past and future base closures and to have the report reviewed by GAO and CBO.

In short, Mr. President, this sets up a process to take a look at what we have already done, evaluate it, make sure we understand the cost savings or the costs that have been expended to try to achieve what has already been agreed to before we go forward, and then and only then after that review should we make an informed decision about whether or not to have another round.

I am going to hand out to my colleagues when we start having votes a list that I had prepared of facilities and activities that were considered by the Base Closure Commissions in the years 1991 to 1994, but not closed. There is a long list. And I just want to ask my colleagues, whether they be from California or Connecticut or Georgia or Minnesota or my own State or any other State, take a look at what is on this list.

Think of what you have already been through, and think of the impact it would have on the military if some of these facilities, which are very fine facilities that are important for our training for the Air Force, for the Navy, if they should be threatened once again with being closed. Do you want that? So I will have this list, and I invite my colleagues from all over the United States to take a look at this list.

This should not be done. We should not be closing down needed facilities and needed bases in the United States while we are sending our military men and women on humanitarian missions around the world. We are looking after the needs and problems around the world. That is fine. But what about the impact and the needs in our own communities of our own constituencies and most importantly of the military itself?

I vigorously oppose the Levin-McCain amendment and I will go along with the Dorgan-Daschle-Lott amendment because I think it is a better alternative and that it sets up a logical process to evaluate whether or not we should ever have another Base Closure Commission.

Mr. President, with that I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). THE SENATOR FROM OKLAHOMA.

Mr. NICKLES. Mr. President, I want to join with my colleague from Mississippi in urging our colleagues to vote no on the McCain amendment.

Mr. President, the entire process dealing with base closure is a process that Congress entered into with the administration, a joint process where we said we would work together, set up a commission, a commission of experts, we call it BRAC, the Base Closing Commission, and they would make recommendations and send those to the President. The President would either accept it or reject it. He could not modify it. If the President did not agree with those recommendations, he could send it back to the Base Closing Commission and they could change it. But he has two options: He accepts it or rejects it.

Same thing with Congress. Under the procedure that was set up—I might mention, it worked quite well the first three rounds. The President took the recommendations; then he would forward those on to Congress, and then Congress accepted them. We could not amend it. We could not say that it included a base from the Senator from Montana's home State, the chairman of the Military Construction Subcommittee, so we will send that specific recommendation back, or maybe a recommendation to close a base in the home State of the Senator from South Carolina or Mississippi, those are powerful Senators, the chairman of the Armed Services Committee, and the majority leader respectively.

We did not touch those. We did not set it up that way. We set it up so an independent commission of experts, appointed and I might mention confirmed by the Senate, would work and work very hard. One of the toughest jobs around was for this commission to travel to all the bases on the so-called suspect list or the possibility list. They would visit these bases, and then they would make their recommendations.

I might mention in the process, they would probably terrify the individual communities and all the individuals associated with those bases. They would terrify them because they were afraid they might lose their job, they were afraid they might be on the final base closure list, they were afraid they might lose a job they think is a pretty good job—in all likelihood it is a good job, and they do not want to lose it.

So Congress had to—I don't know if it should be called collective wisdom,

but we said, ''Let's put it on this group, these real experts, a lot of retired military people, people that are going to spend the time and really investigate and analyze which bases should be closed.'' We have too much base infrastructure, so we had to close them. So that was the process. And it worked quite well the first three rounds.

Then in the fourth round President Clinton changed it. We had the same Base Closure Commission, a good commission. They made their recommendations, sent it to the President, and said accept it or reject it. President Clinton did neither. He said: Well, we're going to accept all the recommendations except for two, except for ones in California and Texas. There are a lot of electoral votes. We have an election coming up. So he did not accept the base closure recommendation.

He tried to modify it. He said: ''Well, we won't close two bases. We'll privatize them and keep them in existence.'' That was not what the Base Closure Commission had said. Congress did not have that option. We were not able to say, ''Wait a minute, we want to close all these on the list except for—'' We did not do that.

So the President, in my opinion, violated the law. And I think the law is very clear. Other people debated, ''Wait a minute. Does he have the flexibility? Does the Base Closing Commission give him the option to privatize in place or is this something he created?'' I think it is something he created. That was not the intent of the Base Closing Commission.

Could he fudge? Could he interpret it that way? Well, he did. So far he has gotten away with it. But that was not what the base closing law called for. That was not the intent of the Base Closing Commission. And certainly the President circumvented the will of the BRAC, and of the base closing process. I think he destroyed a lot of good will in the process.

A lot of people might have been willing to say, well, we might comply with another round, but I will tell you, you cannot comply with another round if you think the executive branch might violate that trust or politicize this process. And that is exactly what President Clinton did.

I might even read for my colleagues an op-ed article from the Washington Post at that time, July 14, 1995. I will just read this part of it.

> Over the past couple of weeks [President] Clinton has been engaged in a highly publicized effort to ensure that many of the jobs at McClellan Air Force Base in Sacramento will be privatized. That is rather disingenuous. If the privatization is real, it will merely perpetuate the expensive overcapacity that the base closing is supposed to reduce. If the private-sector jobs rapidly fade away after another election or two, the people who held them will rightly consider the whole effort a sham.

What he had was an effort to win votes, and again violate the process. And so should we have another couple of base closing rounds? I do not think so. No, not as long as there is not an understanding that we are all going to be in this boat together, the President is going to abide by the law and Congress is going to abide by the law. The President certainly did circumvent the law in this case.

I will read to you a quote from a speech President Clinton made in Texas. He said:

> On July 1st, you were dealt a serious blow when the Independent Base Closing Commission said that we ought to shut Kelly down. At my insistence and my refusal to go along with that specific recommendation, the Air Force developed the Privatization In Place Plan that will keep thousands of jobs here at this depot.

That was made October 17, 1995.

President Clinton is exactly right, he refused to go along with the specific recommendation of the Base Closing Commission. The point is, if he wanted to disavow the Base Closing Commission decision, he could have sent it back to the Commission. He said, ''I will agree with all these, but not these two.'' And that would have been the process to follow; he could have sent it back to the Base Closing Commission.

Maybe they would have reconsidered; maybe they would not have. But he did not do that. He said: I am going to accept and amend. And the law did not give him that right. So he violated the process, and created a new process, and one, in my opinion, where he undermined the credibility that we have under this law that worked in the first three rounds and did not work in the fourth round. He politicized the process.

Should we just have another two rounds? I do not think so. I just cannot see that Congress would allow another round or another two rounds and terrorize all these communities if they think, and the individual Members of Congress think, ''Well, wait a minute. Maybe we're not going to do this on military value. Maybe we're going to do it on politics. Because politics entered the last round, maybe politics will be in the next round.''

The President found a clever way of doing it. We do not have to close any base. We will just privatize in place. We do not have to lose any jobs. He promised in California—there were 8,700 jobs the day the base closures were announced, and he said, we will have 8,700 jobs in the year 2001. We will have 5,000 jobs a few years later than that. We will promise you jobs forever. That is not privatization in place. That is electoral politics.

And it is a real shame he introduced election politics into the base closing process, some real violation of trust for every single Member that had a base closed in any round—any round. If you were willing to say, OK, we will put our bases at risk since we are all doing it together for the good of the country, for the good of national defense, I am willing to leave my rights alone as a Senator to participate in this process for the good of national defense and the good of our country because we know we have to do it, we know we have to reduce excess base capacity, if we are not going to play politics a lot of people said they are willing to do that. Then President Clinton plays politics.

So, Mr. President, I strongly urge my colleagues to vote no on the McCain amendment. We should not have additional base closing rounds in this Senator's opinion until and unless we comply and until or unless we make absolutely, totally, completely, sure that politics will not be involved in any future round.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to support the Dorgan-Daschle amendment. I think that is the logical step to take at this time. I wish to commend the majority leader, Senator LOTT, the assistant majority leader, Senator NICKLES, for their excellent talks that they made on this subject. I wish to commend all others who took that position or the opposite position for participating in this debate. This is a very important subject. I am very pleased that so many Senators have taken part in this debate, which is very helpful to our country.

Mr. President, I am not going to make a long talk. We have had a lot of talk the other day. I expect to speak less than 5 minutes.

Mr. President, in my judgment, and that of many of my colleagues, the Secretary of Defense has not made a sufficient case for additional base closures. The one point that has been a common theme throughout the debate on additional base closures rounds has been the extent of actual overcapacity in the existing infrastructure. I am not satisfied that we have accurate data on this matter and should not vote for any additional rounds until we have an independent assessment of the overcapacity.

As a second concern is that I believe that the desire for supposed savings is becoming the sole driving force for additional base closure, without consideration of continuing requirements. The Department has not identified the upfront cost of doing another closure round and I am worried that, based on experience, most of the claimed savings will not materialize, or be used for modernization.

Mr. President, it is also important that the Congress understands on how the Department plans to proceed with the next BRAC and whether it will focus on facilities where excess capacity truly exists. I do not need to remind my colleagues that we have had four rounds of base closures, and that many of our communities have endured tremendous turmoil and great losses because of them. These communities were under the impression that the closures they endured would resolve the overcapacity problem. I recall the Department's claiming that BRAC 95

would be ''The Mother of all BRACs.'' In facts, this was a gross overstatement. I suggest that the Presidential campaign had a role in limiting the scope of BRAC 95, and the communities and the Nation are now bearing the consequences of that action.

Despite the stated good intentions of my colleagues, I oppose taking action at this time. We must have a better understanding of the excess capacity, what the future military requirements will be and how the Department will pay for this expensive undertaking. Until we have that information, I urge the Senate to vote against this amendment.

Mr. LEVIN. Mr. President, just briefly, a few comments on the BRAC amendment of Senator MCCAIN, myself, Senator ROBB and others.

First, on the cost question. The Defense Department has testified on the savings. Their testimony is part of the record. The Under Secretary for Defense, John Goodman, before the Readiness Subcommittee of the Armed Services Committee, testified that their estimate of net cost in savings are as follows: 98 major installations closed through BRAC, costs through 2001, when they would be fully implemented, $23 billion; savings through 2001, in billions, $36.5 billion. That is a $13 billion savings during that period, and then after 2001, recurring savings, every year, because we had the courage to pass four BRAC rounds, of $5.6 billion.

Now, that is our modernization shortfall. That is why the Joint Chiefs of Staff, every single one of them, plead with us, in a very direct letter, plead with us to support the Secretary of Defense in his request for two more BRAC rounds.

Now, there is no use coming to this floor and talking about the need to modernize or to make sure we have the most advanced forces in the world, the most ready forces in the world, with the highest moral in the world, when we are not willing to take the steps that are necessary to make those things possible. We know we are not going to get increases in the defense budget. We know we have a 5-year budget that we have to live within.

So the question, then, is, are we going to keep excess baggage, infrastructure, which the Defense Department says is no longer necessary? It is a tough choice. I could not agree more with my friends from Oklahoma and Mississippi and others who have spoken about the difficulty that communities go through. My communities in Michigan have gone through it and will again if we pass this BRAC round. Three Air Force base communities, all three SAC bases, gone. We know something about that. We know about the pleas that we made to the BRAC commission and the Defense Department. We know about that. We know the urgencies of those pleas. But there is no alternative.

History has proven over and over again that if you are going to get rid of excess infrastructure—and we know we have excess, and the experts are telling us that—it seems to me we have no reason to disbelieve the Joint Chiefs when they tell us we have this major surplus of capacity. The Chairman of the Joint Chiefs of Staff, General Shalikashvili, says we have more excess capacity now than we did when we started the BRAC process because we have reduced the size of our force. Are we listening? When we get these kind of pleas from the uniformed military not to waste money on bases that they cannot afford to maintain, are we listening to them, or are we going to take an easy way out, which is to say give us a report.

We have a report: the Defense Department. That is the report. That chart is the report for the Defense Department. Now, can they prove those figures so that they can be audited? No, these are estimates of the Defense Department. That same Congressional Budget Office which points out that the estimates cannot be confirmed with precision, also says this, which is not reported. I didn't hear the opponents of this amendment quote this part of the CBO report, although I may have missed it, in fairness to them. I didn't hear it. CBO believes that BRAC actions will result in significant long-term savings.

Now, we can delay it. They will be longer term. We heard the argument, ''Look how long it has taken for the environmental cleanup,'' and that is true. It will take longer if we don't close a base, to clean up that base environmentally, than if we do. We know that, by the way, historically. We have money to clean up bases we are closing where we don't have money to clean up bases that are staying open. If we are worried about the speed with which a base is cleaned up, they are cleaned up more quickly, I say, ironically and sadly, when they are closed than when they are kept open. That is a pretty sad comment, but that is a fact. That is the reality.

So if we want to speed up the environmental cleanup, you don't keep a base open to that purpose, and you surely don't delay closing bases which need to be closed if the environmental cleanup has taken too long. It will take longer if you delay the closing. Delaying closing of needless infrastructure does not speed up the environmental cleanup of that infrastructure; it delays the environmental cleanup of that infrastructure.

Now, we are talking here about a significant sum of money in this defense budget. I want to just repeat these estimates: $5.6 billion is the estimate. People say, ''Well, we don't have the dollars.'' Yes, we do. Here is the report from the Defense Department. There is the chart from the Defense Department. These documents here are the basis of that report. I am not so sure how many of us want to go through each one of these to see if those figures add up to the $5.6 billion, but here they are. The savings are real. Even the CBO, which says they can't confirm the precision, the accuracy of these estimates, says, again, CBO believes that BRAC actions will result in significant long-term savings.

We just got a report from Secretary Cohen addressed to Senator THURMOND, a letter that reads as follows: ''As the Senate moves to final consideration of its version of the FY 98 defense authorization bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001.''

Now, he is giving the estimate of the two additional rounds in terms of the recurring savings. I am sure this is what the next sentence means, because we had this testimony, in effect.

> We estimate two additional rounds would result in savings of approximately $2.7 billion annually.

I know from previous testimony he is referring to the recurring savings. That is a significant hunk of change, even in the defense budget.

And then he says something we ought to listen to.

> These savings are absolutely critical to the department's modernization plan.

He goes on:

> There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General to take an independent look at this issue. The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

I am going to repeat that before I continue because that is sort of the bottom line here.

> The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

And then Secretary Cohen goes on to say:

> The preliminary audit examined BRAC 1993 actions, including the largest Navy closure, Mare Island, and eight Air Force Bases closed or realigned. For these bases, the IG found that DOD overestimated costs by $148 million and underestimated savings by $614 million.

The IG's report is attached to his letter. This report goes through some of the reasons why they actually underestimated here the savings.

So, instead of, at least on this study by the IG, the bases actually saving us less than predicted, the closing of those bases that were studied by the IG turned out to save us more than was projected by a significant amount, and the reasons for it, again, were set forth in the IG's report.

There is another argument that we have heard, and that argument is that this action has been politicized. There will be arguments back and forth as to whether or not the privatization in place that occurred at two facilities was consistent or not with the Base Closing Commission. You can argue that either way. Obviously, the State that is affected positively by the President's or the Defense Department's decision feels it was perfectly within the

scope of the Base Closing Commission's report. The States which were negatively affected, in their view, by that decision argue it was not contemplated by the Base Closing Commission.

The Base Closing Commission report, however, says that these facilities ''consolidate the remaining workloads to other DOD depots or''—and that is the critical word for those who argue one side of this issue, ''or''—''or to private-sector commercial activities as determined by the Defense Depot Maintenance Council.''

Well, the Defense Depot Maintenance Council determined those two actions should be taken so that they could be privatized in place. I think that, at least, is reasonably, arguably, provided for by the Base Closing Commission report. It says ''or''—''to consolidate the remaining workloads to other DOD depots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council,'' as the alternative to consolidating the remaining workloads to other DOD depots.

Two options were laid out by the Base Closing Commission. The DOD followed one option. They privatized in place. But whichever side of that argument one takes—and we have heard both arguments—that is no excuse, even if one follows the view that that was politicized, that they should not have been privatized in place. They should have gone to other DOD facilities, and that was a political decision.

If one accepts that argument and concludes that is right, what reason would that be not to have future rounds of base closings? What we simply would do, as we have done in this bill, is to make sure that there will be no privatization in place in the future without the specific recommendation of the Base Closing Commission, which is created in this amendment. Why would we want to cut off our nose to spite our face, even if one believes that it was politicized? Why would we want to say we don't want to save $2 billion in the future because DOD or the President politicized the last round? We will cure the problem and disallow privatization in place, unless it is explicitly provided for by the Base Closing Commission—more explicit than the language that I even read.

Now, our amendment does that. We are not going to cure the perceived problem of this privatization in place action by denying future base closings and denying savings of $2.3 billion a year, which Secretary Cohen says is the estimated savings from the next two rounds of base closures. We are not going to cure that problem. We are going to make our problem worse, not better.

Now, we can address that problem, and some may want to do that with amendments on this floor. If they wish, they are free to try to offer amendments to reverse that decision. My own view is that we ought to make sure that that action is competitive and is certified by the inspector general of the Department of Defense as being a fair and open competition as between the various alternatives that are sought here.

Let the marketplace decide—that is my view—in a fair and open competition. But there have been some proposals that maybe there ought to be amendments to cure what is perceived to be that political problem. That at least addresses the problem. Denying future rounds of base closings, which will deny us savings of billions of dollars, doesn't cure the perceived inequity or unfairness that resulted, many feel, from the privatization in place decision of the Defense Department. We are not curing the problem. We are just denying ourselves savings.

So there is not a logical connection between those two actions. Now, I understand. If I were representing one of those three States, I know I would feel the same way they do. At least I think I would. I can understand that. We all represent States and feel passion for the States we represent. We all represent our States as advocates. We believe in them and we believe they ought to get a fair shake. When we don't think they got a fair shake, we are on the Senate floor pleading for our State. So I understand.

As I said, I understand the pain of base closing. We have been through it, and we might face more. But I also understand what the Joint Chiefs are telling us when they say we have excess, surplus baggage, that the infrastructure exceeds the number of personnel that we now have. ''The tail is too big for the tooth,'' as they say in the military. We have to slim down. When General Shalikashvili, who is a distinguished soldier, Chairman of our Joint Chiefs, says we have more surplus capacity now than we did when the BRAC closing process began, we should listen.

We are listening. We have offered this amendment to give us a chance to proceed to shed the excess weight that Secretary Cohen has asked us to shed, to save the billions that we need and cannot afford to waste if we are going to fully protect and defend the security of this Nation.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Arizona.

Mr. McCAIN. I thank my friend from Michigan for a very lucid and, I think, fact-filled discussion of this issue, which I believe has become more Orwellian in nature, if I might characterize it as that.

We are now debating whether closing a base will save money or not. If that were not the case, Mr. President, we made a terrible mistake at the end of World War II. We should have kept all the bases open that we built all over America during World War II and should not have closed any of them. I am, frankly, astonished.

Now, I think there have been valid arguments made over the process. There have been arguments made as to whether the process was politicized in the last round of BRAC. I think that there have been some valid points here. But, Mr. President, anyone in the world, I think, can understand that if you have to reduce a business, a corporation, or whatever it is, because the in-flow of money has been reduced, then you have to close a number of facilities because you don't have the business.

Mr. President, the military, in many ways, is a business. They are assigned a mission. They receive money to carry out that mission, and they build the facilities and equipment and hire the men and women to carry out that mission. Then, as that mission is reduced and the amount of money to support that mission is reduced, you shrink the size of the support establishment.

It is not really very complicated. To make an argument that a base closing does not save money over time, really, to me, defies all logic. Yes, there have been costs associated with base closings that were not anticipated. I will certainly agree with that. A lot of it had to do with environmental cleanup. But the fact is, Mr. President, that those costs would have been incurred anyway and probably would have been higher as years went by and the pollution and the environmental poisoning would have become greater. So to somehow say that because we had to clean up bases that were closing does not justify the bases being closed, that ignores the fact that sooner or later the environmental cleanup would have had to take place.

Now, Mr. President, if you have three bases and you only need two, then you need to keep paying the electric bill at the third base, keep the runways paved and the housing up and the grass cut. All of those are costs that are associated with excess inventory. So when you don't have the requirement for that inventory because the mission has been reduced—the funding in this case—then you reduce the support establishment. I don't know how it could be much less complex than that.

When we talk about CBO estimates, DOD savings estimates are inconsistent, unreliable, and incomplete, maybe they are. Maybe they are all those things. But you can't deny the fundamental fact that unless you believe we are going to increase defense spending, we have to have a better match-up between the support establishment and the operating forces, and that because our reduction in overall funding and our failure to implement the reductions in the support establishment is not matched up, we therefore are losing in this ''tooth to tail'' ratio, which the Senator from Virginia, Senator ROBB, has talked about on occasion.

One of the opponents of this amendment said that Congress should be doing this. I totally agree that Congress should be making these decisions. It is a lack of courage on the part of Congress that we have to turn to a

commission. But, Mr. President, it is perfectly clear that for 17 years not a base was closed, even though there was a requirement, in the view of one and all, to do so. It was because Congress didn't have the political will to do it. That is why we resorted to the Base Closing Commission.

Now, if I had the confidence that Congress would act in a responsible fashion and we would close bases as necessary, then I would not support the commission. But the record is perfectly clear that, for all those years, we were unable to close a base because Congress was politically paralyzed, so we had to give the responsibility and the blame to a Base Closing Commission.

The Senator from Michigan has already referred to the letter of the Secretary of Defense. I am told that a letter from the President is coming over. The inspector general of DOD found that, in some cases, they overestimated cost by $148 million, and they underestimated savings by $614 million. The inspector general is a well-respected individual, and her memorandum, which is contained in the cover letter by Secretary Cohen, I think is abundantly clear.

Mr. President, I don't like to drag out this debate too long. I think that some arguments have been made that I think are important to be made by the opponents of this amendment. I want to make it clear that if the Dorgan second-degree amendment is not tabled, the Senator from Michigan and I intend to have a vote on our amendment up or down. So we will raise that amendment again until there is a final adjudication by this body on the McCain-Levin amendment. I hope that the Dorgan second-degree amendment is tabled and we can have an up-or-down vote on the other.

The Senator from Michigan pointed out and showed the stacks of information that have been sent over to the Senate. The Senator from Michigan and others have pointed out the abundance of information that has been sent over by the Department of Defense and the forms and reports as to how much money has been saved and where and under what circumstances. Yes, we underestimated the environmental cleanup costs, but we have underestimated the environmental cleanup costs in every toxic waste site in America, not just on military bases. Those toxic waste sites are not going to go away just because the base remains open. Sooner or later, that problem is going to have to be addressed. So I hope that we will act in agreement.

One other thing. The letter from the chiefs of the services that came over, including the Chairman of the Joint Chiefs of Staff—many of the allegations I have heard quite often are that members of the military are empire builders, they never want to give up a base or a weapons system, and they never met a weapon system they didn't love. These individuals are calling for these tough decisions to be made because they know what will happen if we don't close these bases. It will not free up the money, which is absolutely vital, in their view, to modernizing the force and retaining the men and women we need in the All Volunteer Force, to provide sufficient funds for training and operations in order to keep our military the best in the world, because you can't siphon off all this money into support functions and expect us then to have enough money left over to carry out the operations that are necessary.

So, Mr. President, at the appropriate time, I will move to table the Dorgan second-degree amendment. I hope we can dispense with this issue as soon as possible.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to take a few moments today to talk about this process. I have to say that having gone through the three BRAC processes we have had in the past, having traveled from city to city to make the cases that we made, having fought very hard to try and make sure the process was honest and decent, having lived through it, where the defense depot in Ogden was shut down—we felt, for very poor reasons. The only reason was that it was more interior, it seems to me, than the bases on the various coasts. But it seems to me that that was one of its great advantages. It would be much more difficult to attack if we got into difficulty.

But we lived with that. We lived with the shutdown of the Tooele Army Base, which literally had the greatest heavy-duty vehicle repair facility in the world, just completed at a cost of almost $200 million to the taxpayers. And they shut down. Now they wish they had not because they now don't have the facilities or quite the same capability to take care of Army heavy-duty vehicles. It was a stupid thing to do. But that is what they did, in spite of the fact that Utahans have the chemical weapons destruction facility there. And we put up with all of the hazardous problems of storing chemical weapons in Utah and even transporting them around with various aspects in and out of Utah and with the chemical weapons demilling that we do there.

Utahans have always been very patriotic. They have supported the military as much, if not more so, than any other State in the Union, and I think the attitude is still that way in spite of some of these glaring inequities that have occurred. We lived with those. We can accept them.

I agree with the distinguished Senator from Arizona. We should shut down bases that do not deserve to compete, or really aren't competitive, or really are dealing with old, worn-out, less modernized facilities and also equipment, and work done on various less modernized pieces of equipment. But what we are getting very upset about lately is that we went all through this BRAC process, and we worked our tails off trying to make a case for the Hill Air Force Base and Ogden Air Logistics Command. We did. It came out No. 1 without question. It was the best Air Logistics Command in all of the Air Force—in all of the military. The work force was one of the best in the history of the country. And we won. So did Tinker Air Force Base. So did Warner Robins.

Mr. President, they won because they were more competitive. These three bases won because they could do a better job. They won because they literally made sense as far as keeping our Air Force modernized and working well with the best equipment possible. Three work forces appeared to be the best, and certainly Hill was No. 1. Since that has happened, Hill has gone down to about a 54 or 55 percent utilization of capacity.

I have to say this. With that low utilization of capacity, which should be up around 85 percent had the transition work been given to Hill, and which we hope will be given to Hill, if we could get it up over 70 percent of capacity, as high as 85 percent of capacity, Hill Air Force Base would be so competitive that nobody could compete with them in the world today. But at 54 or 55 percent, it means that the costs are much higher than literally they would be if we were utilizing the capacity in a fair and decent manner.

I have to say that we have had many Air Force people tell us they don't want to ever see Hill hurt because it is the best Air Logistics Command in the armed services today. But their hands are somewhat tied by the administration that is playing politics with the BRAC process.

The administration has indicated because there are two Presidential States involved that even though the full BRAC process said that McClellan Air Force Base in Sacramento had to be shut down and that Kelly Air Force Base in San Antonio had to be shut down, the administration has indicated they don't want them shut down. As a matter of fact, they are now talking about privatization in place. It is nice to talk about that if all things were equal—if literally good business principles were practiced; if literally there was not any stacking of the deck in either case; if literally the regulations that would be written would be fair. Maybe there could be an argument for that.

But the only argument that should be made for privatization in place is after the consolidation of the three Air Logistic Commands that won the competition. Once they are consolidated, then I have no problem with trying to place some privatization and have private companies bid on some of the work.

Keep in mind that one reason why we don't go straight to privatization is because during time of war, we want to be able, above all things, to be functional, and we don't want to have to

worry about whether prices are going to be jacked up by private companies, or whether or not we have the capacity to take care of the needs of our fighting men and women overseas, or for any other number of reasons.

Mr. President, the President's politicization of the BRAC95 process has become a common theme on this floor. I admire the willingness of so many of my colleagues on both sides of the aisle to explicitly state that privatization-in-place was not intended by BRAC, and that this deliberate evasion of the BRAC recommendations can only portend defeat for those seeking future BRAC rounds.

UTAH DOES NOT DESERVE TO LOSE THREE BRACS IN A ROW

My State, Utah, does not deserve to lose in three successive BRAC rounds. We lost 5,000 jobs from the closure of two installations, the Tooele Army Depot in BRAC91 and the Defense Depot at Ogden in BRAC93. But Hill Air Force Base, and the Ogden Air Logistics Center, is a different case.

Hill is the best of the best among maintenance depots, rated as a tier I installation. That means the highest military value. By contrast, Kelly and McClellan were rated tier III—meaning the lowest military value. To privatize at the worst depots is to demean the merits of the Air Force and BRAC decisions to preserve the best, and the best is the work force at Hill.

I can make the case that BRAC91 was wrong. The Army put $250 million into the finest consolidated maintenance depot for wheeled combat vehicles in the world. A couple of years later, it shut it down and moved the work to the Red River Army Depot at Texarkana. Then what do you think happened? Red River was designated for closure! But it gets worse—DOD virtually abandoned Tooele until the Tooele County Commission, to its everlasting credit, aggressively beat the bushes for users, successfully bringing Detroit Diesel onto the former base.

The point is that Utahns can and do turn bad situations into successes. We can deal with adversity, but we do not have to deal with the type of unfairness and outrageous discrimination that is being dealt to my State by the President.

Let me remind my colleagues that Hill met the best of the BRAC95 parameters, which included military value and return on investment.

Utah is a terrific investment for the Air Force and the Nation:

DOD is mindful of Utah's value for the same reasons that domestic and foreign businesses flock to the State. And they certainly don't come because of our political clout alone—after all, we have only five electoral votes.

Utah's attraction lies with its people, its business climate, its youthful and well-educated work force.

The State has the highest educational level in the United States, according to the U.S. Bureau of Labor Statistics.

Money Magazine and Business Week, among other sources, repeatedly cite it as the best place to do business, the best place to live, and the so-called Software Valley of the World.

And its workforce is the youngest in the country and teeming with skilled college graduates who work. Ask any business in Utah about the Utah work ethic; in fact, ask the BRAC commissioners! Ask the Air Force!

In a few words: Utahns are the real return on investment, and it is why the Air Force and BRAC have heavily endorsed the retention of Hill.

Utah's military value is unmatched. The BRAC commissioners didn't miss a thing in assessing Hill's military value. It hosts the gateway to the Nation's largest exercise site, the Utah Test & Training Range, covering 2,675 square miles. This is the only range in the world on which every active Air Force aircraft can exercise—keep that point in mind. If Hill is not properly used, or if the President's privatization deception causes an underutilized Hill to suffer in a future BRAC round, I will tell you now that this range will not longer be available to DOD. It is just that simple. People in Utah are going to turn against them.

Even though we have been the most patriotic State, or equal to any other patriotic State in the Union.

I will not allow the citizens of my State to become a DOD trash can—dumping bombs on our fragile terrain, using our remote regions for developing chemical defenses or demilitarizing dangerous chemical munitions, for example. We tolerate as day-to-day sacrifices certain activities that we see other States revolting against.

We want Hill's military value appreciated and developed precisely the way that BRAC intended, and that means consolidating core workload at Hill. We want this work at the best depot. Like most other Americans, we do not want privatization of the workload at the site of the worst depot. We want the ICBM depot at Hill to flourish, the F–16 logistics management program, and the C–130 depot programs to be expanded as intended. We deserve—because we have earned—the F–22 and Joint Strike Fighter depot programs over the next decade.

Hill does not work well at the current 50-percent capacity usage level, nor at the 66-percent level which it would have in the outyears if privatization in place occurs. We work best when we are at full capacity, and that is why BRAC directed a consolidation package that would put Hill at 86-percent utilization in the year 2001. It was done, to repeat myself, because Hill is the best of the best.

HILL REFLECTS THE UTAH ''CAN-DO'' SPIRIT

Mr. President, Utah is a State populated initially by pioneers who lived and overcame adversity—even in the face of outrageous unfairness and persecution. Today, the Old Mormon Trail is alive with men and women of all ages, and of all faiths, who are re-creating that spirit as they trek toward Utah.

We overcame the unfairness of Tooele Army Depot loss, as I mentioned.

Despite our remote location, we are a literate, sophisticated State with 17 percent of the Utah adult speaking a foreign language, most fluently.

Our small State with just over 1 million persons in the work force, has over 1,800 information technology and computer software companies.

Our unemployment rate is 3.5 percent, while our job creation rate is twice that of the United States at 7.3 percent.

And, we are the fifth fastest growing State.

Mr. President, I could go on—but my point has been made, I believe. It is that, like many other Members of both the House and Senate, we demand fairness. When we appoint an independent commission, we expect its recommendations to be honored by a Chief Executive who is President of all the people, not just those with the greatest number of potential votes.

PRIVATIZATION IN PLACE

Mr. President, the Base Realignment Commission—BRAC—issue that affects us most deeply is the evasion of the BRAC recommendation to consolidate workload at a public depot or at a commercial private sector facility. This BRAC recommendation has been distorted by the Clinton administration to allow what has now become known as privatization in place.

In the next few minutes, I will present eight reasons why privatization in place will not work. It is not economically feasible, and it is inherently unfair to the public depot competitor:

First, it will worsen already deteriorated efficiency in the depot system;

Second, GAO has identified current wasteful depot practices that beg reform, something that privatization in place can't provide;

Third, past depot reforms have not succeeded;

Fourth, the problem of excess capacity is not solved;

Fifth, it will not produce promised cost savings;

Sixth, the best depots are being sacrificed on a shaky political alter;

Seventh, the case for privatization in place has yet to be made; and

Eighth, the privatization-in-place competition lacks the elements of fairness expected in Government solicitations.

PRIVATIZATION-IN-PLACE WILL COMPOUND IDENTIFIED DEPOT INEFFICIENCIES

Mr. President, the Depot Caucus is an informal group of Members of Congress with strong interests in averting the problems of depot waste and inefficiency. Our goal is to ensure the availability of high-readiness equipment to our Armed Forces.

Depot operations are part of service logistics, which is probably the most difficult of all military specialties.

Even some of history's top military strategists, Napoleon and von Clausewitz, to name two of the greatest, failed to insert military logistics into their battle plans and strategies. Yet, military logistics has long been one of the great strengths of our military services. It has also been an undeniable cause of our success on the battlefield.

My point here is that we cannot afford the inefficiencies and waste that privatization in place will bring to an already cumbersome depot system in DOD.

GAO HAS FOUND DEPOT OPERATIONS WASTEFUL AND INEFFICIENT

GAO has identified $2.5 billion of losses over 4 years directly related to an Air Force depot system that is already encumbered with 40 percent excess capacity. In its May 1997 report on defense depot operations, the GAO said ''DOD consistently experienced losses [in depot operations] * * *, and has had to request additional funding to support their operations.''

Why do I raise this specific point? Because depot operations are expected to at least break even. That has always been one of the Air Force depot system's ever-elusive goals. But, instead, the system will sustain operating losses for fiscal year 1997, which the Air Force estimates at $1.7 billion. This exceeds even the GAO forecasted losses.

Let me add that operating losses is an auditor's term of art. GAO's mandate is to audit organizational and operational procedures to evaluate efficiency and effectiveness, predictors of program quality.

DEPOT FINANCIAL MANAGEMENT REFORMS HAVE HELPED ONLY MARGINALLY

This is not to say that DOD hasn't been working the problem; it's just not getting any better. Let me give you an example.

In 1995, DOD streamlined the financial management of its depot operations by devolving control over depot financing from the office of the Secretary of Defense to the military services. This reform shifted accountability for the Defense Business Operating Fund [DBOF], placing it at the service level. I share GAO's demand for better accountability. But the problems plaguing DBOF just followed the so-called reforms.

First, the Air Force, not unlike the Navy, advance billed its customers, which are the military units sending equipment to the depots and which pay for the services of the depots. The advance billing came to $2.9 billion, which was to ensure that sufficient cash balances were available to pay for the goods, services, and other stock items required by the depots to service the assets. Still, the Air Force will operate this year at the $1.7 billion deficit that I mentioned earlier.

The second point regarding this reform is that there is simply too little demand for depot service. It's a classic supply-demand problem that every undergraduate encounters in textbooks. I suggest to my colleagues that if they owned a chain of auto repair facilities—let's say 5—and there was significant excess capacity, the logical thing would be to close two garages and consolidate the work in the remaining three. Unlike a lot of what the Air Force does, this is not rocket science.

But, I can't place too much blame on the Air Force. They have four big problems, the last of which is beyond their control:

First, they're faced with 40 percent overcapacity;

Second, they have a resulting $1.7 billion deficit this year;

Third, there are gross inefficiencies and distortions that always accrue to business planning when you have to advance bill your customers; and

Fourth, they now have some members of their board of directors, including Congress, telling them to throw caution to the wind and sustain these inefficiencies anyway!

Many Members of this body have run businesses. Is there anyone here who could keep afloat under these conditions?

My last point on current inefficiencies is that these problems were not unknown before we compiled the Defense depot provisions in the bill before us today.

You'll recall that during the BRAC process we used a sophisticated analytical modeling technique called COBRA [Cost of Base Realignment Activities]. The parameters and formulas applied by the COBRA model long ago uncovered the same problems. Academicians say that a model's strength is related to its ability to predict and explain. The accuracy with which BRAC uncovered, explained, and predicted the problems that we are discussing today suggests COBRA's efficacy. Perhaps some other agencies of government ought to try it.

THE PROBLEM OF EXCESS CAPACITY

Mr. President, the GAO testified before the Senate Defense Appropriations Subcommittee hearing last month. In his testimony before that panel, the Assistant Comptroller General made the following observation on excess capacity. DOD's 40 percent excess capacity, he said, ''is a significant contribution toward inefficiency and high cost of DOD's maintenance program and in generating significant losses in the depot maintenance activity group of the services' working capital funds.'' This was in further reference to the annual $1.7 billion annual Air Force depot system loss referred to earlier.

Still more importantly, the GAO testimony continued—and I want to emphasize the following remarks:

> The Air Force's plans for implementing BRAC recommendations will do little to reduce excess capacity and will likely result in increased depot maintenance prices.

Here, of course, the GAO witness was referring to Air Force proposals to implement privatization in place to avoid the BRAC recommendation for the consolidation of workload to depots or other commercial private activities. In the case of San Antonio and Sacramento, this expressly excludes privatization in place as an alternative to closure.

Mr. President, as a customer of the depot system, you don't have real market choice if you cannot utilize alternatives to suppliers who lock you into higher prices. My point is that depots are forced to be inefficient, both as competitors as well as business operators, where we deny them the opportunity to rid themselves of excess capacity to bring down costs.

The problem of waste gets worse. GAO found a $689 million loss from continued excess capacity related to the DOD privatization in place plan. If you multiply this amount over 6 years, which is the statutory period for the phase-out of BRAC closures, the loss to the taxpayers is a staggering $4.1 billion. Imagine what it would be if an 8-year contract, as proposed in the McClellan competition, were to be awarded!

Again, I plead with my colleagues who have been in business to stop and think about this—could you keep your customers if you just kept raising prices, while requiring them to disperse badly needed operating funds to pay for services in advance?

It may be great theater, but it's a lousy business practice. And it is even worse as public policy. We are gouging the taxpayers to subsidize such outrageous waste. We need to put a stop to it by preventing privatization in place.

PRIVATIZATION IN PLACE DOES NOT PRODUCE COST SAVINGS

Mr. President, GAO has also criticized the overly optimistic assumptions about cost savings that were anticipated from privatization in place where it had been authorized. I repeat: where authorized, to distinguish from the plain language of the BRAC recommendation regarding Sacramento and San Antonio, which stated ''consolidation . . . to commercial private sector activities,'' which in no way allows the inference of privatization in place. Privatization in place was not intended. This is a point clearly made by the ranking minority member of the Readiness Subcommittee and junior Senator from Virginia on this floor last Thursday evening.

But, let me turn to a case study where privatization in place was directly recommended by BRAC. Let's look at the results. I refer to the BRAC 1993 decision regarding the Air Force Aerospace Guidance and Metrological Center located at Newark AFB, Ohio. GAO performed an audit of facility operations under privatization in place and found that the Air Force itself estimated costs to be $9 to $32 million higher than those before the operation went private. In fact, I was told by the Air Force over the weekend that there remain nearly 150 government employees at the site.

Despite this history, the solicitation for privatization at McClellan is actually forecasting a 25 percent cost savings! Every sensible government accountant that I've spoken to claims this figure is at best vastly inflated.

THE PRESIDENT IS SACRIFICING THE BEST DEPOTS ON A SHAKY POLITICAL ALTER

Politicization of the BRAC process is risky both economically and militarily. The consequences are already quite clear:

Both the House an Senate will deny the President future BRAC rounds. Who among us can support continuation of a process that has become blatantly political? Who is willing to roll the dice with the livelihoods of workers in their States, let alone the lives of our servicemen and women?

We are denying DOD critically needed modernization moneys that were to come from the BRAC savings.

Worse, still, we are courting the serious deterioration of combat efficiency and safety if our armed services do not get technologies—technologies which are already in the hands of our adversaries, some of them Third World countries.

There is not the least likelihood that demand will rise to meet the sustained levels of excess capacity perpetuated by the President's actions. For example, modern weapon systems have reduced programmed depot maintenance. The F–16, for one, has no routine depot-maintenance requirements. And that aircraft is to be replaced by the Joint Strike Fighter, which has even a longer mean-time-between-failures requirement—MTBF means the average that a system can operate without major replacement or overhaul. The F–22, which will replace the F–15, also has no programmed depot maintenance.

But the problems of excess capacity get worse. GAO has calculated that the 5 depots left in place will have 57 million direct work hours to perform 32 million direct work hours of labor, and, the requirement will fall by over 37 percent to 20 million direct work hours by 1999. This means that the depot system will have over 2½ times the amount of labor it needs.

Mr. President, the President's politicization of BRAC is costing our defense structure the best of the best.

The BRAC decision could not have been more clear. Hill AFB was a Tier I depot, meaning that it had the highest military value. San Antonio and Sacramento, by contrast, were Tier III—or installations which had the lowest military value. The ratings were made by the Air Force and used extensively in the BRAC rounds. Yet, the Air Force is now being brow-beaten by its political masters in the Clinton administration into renouncing its own objective rankings.

At the same time, these Tier III installations are being extended the same rewards that were fairly won by the hard work of the Utah, Georgia, and Oklahoma bases. Mr. President, what does this say for merit? Or, will the Senate merely go on record with the message that lots of electoral votes carry the day?

What statement are we making to motivate government employees to provide their best effort? How much political distortion and corruption of good performance are we willing to tolerate?

Let me put a more positive face on some of these problems. Let's consider the value to the taxpayer of pursuing the BRAC recommendations, that is, keeping the best, while eliminating the poorer performers. According to GAO, the elimination of the San Antonio and Sacramento depots, as proposed by BRAC, would produce the following gains:

Excess capacity, by 1999, would fall from 65 percent to 27 percent. On the other hand, if the bases are not closed, San Antonio will have 89 percent of its maximum capacity idled, while Sacramento will be at 90 percent;

Average hourly rates would be reduced by $6 per hour; and

That $182 million would be saved annually from these types of economies of scale and efficiencies.

Regrettably, I have to say that the President's attitude toward the noncoastal Western States, and especially my own State of Utah, cannot escape our attention. It should be foremost in the thoughts of every Senator from this region.

The President has repeatedly interfered with, tried to disrupt, and tried to knock off course the most economically vibrant regional economy in the Nation.

Need another example? Among other punitive land use regulations, he has usurped without prior consultation 1.7 million acres of land in my State, arbitrarily removing them from economic development and other generally beneficial uses. I refer here to the grand Staircase-Escalante National Monument.

It troubles me substantially that the President, even though he is in his second term, is simply not acting as the President of all the people and all the States. He is acting as the President for the large, electorally rich States. If this were not true, the decision to implement the BRAC recommendation would be a no-brainer.

THE PRIVATIZATION IN PLACE COMPETITION IS INHERENTLY UNFAIR

Mr. President, I have done a thorough assessment of the proposal for privatization in place at McClellan. I find two major flaws that starkly stack the deck against the public depot and favor private bidders.

First, the public depot bidders are forced to bear an unfair share of the costs of transitioning the Sacramento depot from active Air Force status.

The DOD Cost of Competition Handbook stipulates that both public and private bidders must cite the transition costs in their bids. However, the private bidder doesn't include the costs of early retirement, separation, or relocation for workers at Sacramento who lose their jobs. But the public depot shows it as an accounting charge because it's paid by the taxpayer.

This becomes a form of double accounting. In fact, BRAC intended, and Congress provided the moneys, to fund personnel transition costs regardless of who wins. Yet, the impression is left that this is a cost that will be integrated into the depot's cost to its customers.

Second, the private bidders get substantial financial and performance advantages from the use of the excess capacity intended to be closed by BRAC.

The local redevelopment authority can determine its own cost of leasing the facility to the private bidder. What an incentive. There is nothing to keep the leasing agreement from covering just about anything, such as depreciation writeoffs, improvements, and even equipment and facility maintenance. All of this allows the private bidder to be artificially low.

Yet another inequity denies the public depot from beginning military construction related to the workload transfer until the contract is awarded. This means the work must be performed at the Sacramento location for an indeterminate period of time, adding to the public bidder's cost. And, of course, reducing the fairness of the competition.

The McClellan bid consists of a 5-year contract with three 1-year options, for a possible total award of 8 years. The options are performance based. This means that the LRA is certain to expend moneys on facilities maintenance in order to allow the private contractor to achieve better productivity, and through that level of performance, ensure the option awards. The public depot, on the other hand, must invest in facilities modernization and reflect this investment in its cost.

THE CASE FOR PRIVATIZATION IN PLACE JUST CAN'T BE MADE

Mr. President, on the basis of all available evidence, we should conclude that privatization in place cannot fairly or reasonably produce cost savings. More likely, it will contribute to waste and inefficiency. In support of this proposition, I want to make the following closing arguments:

First, depots are already among the most critical or so-called high-risk areas of the Federal Government.

High risk is a special designation used by GAO to alert Congress to areas that are highly vulnerable to waste, fraud, abuse, and mismanagement.

Second, GAO has already forecast that, by the end of fiscal year 1999, San Antonio will have 89 percent of its maximum productive capacity as excess, while Sacramento's excess capacity will be at 90 percent. Both of these levels are more than twice the current 40 percent excess capacity that we are arguing about today. In other words, the problem is going to be doubly bad by the end of the next fiscal year if we don't solve it now by ending privatization in place.

Again, these problems are caused in great part by diminished workload requirements related to force downsizing. Yet, as I said earlier, it is the savings generated by reducing infrastructure that are fueling our ability to modernize our equipment, something that almost every Member of this body knows is necessary.

Third, GAO told the Appropriations Committee panel that: ''the Air Force has the most serious excess capacity problem.'' The combined losses could reach about $500 million if the Sacramento and San Antonio facilities are kept in the inventory.

Let me remind my colleagues of the value of the BRAC findings that I mentioned earlier. I need to repeat this: in making its determinations regarding both these depots, BRAC leaned heavily on the Air Force's own designation of the Sacramento and San Antonio ALC's as so-called Tier III installations. This means, as most of us involved in the BRAC process will recall, that the installations had the lowest military value. I challenge anyone to argue that there is some redemptive value that could follow from the revival of installations that the Air Force itself realized should be closed.

I might add, Mr. President, that Utah has been on the low end of the BRAC process in other areas. My State has lost two installations. I must admit that I fought hard to prevent those losses. I do not deny the trauma that the closure of such a large military facility causes States and communities. And, I admit that if the situation were reversed, I might be making the same weak arguments my colleagues from California and Texas are making today. I am well aware of what is at stake for my colleagues from Texas and California.

But, this does not excuse the Clinton administration from its responsibilities either to the defense of our country, to the ensuring the safest possible equipment for our servicemen and women, or to the taxpayers who are footing the bills. The President needs to take the broad view. And, by rejecting the BRAC recommendations—and compromising the entire BRAC process for unsupportable political reasons—he clearly has not.

We should not tolerate diversions from, or the politicization of, the BRAC recommendations. The very nature of downsizing means that there will be losers and survivors. We must make every effort to protect the integrity that the process itself demands.

But, more importantly, one of our essential duties under the Constitution is to provide for the common defense. Congress and the President have the ultimate responsibility for the support of our Armed Forces. It is a duty we cannot delegate. I simply ask each of my colleagues these questions:

Do we fulfill that duty when we knowingly allow diversions that produce gross inefficiencies in the operation of military services from the recommendations of an independent commission?

And do we honor our obligations by denying funds produced by these recommendations for the provision of technologically superior equipment and training for our fighting men and women?

We need to affirm our duties and obligations. Only then will we take a major step toward giving our citizens and our fighting men and women the type of defense the country expects.

Mr. President, let me just say, in conclusion, that I want this process to work. It is very difficult for me to support a future BRAC process if this is going to be politicized the way we see it being politicized right now. After all, the pain, suffering, inconvenience, and difficulties in traveling around the country and meeting time after time with the military, with the various administrations, and so forth, to have to put up with what is going on right now is just unacceptable.

Frankly, I can't support a future BRAC process if that is the best we can do with this one, which I thought was fair and which came out with very tough decisions. They weren't easy. I feel sorry for anybody who has lost anything. But we have lost plenty, too.

All I can say is, if we lose this, then I am never going to get over it. I don't think the people of Utah are going to get over it, and I think, frankly, the country will be poorer for it, and I think our national security interests will be poorer for it.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator SESSIONS and Senator INHOFE be added as cosponsors to amendment 420 offered by Senator COCHRAN.

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

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jeanine Esperne of Senator KYL's staff be granted privileges of the floor during consideration of S. 936.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that at 5:30 p.m. today, there be 15 minutes of debate equally divided between Senator WELLSTONE and Senator THURMOND, or his designee, and 15 minutes of debate between Senator GORTON and Senator INOUYE; and, immediately following that debate, the Senate proceed to vote on or in relation to the Wellstone amendment 670, to be followed by a vote on or in relation to the Gorton amendment 424, to be followed by a vote on or in relation to the Dodd amendment 765; and, finally there be 2 minutes for debate equally divided before the second and third vote.

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

Mr. THURMOND. Mr. President, I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is the Dorgan amendment with reference to base closures pending?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I would like to speak for a few moments on the subject. I will not take long.

Mr. President, I rise in support of the Dorgan-Domenici amendment to require the Department of Defense to submit a report to Congress detailing the costs and savings of previously authorized base closure rounds and on the need, if any, for further base closure rounds prior to the Congress authorizing the Department to move forward with additional closures. This amendment stands for a simple proposition. It says that as Members of Congress we will take our oversight responsibilities seriously when major decisions that affect the lives of all Americans are on the table. It says that we will take a long hard look at where we have been before we chart a course for where we are going. We owe the people we represent a commitment to carefully analyze what the last four rounds of base closure dating back to 1989 have accomplished before we decide to give the authority to the Department of Defense to conduct two more base closure rounds. This amendment does not say that additional base closure rounds are not necessary, or that they will not be needed in the future. This amendment simply requires that the Congress be able to have essential factual data about the costs and savings associated with previous rounds before we authorize legislation that would give the Department of Defense the authority to conduct new rounds. This amendment is reasonable, it is fair, and it offers a common sense approach to the serious modernization problems we face.

Mr. President, I want to make clear before I begin that I understand the argument of those who say that BRAC savings are an important part of the funds that will finance the future modernization of our Armed Forces and keep our military the most technologically advanced and lethal fighting force in the world. I understand that the Quadrennial Defense Review and the National Defense Panel established by the Congress concluded that further reductions in the DOD base structure are essential to free up money we need to modernize our forces. I am aware that in a recent letter, all members of the Joint Chiefs of Staff urged the Congress to ''strongly support further reductions in base structure proposed by the Secretary of Defense.'' Nevertheless, Mr. President, the question is not whether the savings are needed, the

question is will the necessary savings for force modernization be present if we conduct two more rounds of closure? In that regard, no one can guarantee that the savings will be present after two more rounds. No one can guarantee the projected savings from previous rounds will be what they are currently estimated. The QDR did not guarantee the savings will be present, the National Defense Review Panel has not assured the Congress that the savings will be present, and the Joint Chiefs of Staff has not assured the Congress that the savings will be present if we close more bases.

There have been four rounds of base closure—1988, 1991, 1993, 1995. They have resulted in decisions to close 97 of 495 major bases in the United States. Between 1990 and 2001 the DOD estimates that BRAC actions will produce a total of $13.5 billion in net savings. After 2001, when all of the previous BRAC actions must be completed, steady State savings are estimated by the DOD to be $5.6 billion per year. CBO estimates that it will cost $23.4 billion to close all 97 bases. These costs are mostly due to environmental cleanup at closing bases, 30 percent, additional operations and maintenance at receiving bases, 35 percent, and additional construction and renovations and receiving bases, 30 percent.

CBO projects at total of $57 billion in savings by the year 2020. CBO estimates that DOD will save about $28.7 billion during the BRAC implementation process, 1988–2001, which means a net savings of only $5.3 billion during those years. Half of the $57 billion in savings are projected to come from lower operations and maintenance costs; a quarter from less spending on personnel, including civilians whose jobs are eliminated; the remainder comes from projected land sales.

Mr. President, the main question we must ask ourselves is how reliable is this cost savings information? The answer, unfortunately, is that no one really knows. Not the Department of Defense, not the Congress, not the President.

We in New Mexico have had a fair amount of experience with the base closure process and one fact that we have learned is that what the Department of Defense estimates in savings cannot, and should not be taken for granted. We need to examine carefully whether the savings promised have some basis in reality. The responsible choice is to see where we have been before we set a course of where we are going.

For example, during the 1995 BRAC process the Secretary of Defense recommended that Kirtland Air Force Base undergo a major realignment. Before we took a long hard look at their numbers for costs and savings, the Department of the Air Force estimated that it would spend $277.5 million to realign the base while projecting a $464.5 million in savings over 20 years.

Mr. President, what would you say if I told you that not only did we find that the Air Force's costs and savings were wholly inaccurate, but that after careful analysis by my staff, knowledgeable members of the community, and others in the congressional Delegation, the Secretary of Defense for the first time in the history of the BRAC process wrote to the BRAC Commission and told them that "* * * the recommendation for the realignment of Kirtland Air Force Base no longer represents a financially or operationally sound scenario."

Specifically, we found that if the Air Force major realignment of Kirtland Air Force Base passed that the Department of Energy would have to assume $64 million in conversion costs and that it would cost an additional $30.6 million per year to maintain the safety, security, and viability of the critical base operations that remained.

Mr. President, the New Mexico experience with BRAC may be unique, but it serves to make the essential point that we are making with this amendment. The driving factor behind base closure decisions should continue to be the overall cost to the taxpayer. In our case, the original half-billion cost savings turned out to be a half-billion new cost to the taxpayer. The message of the New Mexico experience is that we need to carefully examine the Department's projected costs and savings in order to thoughtfully determine whether it is a wise decision to give the Department of Defense the legislative authority they need to conduct additional base closure rounds. The Dorgan-Domenici amendment will give the Congress the necessary data to make this decision in a thoughtful and precise manner.

Mr. President, the Senators from New Mexico and North Dakota are not the only people who think that the Department of Defense's current costs and savings projections may not be reliable. The Congressional Budget Office says it "cannot evaluate the accuracy of DOD's estimates without empirical data." In even stronger words the CBO states that the "Department is unable to report actual spending and savings for BRAC actions." CBO recommends that, "Congress could consider asking DOD to establish an information system that would track the actual costs and savings of closing military bases. The system could apply to BRAC IV bases because DOD is just beginning to shut down those bases and virtually all the work remains to be done."

In addition to the CBO's analysis, the Government Accounting Office had this to say, "DOD cannot provide accurate information on actual savings because (1) information on base support costs was not retained for some closing bases and (2) the services' accounting systems cannot isolate the effect on support costs at gaining bases."

Mr. President, the task we have before us is clear. My advice to Senators is to make the responsible choice and let us take a careful look before we leap into two new rounds of base closure. There will be enough time for the Department of Defense to close additional bases if the costs and savings of the first four rounds prove to be accurate. Even those who argue for additional base closure rounds today will not tell you that the future of our military's capability rests on deciding at this moment in time to give the DOD the authority to conduct additional rounds of base closure. By making the responsible choice today and voting for the Dorgan-Domenici amendment Senators will show that they are concerned about the modernization of our forces by requiring the data that shows the savings required to finance that modernization will be present at the end of the closure process.

Mr. President, I believe that the Dorgan-Domenici amendment will provide the information necessary for the Congress to make decision of whether to authorize additional rounds of base closure sound, well reasoned, and based on fact. I ask my colleagues for their support, and I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to speak briefly in favor of the Dorgan-Lott second-degree amendment and associate myself with that amendment. I do think it is important before we go forward with additional BRAC's that we know and can certify the amount of money that has been saved by prior BRAC rounds. I do not think we have taken that into consideration. There is a lot that is also associated with closure costs.

But more to the point on this particular issue, it seems to me that we have been through this BRAC process here now for several rounds, and some of that may have been very healthy to do, but that we ought to stop and appraise just what was good about that, and, more importantly, I think we need to go through a BRAC on domestic discretionary spending. Let us look at some of the programs that are discretionary programs, not entitlement programs but discretionary programs, say, within the Department of Commerce or, say, within the Department of Energy. Let us go through a BRAC there. Let us take a look at those and have a vote up or down. We ought to be focusing our effort there where we know we have some wasteful programs. We know there is money that is being wasted and spent not for a good reason or cause.

We have gone through that on some of the military bases as far as looking at some bases that may not be necessary to have, but would it not be so much wiser now to focus on some of these discretionary programs? They are in the media virtually every day—the Advanced Technology Program being a corporate welfare program, for one instance. We have other programs that have been identified. We have a fleet of ships under the Commerce Department that we have been saying for

a long time ought to be privatized rather than being run there. That is a wasteful spending program. I have a list of those that I think we ought to go through far before we start up some other BRAC round in the military when we do not even know what sort of cost or what sort of savings we have had associated within it.

So, Mr. President, I just think we have a lot better things that we could be doing with our time and focus on rather than going back through a BRAC round. I do think it is constructive, through the Dorgan-Lott approach, to get a sense of where we are costwise, get a sense of what cost we have with closing a military base, get a strategy going here which guarantees that further base closures will not jeopardize national security. We need to look at all those things before we go forward with another BRAC round.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. The floor is available. Any Senator who now wishes to express himself on the other side of this issue has the opportunity. We are going to be voting here in just a little bit.

Mrs. BOXER. Mr. President, I rise to strongly oppose efforts to authorize additional rounds of base closings. I believe that it is bad policy to close more bases without accurately knowing the ramifications of previous cuts.

Congress has already approved four rounds of base closings, the latest round occurring in 1995. My State of California has suffered unfairly during this process, losing 27 major installations. Job losses from these closings are estimated to exceed 250,000, and the total economic loss will top $8 billion.

Although the California economy is experiencing an economic upturn, unemployment in my State continues to run two percentage points above the national average. It is clear that communities in California are disproportionately being hurt by the BRAC process.

It is unfair to ask my State to bear the brunt of yet another round of base closings. It is even more egregious to ask Californians to go through another round of closings when they are still suffering from previous rounds. Past BRAC rounds will continue to weigh heavily on my State because many bases from the 1995 closure round will not close until 1999 or after. Furthermore, some of these closures have not proven to be cost-efficient, and that is one reason why we are not seeing the savings that had been previously promised.

I believe that we should not even consider future base closings until we have had the time to properly analyze the ramifications of the previous four rounds. We need to have solid data about the long-term costs and benefits of base closures. More importantly, we need to make sure that we understand the effect these closures have had on the real people whose lives drastically change when a base in their community is closed.

That is why we should pass the Dorgan Amendment, of which I am a cosponsor. This amendment would require the Department of Defense to issue a report on the long-term costs and savings incurred from the previous rounds of base closings before future BRAC's could go forward. I simply can not see how we can entertain the idea of additional rounds of base closures without first having the benefit of solid data and hard numbers from previous BRAC's.

Mr. President, Californians are amazingly resilient. They have overcome devastating floods, disastrous earthquakes and terrorizing floods. Our state has gone through a lot. But I promise that California will not suffer further economic damage from another round of base closings until I have exhausted every tool available to me as a Senator. I urge my colleagues to oppose a new round of base closures.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the opportunity to say just a couple of more words about the amendment that is now pending. It is a second-degree amendment offered to the first-degree amendment that had been previously offered by Senator MCCAIN and Senator LEVIN.

I indicated when I started out I have great respect for both of them. We reach a different conclusion and come to a different judgment on this question, and I do want to say in response to some of the discussion that has been held in this Chamber that this is not a question about whether closing bases saves money. I accept the notion that closing military installations saves money.

That is why I have been involved in supporting four previous base closing rounds. It clearly will save money. We do not know how much. I do not think anyone here knows how much. The Congressional Budget Office has reviewed it, the Government Accounting Office has reviewed it, and they are trying to understand how much money is saved and what are the costs. Are we saving a little bit of money and having very substantial costs? Are we saving a lot of money? We do not know. There has not been a decent accounting.

I am not standing here quibbling about whether closing additional bases will save money. It likely will save money. The question is should we in this authorization bill launch two additional rounds of base closures when the GAO and the Congressional Budget Office indicate—especially CBO indicates —it would be wise for us to have an interval at this point during which we fully understand what we have done in the previous four rounds by which we have said let us close 100 military installations only about 50 of which are now closed.

Let us finish the job we have done in the previous four rounds before we decide whether and when we initiate two additional rounds of base closing. We might discover that the basis for the previous closures and the conditions under which those closures were ordered and the experience of those closures might persuade us to do something different, maybe closing other installations in a different way. I do not know. But we ought to have the benefit of that experience and that knowledge before we proceed.

That is the issue. I know the Senate Democratic leader is in the Chamber and wishes to speak on this subject, and I shall not go further. I may have something to say later. But this is an interesting and, I think, a useful discussion for us to have, and I appreciate the cosponsorship of both the majority leader and the minority leader to my second-degree amendment.

Mr. President, I yield the floor.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from North Dakota for his extraordinary work on this particular amendment and appreciate very much his advocacy and the effort he has made throughout the day to make the case. He and others have spoken eloquently and very persuasively. There is little else I can add. Nevertheless, I do want to touch on a number of issues largely for the purpose of emphasis. I think it is very critical that we have an opportunity to talk through this matter as carefully as we can.

Let me also give great credit to our distinguished ranking member. I have had the good fortune to work with him on so many issues, and it is extraordinarily rare that I find myself in disagreement with him on anything. So for me to be in this position, in fact standing at his desk, is a very uncomfortable situation, to say the least.

Mr. LEVIN. If the Democratic leader will reciprocate just for a moment and yield, I am also standing at his desk, so we are even.

Mr. DASCHLE. I thank Senator THURMOND, the distinguished chairman, who is standing at another desk, for his leadership and the effort he has made in moving this bill.

Past Congresses have approved four rounds of base closures —1988, 1991, 1993 and 1995. We have already agreed to close 97 out of the 495 military bases and realign an additional 55 bases. I have joined with many others in voting yes every step of the way. Yes on authorizing four rounds of base closures. Yes on closing 97 bases. And yes on aligning 55 others. So, let no one doubt this Senator's willingness to cast a difficult vote in support of our national defense. I have done so in the past and am prepared to do so in the future.

However, voting to close more bases at this time makes no sense—for our military, for our budget and, perhaps most importantly, for local communities. This is the position not only of the Senators from the Dakotas and

Senators from across the country, it is also the position, as the distinguished Senator from North Dakota noted, of the Congressional Budget Office, of the General Accounting Office, and even the Base Closure Commission.

I will get back to that in just a minute. The principal argument advanced by supporters of this particular amendment is a fiscal one. The Pentagon needs to achieve savings to stay within its $1.4 trillion budget.

Setting aside the issue for the amount of whether the Pentagon really needs $1.4 trillion—and given the current international circumstances and the sacrifices we are asking of important domestic problems—we need to look at the proponents' claims about future significant savings.

According to Pentagon's figures, we did not break even on base closures until 1996, nearly a decade after we began the current phase of base closings. In other words, the Pentagon's figures indicate we did not save one dime during the first eight years of base closures; instead we spent billions and billions of additional dollars. It is only after nearly a decade of economic dislocation and hardship that the Pentagon's own analysis begins to demonstrate any net savings.

In fact it takes up to 6 years to close a base once Congress has authorized its closure, and of the 97 bases Congress voted to close since 1988, we have actually closed just over half this number. Since the last round of base closures was passed in 1995, it will take the Pentagon until the year 2001 just to complete action on the bases we have already voted to close.

So, Mr. President, the question is, since we have not even closed about one-half the bases that were scheduled for closure, why is it that we are now making the effort to move to close still more before we have completed our work on the last ones?

CBO and the General Accounting Office do not trust Pentagon figures. In fact, CBO's analysis shows that the Pentagon has consistently overestimated the savings that will accrue from a given round of base closures. In the first round, the Pentagon estimated that we would achieve $844 million in savings for the period 1990 to 1995. Subsequently, it turned out that instead of saving money, the round actually lost $517 million. For the second round of base closures, the Pentagon initially estimated that we would save $2.916 billion from 1992 to 1997. What happened? We did not save $2.9 billion. We will be fortunate to save about one-third of that amount, roughly $972 million. For the third round, the Pentagon estimated that we would lose $715 million for the period 1994 to 1999. It now estimates we will not lose quite as much, about $553 million. Clearly less than a stellar record for the Pentagon's forecasters.

So the estimates according to the Department of Defense itself, which has generated this kind of skepticism from the General Accounting Office and the Congressional Budget Office, is that we are not doing as well as we had originally anticipated; we are not making the savings in base closings that we expected.

The sharp fall in Pentagon savings estimates are really represented by this graph. The Pentagon's forecast for savings from the first round of base closure was reduced by 161 percent for the period 1990 to 1995. In the second of base closures, the Pentagon savings estimate has been revised downward by 67 percent. And in the third round, the Pentagon has already acknowledged that it miscalculated by about 23 percent.

This chart proves as clearly, I think, as anyone can that on the basis of savings there is real reason to question whether or not we have achieved the stated goals of the Base Closure Commission—161 percent off the mark in the first one, 67 percent off the mark in the second one and 23 percent off the mark in the third one.

GAO and CBO, two independent congressional advisory organizations, have each conducted thorough examinations of the costs and savings inherent in the base closure process. And they concur in their findings: They can reach no conclusions on savings from base closures, given the Pentagon's current accounting system. As expressed by GAO in a recent report, ''[the Defense Department] cannot provide accurate information on actual savings''. As stated by CBO in a December 1996 report, ''CBO was unable to confirm or assess DOD's estimates of cost and savings because the [Defense] Department is unable to report actual spending and savings for [base closure] actions.''

What we do know so far is that there has been a gross overestimation of what will have achieved in savings to date. So, before we decide to go to yet another round, the question presents itself, is this the right time? Not knowing how much we are going to achieve, not knowing whether or not we are going to save or actually spend more money, is this the time to commit to yet another base closing round?

As I said, there are a lot of different policy questions involved here. One is savings. Another is the tremendous ripple effect through the local economies that will be felt well into the next century with yet another base closing round. We are going to be living with severe dislocations and economic loss, we know that. We are also going to be living with short-term degradation in military capability as individual military units pick up their operations and move from one base to the other.

And we really have not looked at alternative approaches to achieve savings within the $1.4 trillion defense budget. And there are alternative cost saving approaches. For example, the bill before us contains an additional $5 billion additional commitment for weapons systems that were either not requested by the Pentagon or not requested in the quantities proposed in this bill. Let me say this again. This bill contains over $5 billion for weapons systems that the Pentagon judged unnecessary for national security. By my calculation if we were to attempt to save this same $5 billion through base closures alone, it would take until nearly the end of the first decade of the 21st century. In other words, by paring back weapons systems that even the Pentagon did not request, we could save today what would take roughly a decade to accomplish through base closures—even if we accept the Pentagon's rosy and highly questionable assumptions regarding potential savings.

So, instead of focusing exclusively on surplus bases, perhaps we need to be discussing other ways with which to achieve any necessary savings. Looking at surplus weapons systems may be one way to do it. I am prepared to look at any and all options. However, before we commit to an approach that may not generate savings and that may not give us the framework within which a very thoughtful consideration of infrastructure can take place, we should do what this second-degree amendment sets forth.

The second-degree amendment is based on two major assumptions. First, Congress should allow already authorized base closures to go forward before we cause still more dislocation and hardship. Second, Congress should be fully informed about the implications of past and future closings before we commit ourselves to still more closings.

Therefore, rather than launch another round immediately, the second-degree provides the Pentagon with time to develop accounting techniques so that they and we can fully and accurately understand the costs and savings from previous and future rounds of base closures. This amendment requires the Pentagon to prepare a report on these financial changes and to have that report reviewed by the GAO and CBO. Finally, our amendment requires the Pentagon to do all of this in a timely manner.

Just as important is what this amendment does not do. The amendment does not preclude future base closures that may reveal themselves to be justified once we fully understand the ramifications. If there are to be future base closures, we simply want to be able to ensure that we understand where we are today in terms of infrastructure changes we have already approved and to be able to accurately assess the long-term impact of any proposed future changes. That is the concept that I think the CBO itself has articulated.

According to the Congressional Budget Office, consideration of additional base closures ''should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far. Such a pause [they add] would allow the Department of Defense to

collect data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and savings achieved. Additional time would also allow more informed assessment of the local impacts of the bases already closed.''

Finally Mr. President, after hearing the views of GAO and CBO, I ask the Senate to consider the perspective of the last Base Closure Commission. Largely as a result of the continued turbulence and the lack of hard information, the Commission itself recommended that Congress not authorize another round of closures until the year 2001. Only our amendment is consistent with the findings of the Base Closure Commission.

So based upon the analysis presented to us by CBO, by the GAO, by the Base Closure Commission, I think to move yet another round at this time is just premature.

My record on base closures is clear. I have supported then when I thought they were needed and would produce the desired outcome—a leaner, more effective military that minimizes disruptions to our communities. GAO and CBO indicate that the Pentagon cannot tell us today what we have saved from past rounds, let alone yet-to-be determined future rounds. The only statement that can be made with any confidence is that our communities will suffer dislocations and disruptions well into the 21st century from actions that we have already taken.

The case for inflicting additional suffering on them is far from compelling, especially when there are many other ways to achieve the necessary efficiencies within our defense budget. What we need to do is to find them. GAO, CBO, and the Base Closure Commission all acknowledge as much.

Let's work together to see that happens. Only one base closure amendment protects the interests of our military and our communities, that is the second-degree amendment pending. I urge its support.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the letter we just received from the Secretary of Defense about the savings which have resulted from BRAC 1993 actions, a letter dated July 9, 1997, be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, July 9, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate moves to final consideration of its version of the FY 98 Defense Authorization Bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001. We estimate two additional rounds would result in savings of approximately $2.7 billion annually. These savings are absolutely critical to the Department's modernization plans.

There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General (DoDIG) to take an independent look at this issue. The IG's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective. The preliminary audit examined BRAC 93 actions, including the largest Navy closure (Mare Island) and eight Air Force bases closed or realigned. For these bases, the IG found that DoD overestimated costs by $148 million and underestimated savings by $614 million. I have attached a copy of the IG's preliminary report for your review.

I would greatly appreciate your support for two additional BRAC rounds and hope you find this information useful in your consideration of the McCain-Levin amendment.

Enclosure.

BILL COHEN.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 23, 1997.

Memorandum for Principal Deputy Under Secretary of Defense (Acquisition and Technology)

Subject: Review of Base Realignment and Closure (BRAC) Costs and Savings

This is to provide the interim results of the audit being conducted by this office in response to the Under Secretary of Defense for Acquisition and Technology memorandum of February 7, 1997. The audit objectives are to compare the BRAC costs and savings estimates in previous budgets with actual experience and to identify lessons learned regarding management controls for estimating and tracking BRAC costs and savings.

The lack of records makes retroactive reconstruction of actual costs and savings from pre-1993 BRAC impossible at this point. Likewise, it is too soon to assess BRAC 95 costs and savings. We have focused our review, therefore, on the BRAC 93 round. The audit universe for BRAC 93 is comprised of cost estimates totalling $7.3 billion and savings estimates of $7.5 billion through FY 1999. The bulk of both the BRAC 93 budgeted costs and savings, $5.2 billion and $4.6 billion respectively, was related to Navy installations. During the first portion of the audit, we reviewed the experience at the largest BRAC 93 site, Mare Island Naval Shipyard, and all eight Air Force BRAC 93 sites. In addition, we started identifying construction project cancellations at all Navy sites. The nine fully audited installations had BRAC cost estimates of $1.1 billion and savings estimates of $1.8 billion.

The initial audit results indicate that the Navy and Air Force erred on the side of conservative estimating, over-estimating costs at the sites reviewed by up to $148 million and underestimating savings by $614 million. The reasons for the variances included:

Some cost estimates were related to block obligations for one-time implementation costs, which were never adjusted to reflect actual disbursements. Researching these largely invalid obligations could free up significant funding for current BRAC requirements.

Canceled military construction projects valued at $8 million at Mare Island were not counted in savings estimates.

An additional $58 million of canceled construction projects at other Navy BRAC 93 sites was not counted because incomplete projects funded in prior year programs were not counted, even if they were curtailed.

The Navy assumed that 40 percent of the indirect civilian labor costs at Mare Island would transfer to other shipyards, but the audit indicated minimal related increases in other shipyards indirect costs.

Reductions for base operation support costs at Mare Island were underestimated after the first year of closure.

Documentation did not exist to explain differences between the Air Force biennial budget and reductions reflected in the Air Force Future Years Defense Plan.

The results of the audit to date, while not fully staffed nor statistically projectable across either BRAC 93 or all BRAC rounds, appear to corroborate the DoD position that concerns that BRAC has not been highly cost effective are unfounded. As a result of consultation with the Deputy Under Secretary of Defense (Industrial Affairs and Installations), we plan to continue auditing the BRAC 93 costs and savings. In our audit report this fall, we will provide recommendations for management controls on estimating and tracking costs and savings for any future BRAC rounds.

We hope that this update is helpful. If there are questions, please feel free to contact me or Mr. Robert J. Lieberman, Assistant Inspector General for Auditing, at (703) 604–8901.

ELEANOR HILL,
Inspector General.

Mr. LEVIN. As I indicated before, Mr. President, since we are talking about estimated savings, the IG that was requested by the Department of Defense to make these estimates found that the costs were overestimated by $148 million and savings underestimated by $614 million, which means in this study by the DOD IG, there were significantly greater savings than had been predicted by the BRAC commission. That, of course, is somewhat different—very different—in terms of the evidence of that presented by the distinguished Democratic leader. We are not sure whether the leader's numbers came from the original Department of Defense estimates before they went to BRAC, and that is something we will check out, because in all but one case, the commission produced savings significantly less than had been requested by the Department of Defense.

Finally, relative to the argument that the cost of previous base closures have been underestimated, one of the reasons the original Department of Defense estimates were high was that they estimated the savings from the sale of land. We changed the rules in the middle on that one. The revenue never materialized because we changed the rules, very consciously, to provide that most base property would be given away when the base was closed rather than sold. We did that to make economic redevelopment more feasible. That has benefited all of our States just about where these closings have taken place. So that is another possible

explanation for the difference in these numbers.

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

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 670, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, on the amendment offered by the Senator from Minnesota, there will now be 15 minutes of debate equally divided between the Senator from Minnesota and the Senator from South Carolina. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment, which is an amendment that I have offered with Senator HARKIN, from Iowa, is very simple and straightforward. It authorizes, so it is not subject to a point of order, it just authorizes the Secretary of Defense to transfer to the Secretary of Agriculture $5 million over the next 5 years, $25 million altogether. That is $5 million out of a $265 billion Pentagon budget, a budget that is some $2.6 billion more than the Pentagon itself has requested.

So out of that $2.6 billion more than the Pentagon has requested, this is an amendment that says take $5 million and transfer it to the Secretary of Agriculture; that is to say, authorize the Secretary of Defense to transfer this to the Secretary of Agriculture.

This $5 million program per year was eliminated. We should never have done that. This is to correct an egregious mistake that we made. This has everything in the world to do with malnutrition and hunger among children. This $5 million has been used effectively nationwide—a small amount of money—as a catalyst, as an outreach program, to enable States and school districts to set up and expand the School Breakfast Program. As a matter of fact, I think one of the reasons it was eliminated was that it had been so successful, in fact, in enabling school districts to expand the School Breakfast Program, the argument then being we would have to invest more resources in the School Breakfast Program.

I read from a letter received from the Food Research & Action Center that points out that only ''seven of ten, 71.4 percent, of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that'' participate. ''Additionally, just 39.6 percent of low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast Program.''

Is it too much to ask, as we keep talking about our children being our most precious resource, given the fact that all these children are God's children, is it too much to ask for $5 million to be put back into this program that has been so successful? That is what this amendment is all about.

Mr. President, there are 8 million children who don't participate, and if these children had a chance to get a good breakfast and these children, therefore, were not hungry, they would be in a much better position to learn. When children are hungry and children do not have a good breakfast and can't start out the day, they are not going to be able to learn, and when they are not able to learn, as adults, they are not able to earn. This amendment should be adopted with 100 votes.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I oppose the amendment offered by Senator WELLSTONE in regard to the School Breakfast Program.

I remind my colleagues that the President proposed the repeal of these startup grants during last year's welfare debate. In addition, the Democratic substitute welfare reform bill contained a provision to repeal these grants. Obviously, people across the political spectrum believe this grant program to be unnecessary.

I also remind my colleagues that this requirement was not identified in the budget request, and presently, about four in every five low-income children already attend a school with a school breakfast program. The breakfast program has expanded to the extent that it is not clear additional funds are necessary or would have the effect of bringing more schools into the program.

The last point I want to make is that transferring funds from the Department of Defense, even making the authority discretionary, is bad precedent. We shouldn't make this a precedent. We, in the Congress, should make these decisions and not delegate them to the Secretary of Defense.

Mr. President, we have a budget agreement. We should not void this agreement and our responsibilities to make these decisions. I urge my colleagues to defeat this amendment.

I thank the Chair and yield the floor.

Mr. WELLSTONE. Mr. President, might I ask how much time I have?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes, 18 seconds.

Mr. WELLSTONE. I am waiting for my colleague, Senator HARKIN. I ask unanimous consent to add Senator HARKIN as an original cosponsor.

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

Mr. WELLSTONE. I ask unanimous consent that a variety of letters of endorsement be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FOOD RESEARCH & ACTION CENTER,
Washington, DC, July 9, 1997.

Senator PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: We are writing to enthusiastically support your amendment to the DOD Reauthorization Bill which would authorize the transfer of funds from DOD to the school breakfast and summer food start up and expansion programs.

Both the school breakfast and summer food programs remain under-utilized and many public and private sponsors require special initial funding to get programs off the ground. Funding is necessary to inform potential sponsors of the availability of these programs and how to qualify.

Only approximately seven of ten (71.4%) of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that offer school lunch also offer school breakfast. Additionally, just 39.6% of the low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast program. Participation rates for the Summer Food Program are even lower.

Your amendment and your efforts on behalf of low-income children will not only serve the immediate need to get food into children's bellies, but will also serve the long-term goal of feeding their brains, and getting them ready to learn!

Sincerely,

EDWARD COONEY,
Deputy Director.
ELLEN TELLER,
Senior Attorney for Government Affairs.

BREAD FOR THE WORLD,
Silver Spring, MD, July 9, 1997.

DEAR SENATOR WELLSTONE: Bread for the World, a grassroots Christian citizens' movement against hunger, heartily supports your efforts to strengthen the School Breakfast Program. We hereby endorse your amendment to require the Secretary of Defense to transfer $5 million to the Secretary of Agriculture to provide funds for outreach and startup for the School Breakfast Program.

We agree with you that a hungry child can not learn the way they should and we know that in the end, this hurts not only the child, but our society as a whole. A nation as blessed as ours should not allow children to go hungry.

Thank you for your continued commitment to hungry children.

Sincerely,

LYNETTE ENGELHARDT,
Domestic Policy Analyst.

AFSCME,
Washington, DC, July 9, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), we strongly support your amendment to transfer $5 million from the Department of Defense to the School Breakfast Program to fund the outreach and startup grant program.

The School Breakfast Program has proven successful in improving the health and educational achievement of children who have been able to participate. Unfortunately, about 27,000 schools do not offer the School Breakfast Program because they lack the

capital funds needed to meet the startup costs. This deprives eight million low-income children of the opportunity to eat a nutritious and healthy meal in school. In prior years, the $5 million grant program was critical in enabling schools to establish a breakfast program.

We support your amendment to continue the outreach and startup School Breakfast grant program with $5 million for fiscal year 1998 by transferring the funds from the Department of Defense's budget.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. DOMENICI. Mr. President, the Wellstone amendment would require the Secretary of Defense to transfer $5 million to the Secretary of Agriculture for school breakfasts

The purpose of the nondefense program that Senator WELLSTONE wants to support with defense funds may be laudatory; however, the amendment is ill-considered and very problematic.

First the amendment would, in principle, violate the bipartisan budget agreement that Congress has completed with the President and that we are working hard to enforce: the amendment would reduce the amount of defense spending the agreement specifies and would increase nondefense discretionary spending above the levels of the agreement.

Second, the amendment would violate the intent of firewalls that Congress has adopted over the years—and as recently as the 1998 budget resolution that we just passed last month. As all Senators know, these firewalls are designed to prevent transfers between defense discretionary spending and nondefense discretionary spending, and they establish a 60-vote point of order against such transfers. However, the amendment has been modified to go to great lengths to circumvent a Budget Act point of order and has confused the issue of whether it actually constitutes a Budget Act violation.

Third, the amendment imposes an unfair obligation on the Appropriations Committee. If the amendment is passed, the Appropriations Committee is given the Hobson's choice of having to repeal the Wellstone amendment or to seek a directed scoring of the transferred money so that it would count as nondefense discretionary spending—as it should. This would, in turn, require the relevant appropriations subcommittees to find offsets for this additional nondefense discretionary spending. If the Appropriations Committee reports a Defense appropriation bill consistent with the letter and intent of the Wellstone amendment, it will immediately be subject to a 60-vote point of order.

For all of these reasons, the Wellstone amendment is bad legislation, and I urge all Senators to reject it, whether or not they favor the program that would benefit from this amendment.

Mr. WELLSTONE. Mr. President, this should be an easy vote for Senators: $5 million out of over $2 billion more than the Pentagon asked for to have an outreach program and enable local school districts to buy refrigerators so they can have a school breakfast program so that we can make sure that all of our children go to school and are able to learn.

It is that simple. I mean, where are our priorities? We can't even come up with $5 million? This is not a mandate. This just simply authorizes the Secretary of Defense to transfer this. This is a way that we as a Senate can, in fact, commit a little bit more by way of resources to make sure that there is an adequate nutritious breakfast for more children who go to school in America. How in the world can you vote against it?

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two minutes, thirty-nine seconds.

Mr. WELLSTONE. Might I ask whether or not the other side intends to respond at all? If not, I will finish up. I am trying to wait for Senator HARKIN, but I will go ahead and conclude. Might I ask whether the other side has yielded back its time?

Mr. THURMOND. Mr. President, no.

The PRESIDING OFFICER. The Senator from South Carolina wishes to keep his time reserved.

Mr. WELLSTONE. Mr. President, a report from Tufts University Center on Hunger, Poverty and Nutrition on the link between nutrition and cognitive development in children states that even before results are detectable, inadequate food intake limits the ability of children to learn, affecting their social interactions, intuitiveness, and overall cognitive functions.

Come on, we have to stop having all of these conferences on early childhood development and talking about children, and now we know that we have some 8 million children who don't get a chance to participate in this program, we know there are many children who are malnourished, and we know for $5 million a year out of this budget, which is $265 billion, $2.6 billion more than the Pentagon asked for, we can't even make this kind of small commitment to children in America? That is what this vote is about.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

Mr. THURMOND. I yield such time as he may require to Senator COVERDELL.

The PRESIDING OFFICER. The Senator from Georgia is recognized for the 5 minutes, 40 seconds remaining of the time of the Senator from South Carolina.

Mr. COVERDELL. I thank the Senator from South Carolina and compliment him on his fine work as chairman of the Armed Services Committee.

AMENDMENT NO. 771

Mr. COVERDELL. Mr. President, I ask unanimous consent to be added as a cosponsor of the Dorgan-Lott-Daschle second-degree amendment to the McCain amendment.

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

Mr. COVERDELL. Mr. President, the McCain amendment purports to create another series of base realignment closure commissions. I am opposed to that and have so stated and have so advised the Secretary of Defense. I do not believe there should be another Base Realignment Closure Commission until the administration can certify to the Congress that all the work of the previous Base Realignment Closure Commissions has occurred and properly.

Many of us, particularly in the States affected by Air Force depots, believe the President and the administration undermined BRAC and undermined the confidence in the people and the Congress with regard to its integrity, because essentially the President overrode the 1995 BRAC recommendations, in our judgment, particularly as they relate to Kelly Air Force Base in Texas and McClellan Air Force Base in California. That is in dispute. I certainly acknowledge the comments and characterizations that have been made by the good Senators from Texas and California.

But this issue must be resolved and it must restore the confidence of the Congress and it must reassert an integrity into the process for the people who undergo this horrendous process, that the legislation has to apply to the President, the administration and the Department of Defense, not just to the people in Congress.

I rise in opposition to the McCain amendment and in support of the second-degree amendment offered by Senators Dorgan, Lott and Daschle.

I yield any remaining time back to the managing Senator.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I move to table Wellstone amendment 670.

The PRESIDING OFFICER. All time has not been yielded back on both sides.

Mr. THURMOND. I yield back any time I have.

The PRESIDING OFFICER. The Senator from South Carolina yields back the remainder of his time. The Senator from Minnesota has 52 seconds.

Mr. HARKIN. How much time, Mr. President?

The PRESIDING OFFICER. Fifty-two seconds.

Mr. HARKIN. How much?

The PRESIDING OFFICER. Fifty-two.

Mr. HARKIN. Mr. President, I rise in support of the Wellstone amendment. This School Breakfast Program has been one of the best in this country. Already we have kids getting school

lunches, but they don't get the school breakfast.

I say that if you ever want to see a clean plate, you go to a school breakfast program. These kids come in, they are hungry, there is not a drop of food left when they put those trays back into the hopper. The school lunch may be a little different.

If you really want to have an impact on early childhood education and getting these kids to learn, this is the place to put the money. It was wrong to take it out of welfare reform. I tried at that time to put the money in, and we could not do it. It was wrong for this to be taken out in the welfare reform to save that kind of money. It does not save money. It ruins lives because we are not providing the money for the outreach program for the school breakfast startups and for the summer feeding program.

This is a small amount of money. I think out of this whole defense thing we could at least authorize the Secretary of Defense to transfer a measly $5 million to get this job done.

The PRESIDING OFFICER. All time is now yielded back. Time has expired on this amendment.

AMENDMENT NO. 424

The PRESIDING OFFICER. The question now occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. Debate on this amendment is limited to 15 minutes equally divided between Senator GORTON and Senator INOUYE.

Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I come to the floor this evening to speak on amendment No. 424 to the defense authorization legislation that was proposed yesterday by my colleague, Senator GORTON. I am a cosponsor of this amendment to require the Navy to reopen the selection process for the donation of the USS *Missouri*.

From the beginning, I have followed closely the Navy's handling of the *Missouri*, working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. The ''Mighty Mo'' is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end.

The *Missouri* is particularly valued by the residents of my home State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to the veterans in my State, many of whom served in World War II, including in the Pacific theater and aboard the *Missouri*.

I have reviewed yesterday's debate over the amendment, and I want to take this opportunity to make several additional remarks for the RECORD.

I first want to commend both Senator GORTON and Senator INOUYE. The debate was indicative of the immense interest in the *Missouri* and all of the States that competed for the honor of displaying this important piece of our history.

While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton, WA, community in preparing its proposal to the Navy. Bremerton, Kitsap County and Washington State have developed a kinship with the ''Mighty Mo.'' It is because of this kinship with the battleship, and our 40-year record of paying tribute to the *Missouri* each and every day, that I continue to believe that Bremerton is the ideal home for the *Missouri*.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. It is those questions, including a General Accounting Office report, that brings me here today to seek the Senate's support for our amendment to reopen the *Missouri* donee selection process.

I want to reiterate what our amendment seeks to accomplish. We simply seek only the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudge that selection process. We only want a fair competition administered by the Navy in a manner worthy of this great battleship.

I recognize that the Navy is under no obligation to conduct a competition for important relics like the *Missouri*, but the fact is the Navy did conduct a competition for the *Missouri*. Having conducted this competition, I think it is only fair to the competing communities to expect the Navy to conduct itself in an aboveboard and a forthright manner.

Clearly, significant mistakes were made by the Navy in the *Missouri* competition. The GAO report clearly identifies the Navy's numerous shortcomings in this competition. Proponents and opponents can and do differ over whether the Navy's handling of the competition influenced the outcome. But I find it very difficult to conclude that all communities were treated fairly by the Navy. And that is what we are asking for today. It really is just a simple matter of fairness for all of the competing communities.

I urge my colleagues to support the Gorton-Murray-Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the matter before us goes much deeper than the gallant lady, the U.S.S. *Missouri*. It involves the process of competition in the U.S. Government. Every day there is some competition. There is a competition between two great manufacturing plants to see whether this plant should build a tank or that plant. There are competitions going on as to what company should build the joint strike fighter or the C–17 or the B–2. Should it be Boeing? Should it be McDonnell Douglas?

These competitions are part of the life of the U.S. Government. And if we look upon this measure before us as a simple *Missouri* amendment, then we have not seen the deeper picture; we will be setting a very, very dangerous precedent, Mr. President.

This competition was won fairly and impartially. If the Congress of the United States is to take a step to overturn this decision, then what will happen to all the other competitions that we have been faced with? Whenever there is a contest on who would build that submarine—should it be Norfolk or should it be Connecticut?—if Connecticut wins, should Norfolk come to the Congress and appeal the case, or vice versa?

Mr. President, let me just read once again from the letter from the Secretary of the Navy. The Secretary says—and this is from a letter dated June 10; and it is part of the RECORD at this moment:

> I have reviewed the General Accounting Office report . . . and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy ''impartially applied'' the donation selection process, and that all applicants received the same information at the same time . . . I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications. . . . The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria [that the proponents speak of].

No one complained about the process when it was ongoing. The complaints come at the end of the process.

It may interest you, Mr. President, to know that the State of Missouri—and this ship is named after the State of Missouri—by resolution that was passed unanimously by the Missouri Senate, the general assembly, the House of Representatives concurring:

> . . . memorialize the Congress of the United States, the President of the United States, the Chief of Naval Operations, and the Secretary of the Navy to take any appropriate action necessary to permanently locate the U.S.S. *Missouri* at Pearl Harbor, Honolulu, Hawaii, next to the U.S.S. *Arizona* Memorial, for the purpose of serving as a Naval Memorial and Museum. . . .

There is another organization, Mr. President. It is the Iowa Class Preservation Association. The U.S.S. *Missouri* is an *Iowa* class battleship. I will not read the whole letter, but I ask unanimous consent that it be printed in the RECORD.

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

IOWA CLASS PRESERVATION ASSOCIATION

To: Mr. JERRY KREMKOW, USS Missouri Memorial Association, 2610 Kilihau St., Honolulu, HI.

DEAR MR. KREMKOW, The *Iowa* Class Preservation Association is a non-profit organization that is dedicated to acquiring the museum rights to one of the *Iowa* Class Battleships currently in storage.

All four ships were recently released by the US Navy and of these only the USS *Missouri*, which looks like she's heading to Pearl Harbor, seems safe from the scrap yard. Our organization plans on acquiring and establishing one of the three other ships as a museum in the city of San Diego, CA. We believe that the combination of port facilities, tourism base and the lack of capital ship museums on the west coast would make San Diego an ideal location for a ship exhibit.

Our major concern is that the East Coast already has several battleship and aircraft carrier museums and has reached it saturation point. There is no way all three battleships will be able to survive on the East Coast. Therefore unless we can bring one of the three to the West Coast, it is highly likely that at least one of these fine ships will be scrapped.

As stated the purpose of our group is to save one of the ships that is in danger of being lost due to lack of support. As long as your organization is diligently seeking to acquire the USS *Missouri* we will support you and not seek to obtain the *Missouri*. We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for such an historic ship. We look forward to working with your organization in saving two of the magnificent battleships.

Sincerely,

ROBERT DANIELS,
President.
STEVEN RUPP,
Vice President.

Mr. INOUYE. It says that:

The Iowa Class Preservation Association . . . is dedicated to acquiring the museum rights to one of the *Iowa* Class Battleships currently in storage.

* * * * *

We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for [the *Missouri*].

Here we have a letter from the Navy League of the United States. And I ask unanimous consent that this letter, as well as another, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, March 31, 1995.

Hon. JOHN H. DALTON,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DALTON: I am writing on behalf of The USS Missouri (BB63) Memorial Association and its efforts to have the Battleship enshrined at Pearl Harbor.

As you are probably aware, the Navy League of the United States is quite strong in the Pacific Area and particularly in Honolulu which has the largest Navy League Council in the world. This project has the complete support of the Pacific Area Navy League, which has supplied much of manpower and motivation to move this effort along for the past two years.

Our Hawaii Navy League councils, led by the Honolulu Council have a proven record of ''getting the job done'' with projects such as The Pearl Harbor Memorial, The Bowfin Memorial, commissioning of USS Lake Erie and provisions of MARS equipment for vessels deploying out of or thru Pearl Harbor. We feel that this tribute to peace and victory belongs along side of the revered USS Arizona Memorial in Pearl Harbor. We urge you to look favorably on this project and award USS Missouri to the Memorial Association for its purposes.

Yours very truly,

J. WALSH HANLEY.

NAVY LEAGUE OF THE UNITED STATES,
Jefferson City, MO, July 9, 1997.

DEAR SENATOR: In Executive Session this afternoon the Board of Directors of the Mid-Missouri Council of the Navy League of the United States voted in favor of the transfer of the battleship U.S.S. Missouri to Pearl Harbor. We feel this is the most appropriate location for the Missouri.

We are opposed to the Gorton Amendment and urge you to vote against it.

Sincerely,

HERMAN SMITH,
President.

Mr. INOUYE. In part it states:

This project has the complete support of the Pacific Area Navy League, which has supplied much of [the] manpower and motivation to move this effort along for the past two years.

Mr. President, I have a letter from the American Legion of the Department of Missouri, Inc. I ask unanimous consent that it be printed in the RECORD.

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

THE AMERICAN LEGION,
DEPARTMENT OF MISSOURI, INC.,
Jefferson City, MO, July 9, 1997.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUYE: I am writing on behalf of The American Legion State of Missouri to express our stronger possible disagreement with the proposed Gorton Amendment (S. Admt. 424) to the Defense Authorization Bill (S. 936).

If adopted, this amendment will stop the transfer of the battleship Missouri to Pearl Harbor and force the Secretary of the Navy to reopen the competition. The American Legion State of Missouri in convention voted unanimously to transfer the battleship to Pearl Harbor. The 1996 General Assembly State of Missouri unanimously passed a concurrent resolution supporting the transfer to Pearl Harbor.

Pearl Harbor was chosen by the Secretary of the Navy after rigorous evaluation as the site most suitable for memorializing the Missouri. The process was fair and honest, and the results should be carried out. We agree with this decision.

USS Missouri belongs in Pearl Harbor, within sight of USS Arizona, where future generations can come and understand American's involvement in World War II, from beginning to end.

I urge you and the honorable members of the United States Senate to vote against the Gorton Amendment.

Sincerely,

JAMES S. (JIM) WHITFIELD,
Chairman, Legislative Assistance Committee.

Mr. INOUYE. This letter makes it very clear that:

[The] USS Missouri belongs in Pearl Harbor, within site of the USS Arizona, where future generations can come and understand America's involvement in World War II, from beginning to end.

Mr. President, the GAO report has been cited. The GAO report makes it very clear that Pearl Harbor won the competition without question. And, more importantly, Hawaii did not lose the competition even if it is based solely on financial and technical issues.

Mr. President, I realize that no one relishes the thought of losing. We all want to win. But the human affairs of this Nation would tell us that at times one wins and another loses. And if we are to set a precedent that whenever someone loses that he will come to Congress to appeal his case, the process that we have established for the past decades to determine decisions that are very necessary to our Defense Department, if such be subject to appeal at each turn by the Congress, we will get nowhere.

I just hope that those of us here will recognize from this report and from all other reports that this competition was won fairly and impartially and that it is in the public interest and the interests of the Navy and our Nation that this ship be based in Pearl Harbor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

There are approximately 3 minutes and 30 seconds remaining for the proponents of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I had previously moved to table the Wellstone amendment. It seems there is some misunderstanding, but I so move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Ms. COLLINS). The question is on agreeing to the motion to table the Wellstone amendment numbered 670, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—65

Abraham	Enzi	Lott
Allard	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Biden	Graham	McConnell
Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Robb
Brownback	Gregg	Roberts
Bryan	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hollings	Shelby
Cleland	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerrey	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Warner
Domenici	Lieberman	

NAYS—33

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Moynihan
Boxer	Harkin	Murray
Bumpers	Jeffords	Reed
Byrd	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dorgan	Kohl	Specter
Durbin	Lautenberg	Torricelli
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden

NOT VOTING—2

Coats	Mikulski

The motion to lay on the table the amendment (No. 670), as modified, was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. KERRY. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Madam President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 424

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on the Gorton amendment No. 424.

Who yields time?

Mr. GORTON. Madam President, I ask unanimous consent that there be 4 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Madam President, I ask the Chair to bring the Senate to order, please.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Washington is entitled to be heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senate is still not in order. The Presiding Officer would appreciate it if the Senate would be in order. The Presiding Officer hopes not to break the gavel.

The Senator from Nevada is recognized.

Mr. REID. Madam President, I have two congressional fellows, and I ask unanimous consent that they be allowed floor privileges during the pendency of this action.

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

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that King Gillespie of my staff be allowed floor privileges.

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

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, a few years ago, when the battleship *Missouri* was decommissioned for the second time, after more than 30 years, the Navy began a process to determine where it could become a permanent historic monument. The Navy carried on that process over an extended period of time under the rules that had been applicable to all previous donations.

Two weeks before it made its final decision, the Navy informed the applicants of two additional and quite separate considerations. It did not tell any of the applicants the weight those considerations would be given. It did not inform them of the fact that they could submit additional items. They were really quite separate from the first set of considerations. At the end of that first round, Bremerton and Honolulu were essentially tied. At end of the second and unfair round, the Navy awarded the *Missouri* to Honolulu.

The General Accounting Office—our General Accounting Office—has reported these changes, has reported that this was the wrong thing to do, and has reported that the Navy should change its processes in the future.

My amendment does not seek to change the location of the *Missouri*. It just asks the Navy to start the process over again, to treat all applicants fairly, to set the rules in advance, and not to change the rules just before the game is over without telling people what the weight of the new rules will be.

I ask for your votes on it as a matter of simple fairness to all of the applicants—both in California and Washington and in Hawaii—in a process which is very important to each one of these communities and which the Navy, very regrettably, has carried on in a totally unfair fashion to this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, this proposal is very important both to the opponents and proponents. I am still unable to hear because of the noise in the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Madam President, I ask that Janice Nielsen, a legislative fellow working in Senator CRAIG's office, be granted the privilege of the floor during the duration of the debate on S. 936, the defense authorization bill.

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

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, the GAO report makes it very clear that the competition was impartial and fair and that, when all the numbers were counted, Pearl Harbor was the winner because, as the Secretary of the Navy has indicated, it will serve our Nation's interests and the interests of the U.S. Navy to have the *Missouri* memorialized and made into a monument next to the Arizona so that all Americans from this day on will be able to see in one place the beginning and the end of World War II.

But, more importantly, Madam President, this amendment does not involve just the *Missouri*. It involves the process of competition. If the Congress is to be called upon at each time whenever someone loses, where do we end? Whenever there is a competition for the building of a submarine, should the losing State come forward to the Congress and ask for reconsideration? If they lose a carrier, should the losing State come here and ask the colleagues here for reconsideration? We have competition going on at every moment of the day.

Madam President, let us not set a bad precedent. I think the time has come for decision. The merits are clear. The State of Missouri is in favor of their ship being berthed in Hawaii. The American Legion is in favor of that. The Navy League of the Pacific is in favor of that. I think the Nation would prefer to have the U.S.S. *Missouri* have its final resting place in Pearl Harbor where it belongs.

Thank you, very much.

The PRESIDING OFFICER. All time has expired.

The question occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON].

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I ask unanimous-consent that the remaining rollcall votes in this series be limited to 10 minutes each.

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

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I was unavoidably delayed by the weather coming in and just missed that last vote. I wonder if it would be all right with my colleagues if I ask unanimous consent to be recorded in favor of the tabling on the last vote.

The PRESIDING OFFICER. The Parliamentarian informs the Presiding Officer that unfortunately that unanimous-consent request is not permissible under the Senate rules.

Mr. COATS. That is acceptable to me, if the RECORD will indicate that I made the request.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I hope that the RECORD will show nothing with reference to the Parliamentarian. The rule clearly states that once the Chair has announced the results of a vote no Senator may be allowed to vote. Moreover, the Chair cannot even entertain such a request under the rule.

Mr. COATS. Madam President, I withdraw that request. I wouldn't want to do anything to offend the rules. I have been flying in from Nairobi, Africa, for the last 32 hours on British Airways, which has been on strike, and had to change. And I can't tell you what I have gone through in the last 32 hours to try to get here for these votes. But I wouldn't want to offend the rules.

So I will leave it at that.

I withdraw my request.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

{Rollcall Vote No. 163 Leg.}

YEAS—46

Abraham	Feinstein	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murray
Boxer	Gramm	Nickles
Burns	Grams	Roth
Campbell	Grassley	Santorum
Chafee	Gregg	Sessions
Coats	Hagel	Shelby
Collins	Helms	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Specter
D'Amato	Jeffords	Thomas
DeWine	Kempthorne	Thompson
Domenici	Kyl	Wellstone
Enzi	Lott	
Faircloth	Lugar	

NAYS—53

Akaka	Feingold	Lieberman
Baucus	Ford	McCain
Bennett	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murkowski
Bond	Hatch	Reed
Breaux	Hollings	Reid
Brownback	Hutchinson	Robb
Bryan	Inouye	Roberts
Bumpers	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Cleland	Kerrey	Smith (NH)
Cochran	Kerry	Stevens
Conrad	Kohl	Thurmond
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Mikulski

The amendment (No. 424) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 765

The PRESIDING OFFICER. The Senate will be in order so that we can proceed to the next vote.

Under the previous order, there will now be 2 minutes of debate equally divided on the Dodd amendment No. 765.

Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I understand from the distinguished chairman of the committee there is no objection to this amendment. My colleague from Arizona, Senator MCCAIN, and I offered this amendment. We are asking for a recorded vote here because in so many instances over the past 5 years when we have had votes on Mexico, every one of them has been over a negative issue. This resolution merely commends the people of Mexico and the Government of Mexico for the very fine election that they had last Sunday. I thought it would be worthwhile for this body to say to Mexico how much we appreciate and admire their process last week and hope it portends great news for the coming years.

With that, Madam President, I yield back the remainder of my time.

Mr. THURMOND. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question now is on agreeing to amendment No. 765 proposed by the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Abraham	Conrad	Gregg
Akaka	Coverdell	Hagel
Allard	Craig	Harkin
Ashcroft	D'Amato	Hatch
Baucus	Daschle	Helms
Bennett	DeWine	Hollings
Biden	Dodd	Hutchinson
Bingaman	Domenici	Hutchison
Bond	Dorgan	Inhofe
Boxer	Durbin	Inouye
Breaux	Enzi	Johnson
Brownback	Faircloth	Kempthorne
Bryan	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Burns	Ford	Kerry
Byrd	Frist	Kohl
Campbell	Glenn	Kyl
Chafee	Gorton	Landrieu
Cleland	Graham	Lautenberg
Coats	Gramm	Leahy
Cochran	Grams	Levin
Collins	Grassley	Lieberman
Lott	Reid	Snowe
Lugar	Robb	Specter
Mack	Roberts	Stevens
McCain	Rockefeller	Thomas
McConnell	Roth	Thompson
Moseley-Braun	Santorum	Thurmond
Moynihan	Sarbanes	Torricelli
Murkowski	Sessions	Warner
Murray	Shelby	Wellstone
Nickles	Smith (NH)	Wyden
Reed	Smith (OR)	

NOT VOTING—2

Jeffords Mikulski

The amendment (No. 765) was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

MODIFICATION TO AMENDMENT NO. 705

Mr. MCCAIN. Madam President, I send a modification to my amendment No. 705 to the desk and ask unanimous consent it be made a part of amendment 705.

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

The modification follows:

On page 4, after the period on line 12, add at the end of subparagraph (2) under (c) PRIVATIZATION IN PLACE: ''Nothing in this provision would prevent a private contractor, using facilities on a closed military base, from competing for defense contracts or from receiving or being awarded a contract if the bid is deemed to save money under established procurement procedures, provided that the competition offers a substantially equal opportunity for public sector entities and private sector entities to compete on fair terms without regard to the location where the contract will be performed;''

AMENDMENT NO. 771 TO AMENDMENT NO. 705, AS MODIFIED

Mr. THURMOND. Madam President, I ask unanimous consent that there now be 10 minutes equally divided, prior to a vote on the Dorgan second-degree amendment to the McCain amendment.

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

The Senate will be in order.

Mr. THURMOND. Madam President, I yield my 10 minutes to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes. The Senate will be in order.

Mr. GRAMM. Madam President, could we have order? We are limited to the time we have, and I think it is important everybody be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Texas.

Mr. GRAMM. Madam President, we have cut defense since 1985 by 34 percent. We have closed 18 percent of the military bases. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge

overhang of bureaucracy, a huge overhang of bases that we have to shear down to the size that is required for the force that we are now willing to fund in the House and Senate. In short, with this huge overhang of bureaucracy and bases, we have a tiger but increasingly the tooth is too small and the tail is too long.

Nobody wants base closings. We have closed five bases in my State. But we all know it is something that needs to happen. So I intend to support the amendment of the Senator from Arizona. I intend to oppose the Dorgan amendment, which for all practical purposes kills the underlying amendment.

I think basically we have to recognize defense has been cut by 34 percent. We have closed only 18 percent of the military bases. If we are going to preserve modernization, if we are going to keep the pay and benefits to maintain the finest people in uniform we have ever had, we are going to have to close more military bases.

So, I hate it, as I am sure many of our colleagues do, but there is no alternative, given the amount of money that the House and Senate are willing to appropriate. I urge my colleagues to defeat the Dorgan amendment and to support the McCain amendment.

I yield the remainder of my time to Senator MCCAIN.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Could we clarify the unanimous consent agreement we are operating under? I understand there is 10 minutes equally divided between the proponents and opponents of the Dorgan amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator North Dakota.

Mr. DORGAN. The Senator from Texas has just used information that is not accurate. He is referring only, when he talks about 18 percent, to the bases in this country. We have also closed bases overseas. When you add that to it, the total bases closed represent about 27 percent of the infrastructure.

But the point of my second-degree amendment is to say this: Let us at this point not authorize two additional rounds of base closures until we figure out what we have done, what the consequences of what we have done are in the last four rounds. We do not have all the facts about what the last four rounds have given us in terms of costs and benefits.

Let me not speak for myself. Let me have the Congressional Budget Office do it, and the GAO has done something similar. It says:

> The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

That is what CBO says. Then CBO says:

> That consideration, however, should follow an interval during which the DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

Why does CBO say that we ought to wait and take a measure of what we have done? Because they cannot get the facts. No one knows what are the costs and what are the savings. What CBO is saying is let's figure out what we have done. We have ordered the closure of nearly 100 military installations and only about half of them have been fully closed. At this point, let us finish that closure, assess the costs and the benefits, and then proceed, if necessary, to authorize additional base closures.

I reserve the remainder of my time.

Mr. STEVENS. Will the Senator yield a minute-and-a-half to me?

Mr. DORGAN. I will be happy to yield a minute-and-a-half to the Senator from Alaska.

Mr. STEVENS. Madam President, I join the majority leader in supporting the Dorgan amendment. I do so because, in our recent trips overseas, we have found a new military base, a U.S. military base in Kuwait; we have a new one at Prince Sultan in Saudi Arabia; we have been expanding a new one at Aviano, in Italy. The Hungarians believe we are going to continue to maintain their base once they join NATO.

It will take no Base Closure Commission for the administration to start closing bases overseas. I would rather see them stop building new bases overseas. But, certainly we need a report like this to try and get some idea about what is going on.

Last, I would say this, almost 40 percent of our military personnel today who are combat personnel are overseas. I do not believe we should have a Base Closure Commission to decide how many bases to close here at home until they return. It is not time to have a new base closure commission.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Arizona will yield me 1 minute?

Mr. McCAIN. Mr. President, 60 percent of the bases overseas have been closed, and that is a fact. I don't know where the Senator from Alaska has been traveling, but I suggest he go to Germany where we have basically dismantled our huge defense establishment, which was necessary and no longer is. There are stacks and stacks of information that can be provided about the costs that have been reduced as a result of the base closings that have taken place.

Finally, we are now in an Orwellian argument that not closing bases somehow saves money. It is the strangest argument I have been through on the floor of the Senate. We have to reduce these.

I do not intend to move to table the Dorgan amendment. I expect the Dorgan amendment will win. But I will tell my colleagues right now, this will be a sad day.

This will be a sad day in the history of the Senate, because we will not have fulfilled our obligations to the men and women in the military because we continue to siphon off money to pay for bases that we don't need instead of paying for the troops and the equipment that they need to fight and win.

Mr. LEVIN. Will the Senator yield 1 minute to me?

Mr. McCAIN. I yield to the Senator from Rhode Island, former Secretary of the Navy, and then the remaining time to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Rhode Island is recognized. Mr. President, I support the Levin-McCain amendment, which will allow the Defense Department to reduce its excess infrastructure and use resulting savings for needed equipment modernization.

After four rounds of base closings (1988, 1991, 1993 and 1995), the U.S. military has eliminated 21 percent of its base structure. Overall force structure, people and weapons starting in 1988 and ending 5 years from now on the other hand, is being reduced by 36 percent. This gap between the level of our forces and our infrastructure should not continue to exist indefinitely. If we do not continue the process of reducing excess capacity, the Defense Department will not have the funds to modernize its increasingly outdated weaponry and continue to maintain adequate readiness.

Today, we have heard arguments that the savings promised by earlier base closure rounds either have not materialized or have not been fully accounted for. Mr. President, I do not believe that we have to document exactly how much has been saved to the last nickel from previous BRAC's in order to continue this necessary process.

The fact of the matter is that previous base closures have resulted in substantial savings, currently estimated to be a total of $13.5 billion. The final amount of these savings may not be known for years. Perhaps these savings have not been as great as originally thought, but they have been there. You simply cannot reduce 21 percent of your infrastructure and not come up with some significant cost savings. Secretary of Defense Cohen—who endured some very painful base closings in his State as a Senator—has estimated that two additional rounds would result in savings of approximately $2.7 billion annually.

Mr. President, all six members of the Joint Chiefs of Staff—who account for some 24 stars—have written Congress to urge two additional base closures. The previous BRAC itself also recommended additional reductions. The Joint Chiefs recognize that our troops ought to be armed with the very best equipment when called to battle. It was this technological edge that proved so valuable in the gulf war.

But these weapons have a cost, and continuing to expend valuable resources on unneeded infrastructure will hinder modernization and detract from readiness. I urge support for the Levin-McCain amendment and opposition to the Dorgan amendment.

Mr. President, I certainly hope the prediction of the Senator from Arizona is not accurate, that the Dorgan amendment will prevail. I think it is not a good amendment. We have to reduce the base structure in the country as we bring down the forces. I support the efforts of Senator MCCAIN vigorously and hope he will prevail.

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. Mr. President, I support the McCain amendment and very much oppose the Dorgan amendment. I hope we will listen to General Shalikashvili. This is what he said when he testified:

> As difficult as it is politically, we will have to further reduce our infrastructure. We have more excess infrastructure today than we did when the BRAC process started. We need to close more facilities, as painful and as expensive as it is.

We should listen to the head of our uniformed military. The Secretary of Defense has told us we cannot afford this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight. The savings are on this chart. They have been estimated by the Department of Defense. We have a letter from all of the Joint Chiefs pleading with us, it is called a 24-star letter, all the Joint Chiefs, and the chairman and the vice chairman pleading with us to shed excess weight.

I hope we will not adopt the Dorgan amendment. If we adopt it, it will destroy the possibility that this year—this year—as we propose in the McCain amendment, we will again do what we must do, as painful as it is. And those of us who come from States which have had bases closed and which face additional base closings, as I do in my State, understand that pain.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota controls 2 minutes.

Mr. DORGAN. Mr. President, I yield a minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. NICKLES. Mr. President, I urge my colleagues to vote in favor of the Dorgan-Lott substitute and against the McCain amendment. Even if this substitute is not adopted, I urge them to vote against the McCain amendment, and the reason is, for the first time in the four base closing rounds, this administration played politics. They said, ''Well, we're going to accept all of them except for two.'' That has never happened. It didn't happen in the first round, it didn't happen in the second round, and it didn't happen in the third round. It happened in the fourth round.

I don't think we should give them additional rounds until we have a clear understanding that we are not going to play politics. We are going to close bases on the merits and not on electoral votes.

I urge my colleagues to vote in favor of the Dorgan-Lott substitute.

The PRESIDING OFFICER. The Senator from North Dakota controls 1 minute 12 seconds.

Mr. DORGAN. Mr. President, first of all, I have voted for every previous round of base closings and intend to vote again when additional bases are needed to be closed, but if this is, in fact, about saving money, then let us at least pay some heed to the Congressional Budget Office.

The Congressional Budget Office says that additional base closing rounds ought to follow an interval during which the Department of Defense and independent analysts examine the actual impact of what has been done so far. If this is, in fact, about saving money, let's take the advice of the Congressional Budget Office and figure out what we have done before we decide to do more, what has the cost and the benefit been of what we have done.

The majority leader, the minority leader, Senator THURMOND, Senator STEVENS, and so many others have cosponsored this second-degree amendment, which is very simple. The second-degree amendment asks the Secretary of Defense to prepare and submit to Congress a report on the costs and savings on the closure rounds that have already been occurring and to give us information that we don't now have before we proceed to talk about additional rounds of base closures.

The PRESIDING OFFICER. All time has expired.

Mr. McCAIN. Mr. President, I ask unanimous consent that my colleague, the Senator from Virginia, who has been standing to make a statement, be granted 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Virginia is recognized for 30 seconds.

Mr. ROBB. I thank my colleague from Arizona. We have given a great deal of attention to the fact that the tooth-to-tail ratio is completely out of whack. It used to be 50–50 10 years ago. It is close to 70–30 now. The tail being the support of everything else. If we want to support force structure, if we want to be capable of carrying out our commitments, we have to cut infrastructure. The savings start as soon as we begin to cut infrastructure. We can argue about how many dollars later on.

With that, Mr. President, I thank the Chair and yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Adopt the Dorgan-Lott second-degree amendment.

The PRESIDING OFFICER. A rollcall has not been requested on this amendment.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 771, offered by the Senator from North Dakota [Mr. DORGAN] to amendment No. 705, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 66, nays 33, as follows:

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—66

Abraham	DeWine	Landrieu
Akaka	Dodd	Lautenberg
Allard	Domenici	Lott
Ashcroft	Dorgan	Mack
Baucus	Durbin	McConnell
Bennett	Faircloth	Moseley-Braun
Bingaman	Feinstein	Moynihan
Bond	Ford	Murkowski
Boxer	Frist	Murray
Breaux	Graham	Nickles
Brownback	Grams	Roberts
Bumpers	Gregg	Santorum
Burns	Hagel	Sarbanes
Campbell	Hatch	Sessions
Cleland	Helms	Shelby
Cochran	Hollings	Smith (NH)
Collins	Hutchinson	Snowe
Conrad	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thompson
D'Amato	Johnson	Thurmond
Daschle	Kempthorne	Torricelli

NAYS—33

Biden	Harkin	McCain
Bryan	Inouye	Reed
Byrd	Kennedy	Reid
Chafee	Kerrey	Robb
Coats	Kerry	Rockefeller
Enzi	Kohl	Roth
Feingold	Kyl	Smith (OR)
Glenn	Leahy	Thomas
Gorton	Levin	Warner
Gramm	Lieberman	Wellstone
Grassley	Lugar	Wyden

NOT VOTING—1

Mikulski

The amendment (No. 771) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 705, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the McCain amendment No. 705, as modified, as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Is there objection to vitiate the yeas and nays on amendment No. 705?

Without objection, it is so ordered.

The question now occurs on agreeing to McCain amendment No. 705, as modified, as amended.

The amendment (No. 705), as modified, as amended, was agreed to.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations just reported from the Armed Services Committee: Gen. Wesley Clark and Lt. Gen. Anthony Zinni. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations appear at the appropriate place in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Gen. Wesley K. Clark, 0000.

IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Lt. Gen. Anthony C. Zinni, 0000.

Mr. LOTT. Mr. President, I would like to note special appreciation to the Armed Services Committee for moving these nominations. I want to thank the chairman for having extra meetings to get these two nominations cleared. I want to thank Senator LEVIN from Michigan.

It would have been a very awkward situation tomorrow and the next day at the change of command of our NATO officials if we had not had Gen. Wesley Clark confirmed and in a position to assume command from General Joulwan. This was a very positive move. I thank the Armed Services Committee and the Senate for their cooperation in these confirmations.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Would the Chair inform the Senator from Nevada what the parliamentary status on the floor is at this time?

The PRESIDING OFFICER. The pending business is the defense bill, S. 936, and the pending question is on Dodd amendment No. 763.

Mr. REID. I ask unanimous consent that the Dodd amendment be set aside for purposes of my offering an amendment.

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

AMENDMENT NO. 772

(Purpose: to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies)

Mr. REID. Mr. President, I ask the clerk to call up amendment No. 772.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 772.

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

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

The amendment is as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. BUMPERS. Could the Senator say about how long he anticipates speaking on his amendment?

Mr. REID. About 10 to 12 minutes.

Mr. BUMPERS. I thank the Senator.

Mr. REID. Several years ago, I and a number of my colleagues took a trip. One of the places we went to was Angola. It was a beautiful country. It is a country that has been devastated by war. We did not see the wild animals roaming the plains as they did at one time. We did not see the oil fields pumping as well as they should have. What we did see were hundreds of people who had been injured by landmines. Their legs were gone, their arms were gone. We, of course, did not see the people who were killed on a daily basis in Angola from landmines.

If Angola were the only place in the world that had been devastated by landmines, perhaps we should not take the time of this body by looking at it. But Angola is important, and where the antipersonnel landmines have ravaged the countryside, we in this body must be concerned.

I rise today, having introduced an amendment to accelerate the removal of millions of abandoned antipersonnel landmines. This is just one more important step in the long and difficult job of stopping forever the killing and maiming of innocent men, women and children, by these useless relics of warfare and terrorism.

Mr. President, I am appreciative of the work that has been done by Senator PAT LEAHY on bringing to our attention the devastating problem of abandoned landmines. He has fought long and hard and spoken out on this issue, and I appreciate that. He has a long-time commitment to terminating this threat to innocent noncombatants. The whole world, and especially the developing world, owes Senator LEAHY thanks for his leadership in forever banning these instruments of war.

These landmines have limited military utility, with primary value found in the terror and timidity they incite in the enemy infantry. Modern military battles, though, are not won by the infantry. Victory may very well be sealed by the infantry, but the battle is won by the air, by the artillery and by the armored mechanized forces.

My amendment responds to a terribly tragic situation in which an unnecessary weapon remains long after battle, and wreaks its terror and its death and destruction on innocent civilians.

Mr. President, I am going to recite some statistics that are unbelievable, for lack of a better description.

It is estimated that there are more than 100 million of these landmines buried and abandoned in 64 different countries. That is one landmine for every 50 people on this Earth. I have talked about Angola. The Angolan war lasted for much more than a decade. The country of Angola has 10 million people in it, but buried in the dirt in Angola are more than 20 million landmines, 2 landmines for every person in Angola.

They are buried, they are unexploded, they are unrecovered, and they are waiting for women and children, principally, to step on them. Why women and children? Because the women are often the ones to work the fields and the children are the ones that often unknowingly stray into the abandoned minefields.

In Angola, 120 people die every month from landmines. Four people a day in Angola are killed. This does not take into consideration the scores, the hundreds of people that I saw in Angola missing legs and arms.

Every month in Cambodia, 300 Cambodians are casualties—10 casualties each and every day.

Afghanistan, Mozambique, Croatia, Bosnia, Vietnam—in all these countries, and more, the toll mounts.

We were in Bosnia a year or so ago. While we were there a call came over the commander's radio, a call reporting a landmine casualty. It was a Russian who had had a leg blown off by a landmine. These are occurrences that happen all the time.

In the world, we have about 70 casualties a day, 500 each week, 30,000 a year. These casualties are unnecessary, and without action on our part—we cannot leave it to anyone else—they

are going to continue to be unavoidable.

Most of those killed and injured have not done anything but try to farm, walk to school, walk to the market, walk to a hospital, take a shortcut home. Some of the children are just playing in the fields around their homes. But, on this day, playing around their homes, their farms or their schools, a landmine goes off, killing or maiming the child.

Think of it, Mr. President, every day not knowing whether any particular step you take is going to wind up in death or losing a limb or limbs. People should not have to live that way.

We, as the most powerful Nation in the world, have an obligation, I believe, with the great scientific minds we have in this country, to figure out a way to better detect those mines and to remove them.

Estimates from a year ago projected that about 100,000 landmines were being removed each year while about 2.5 million mines were being placed in the Earth each year. So what does this mean? Humanity, zero; landmines, 2.4 million every year. That is no contest.

Like most problems, the abandoned landmine problem is rooted in economics. How much does it cost to remove a landmine? Lots of money, up to $1,000 a landmine. How much does it cost to place a landmine in the ground? A couple bucks. That is all.

The recovery costs go up dramatically when the mine field maps are lost or purposely destroyed or become so old as to engender no confidence in the minds of the recovery crews.

If we do not outlaw antipersonnel landmines, the economics guarantees proliferation of this barbaric practice. The economics of mine warfare guarantee more death and maiming and destruction unless these devices are forever outlawed and stockpiles around the world are quickly destroyed.

But the world community might not outlaw antipersonnel landmines because they are so cheap and easy to use. I say that antipersonnel landmines have no place in a civilized world. We must stop the distribution of these implements of terror that spread permanent disability, disfigurement, and death wherever they have been used.

There is pending in the Senate a bill to permanently ban the use of antipersonnel landmines. I support that legislation, as do 58 other Senators. This is the legislation that has been led by Senator LEAHY.

But even if the Senate supports this ban, others in the world community may not. The best and most effective way of banning landmines is to make them useless by making their discovery cheap and easy and by developing faster and cheaper ways of clearing landmines. This would be both a humanitarian advance and a lifesaving action for our troops on combat missions.

To do this successfully we must better develop capabilities to locate buried landmines, and then we need to develop new and more effective ways to clear them.

A few months ago, Mr. President, I made a tour of the lab at Livermore in California, one of our national laboratories. I said to them, how much money are we spending to find a way to remove these landmines? They said about $100,000 a year.

We can do better than that.

The magnitude of this task is significant. If one man could locate and recover one landmine every hour, that would be eight devices per 8-hour day per man in the field. Today's technology, of course, does not allow us to do it anywhere near as quickly as that. But even at that rate, which we cannot achieve today, it would take 1,000 men working 7 days a week, 24 hours a day, 34 years to remove the landmines that are now buried. But remember, we are putting in about 2.4 million extra ones each year.

There are a lot of ideas out there of what we can do. We need to focus on developing and deploying landmine remediation systems while continuing the research that promises better capability in the future.

An area of the Nevada test site has been equipped and used by our national laboratories for testing new ways of landmine detection and location. For example, at the Nevada test site, which was used for underground nuclear explosions and aboveground nuclear explosions, we can test these in many different ways. Systems were tested that permitted remote locations of buried landmines under favorable conditions. But much improvement is needed because conditions are almost never favorable.

We will shortly begin testing a new concept that promises a better performance, and has the added value of detecting nonmetallic landmines, because the people who develop these weapons of destruction have gone a step further. They are no longer metal, they are plastic. This new concept allows detection and discrimination of buried objects at much greater depths. But we need to do something to develop the technique.

As progress is made in landmine detection and location, we need to develop and test better ways of landmine recovery and destruction. We can do that. That is what this amendment is all about. There is plenty of talent, scientifically, to do it. We just need the support for infrastructure, personnel, equipment, and field work to do something about it.

I say, again, antipersonnel landmines have no place in the future of civilized nations. We need to get on with developing better capability to remove these devices that are already deployed. Cheaper and faster landmine clearing will protect both innocent civilians and our combat troops and it will remove much of the incentive to spread more of these terrible instruments of terror, injury, death, and destruction.

The amendment I have submitted today will permit our national laboratories to use their superb talents for accelerated development of landmine detection and clearing technologies. The report language for the National Defense Authorization Act includes direction to the Department of Defense to establish more effective collaboration with the weapons laboratories of the Department of Energy.

This amendment is consistent with that direction. It will apply an existing national resource to this important mission and it will facilitate the development and testing of a new technology that promises mine detection performance well beyond that of any existing capability. This amendment will make antipersonnel landmines useless by cheap and easy detection, localization, and removal.

Mr. President, I urge my colleagues to support this amendment.

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. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for 5 minutes as in morning business.

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

BALANCING THE BUDGET

Mr. BUMPERS. Mr. President, several weeks ago I stood at this desk during the debate on the budget resolution and offered an amendment that I thought was an eminently serious, major, defining amendment on that bill. I have been here 22½ years and I knew perfectly well that I was not going to prevail on that amendment. But I had pointed out during the course of the debate that in the 22½ years I have been here, probably the most important goal I had hoped to see achieved during my tenure in the Senate was a balanced budget.

I had, on several occasions, voted against a constitutional amendment to balance the budget simply because of my reverence for the Constitution and for my belief that economic policy has no place in the Constitution. I had always argued and will argue until my dying day that balancing the budget is a matter of will by the Members of the U.S. Congress, and to suggest that the only way we can screw up the nerve and stiffen our spines to balance the budget is to put it in the Constitution is demeaning in the extreme.

So that is why in 1993 I voted for the reconciliation bill that raised taxes and cut spending. It raised taxes on 1½ percent of the wealthiest people in America and cut spending by $250 billion over a 5-year period, all of which

combined was supposed to reduce the deficit from what it would otherwise be by $500 billion over the ensuing 5 years. Mr. President, that 5-year period is not yet up, but in 1998 on the fifth anniversary of the passage of that bill, it will not have saved $500 billion, it will have saved $1 trillion and more. That bill is responsible for the deficit going from almost $300 billion in 1992 to what we thought was $67 billion until today.

It has been a source of unbelievable satisfaction to me to see the deficit in 1993 go from $290 billion anticipated to $254; in 1994, to $205 billion; in 1995, $154 billion; in 1996, $107 billion; in 1997, anticipated to be $67 billion, and this morning's front page of the Washington Post says that because the economy is so good and people are paying taxes that the deficit this year will be $45 billion or less. That will be the smallest deficit we have had, as we lawyers like to say, since the memory of man runneth not.

The reason I rise to speak, Mr. President, is not just to catalog that history with which all the Senators are all too familiar, but to point out another item that was included in that Washington Post story. It said if we can just get the House and Senate conferees to keep bickering for another year and not pass this tax cut, we could easily balance the budget in 1998.

Two weeks ago when I offered my amendment to forgo tax cuts, I said we should forgo tax cuts, honor what I consider to be a nonnegotiable demand by the American people to balance the budget and balance the budget in 2001, maybe even 2000. And now this morning's paper says you do not have to postpone taxes to do it in 2001. If you postpone taxes, you can do it in 1998. Never, never in modern times have we been so close to actually doing what most of us say we want to do, and that is balance the budget.

Now, Mr. President, I got a whopping 18 votes for my amendment 2 weeks ago. I am not going to call the names of the Senators that voted with me, but I hope people will look at the RECORD and see who had the courage, who had the vision and the spine to stand up on the floor of the Senate and vote for an eminently sensible proposal to balance the budget earlier, much earlier, than the bill we were debating. And 4 of those courageous 18 people were up for reelection next year. They certainly have my praise and my respect because they believe in the American people and they were willing to stand up and vote for a reduction of the deficit as opposed to a tax cut.

If you ask the American people, would you favor this $135 billion tax cut over the next 5 years, or would you prefer a balanced budget over the next 2 years, I can tell you the answer would be 70 percent to 80 percent of the people would opt for a balanced budget.

Mr. President, the 18 votes I got to postpone the tax cuts in order to bring about a balanced budget much sooner is the smallest number of votes I have ever received on an amendment since I have been in the Senate. And it was probably as good, as authentic and courageous an amendment as I have ever offered since I have been in the Senate. It could have changed the economic course of the country.

Mr. President, the article in the paper this morning got one thing totally wrong. The article stated that neither the Democrats nor the Republicans are going to be able to take credit for the balanced budget.

I take strong exception to that as a Democrat. Two of the finest Senators we ever had in the U.S. Senate lost their seats in 1994 because they stood up and voted for the 1993 budget which raised certain people's taxes. The House of Representatives fell to the Republicans in 1994 when NEWT GINGRICH became speaker and the U.S. Senate went to the Republicans and there was not one Republican in the House or the Senate that voted for that bill which has brought about this exhilarating chance to actually balance the budget.

So to say that President Clinton has not been courageous in proposing the 1993 budget package is a terrible injustice and it is wrong. It is his legacy. It is the legacy of this President that he stood firm on deficit reduction in offering that bill, which cost the Democrats dearly at the polls the following year. So far as I am concerned, the stock market has been soaring ever since that bill was passed in 1993, despite the promises of some of the most distinguished Senators on the other side, who said that this is going to end the world as we know it, and you are going to see people out of work and more homeless people, and you are going to see a depression if we pass this bill.

We passed the bill. The stock market took off because people were encouraged and finally believed that the people down here knew what they were doing and were finally going to screw up their nerve and give them a sound fiscal Government. It has been going on ever since, and that is precisely the reason we are within striking distance of balancing the budget right now. To say nobody can claim credit for that is a real stretch. It was President Clinton. It was not easy. Most of you will recall that the Vice President had to come over and sit in the chair and break a tie in order to pass that bill. Today, the American people are the beneficiaries.

I hope that the conferees are unable to reach an agreement on this, because if they don't reach an agreement, we can balance the budget. If they do reach an agreement, Lord only knows what the results are going to be. All we know is that the wealthiest people in America are going to get a handsome tax cut and the budget is not going to be balanced.

So, Mr. President, I rise tonight to set the record straight on what I think is an extremely important event. I was absolutely euphoric this morning to read that the deficit that was anticipated to be $127 billion this year was then calculated to be about $104 billion, and then calculated about 3 months ago to be $67 billion, and this morning calculated to be $45 billion. It is beyond our wildest dreams. Why would we not seize the moment to forego this tax cut and do precisely what the American people want us to do? It isn't too late.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 778

(Purpose: To amend title 18, United States Code, to revise the requirements for procurement of products of Federal prison industries to meet needs of Federal agencies)

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

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. ABRAHAM, Mr. ROBB, Mr. HELMS, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS, proposes an amendment numbered 778.

Mr. LEVIN. Mr. President, I ask unanimous consent that the 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 subtitle E of title VIII, add the following:

SEC. 844. PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

''(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

''(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitation of offers for the procurement of such product;

''(2) use competitive procedures for the procurement of that product, unless—

''(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

''(B) the Attorney General makes the determination described in subsection (b)(1) within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

''(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

''(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

''(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

''(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

''(B) it is necessary to award the contract to Federal Prison Industries in order—

''(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

''(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

''(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.''.

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) Federal Prison Industries shall, to the maximum extent practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor.''; and

(3) in paragraph (6), as so redesignated, by striking out ''paragraph (4)(B)'' and inserting in lieu thereof ''paragraph (5)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, this amendment is cosponsored by Senators ABRAHAM, ROBB, HELMS, KEMPTHORNE, DASCHLE, and BURNS. This is to implement the recommendation of the National Performance Review that we should require Federal prison industries to compete commercially for Federal agencies' business instead of having a legally protected monopoly.

Mr. President, our amendment will eliminate the requirement for Federal agencies to purchase prisoner-made goods even when they cost more and are of lesser quality. This amendment will ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency can get a better product at a lower price from the private sector, it should be permitted to do so. The taxpayers will get the savings.

Many in Government and in industry point out that the Federal Prison Industries' products are often more expensive than commercial products, inferior in quality, or both. For example, the Deputy Commander of the Defense Logistics Agency wrote in a May 3, 1996, letter to the House that Federal Prison Industries had a 42-percent delinquency rate in its clothing and textile deliveries, compared to a 6-percent rate for the commercial industry. For this record of poor performance, the Federal Prison Industries charged prices that were an average of 13-percent higher than commercial prices. Five years earlier, the DOD inspector general reached the same conclusion, reporting that the Federal Prison Industries' contracts were more expensive than contracts for comparable commercial products by an average of 15 percent. Now, the Department of Defense made roughly $150 million in purchases from Federal Prison Industries last year, and so this is currently costing the Department of Defense, alone, $25 million.

Mr. President, it just makes no sense that, with all of the advantages in terms of labor price, which is nominal in prison, that they can assert a monopoly which gives them the right to sell to the Defense Department products at a greater cost than the Defense Department could buy them in the commercial market, and this amendment would correct that.

At this point, I want to yield to my good friend and colleague from Michigan, Senator ABRAHAM, for his statement. I ask unanimous consent that I be immediately recognized thereafter to complete my statement.

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

The junior Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank my colleague and friend who brings us, I think, a wise amendment tonight, which I am happy to cosponsor. This is a pretty simple amendment, really. It does not say that anybody should get a preference over the Prison Industries, but simply that those who are in the private sector, who create jobs for people, who play by the rules and work hard, ought to have the same opportunity to bid on Federal contracts that the Federal Prison Industries themselves enjoy.

As my colleague from Michigan, Senator LEVIN, has indicated, we have numerous examples that suggest that, right now, the Federal taxpayers are not getting their money's worth when Federal agencies purchase office equipment, because the Prison Industries' costs are greater than would be the case if the private sector were involved. Moreover, of course, it is our view that if competition was injected into the system, the cost would go down, even though it is conceivable that the Prison Industries would continue to be the contractor chosen for the production and provision of such furnishings.

In my State, Mr. President, we have a lot of people in this industry. I have spoken with them in the plants in which they work—not just the people who run the plants, but the people working on the floor making the finest furniture in the world. They have an interesting take on the way we do business. They say: Doesn't it seem unusual that we should work hard, 40 hours a week, and sometimes more, to produce a high-quality piece of furniture, and that we should have a certain amount of the money we earn for that hard work sent to Washington to pay taxes, or sent to Lansing, or wherever, and then that we should see those tax dollars go to the Federal Government to be used, at least in part, to support the development of an industry that competes with us and prevents us from having the opportunity to create better paying jobs and more jobs?

That doesn't make sense to them, Mr. President, and it doesn't make sense to me. It seems that we ought to pride ourselves here on providing our taxpayers the most efficient Government possible. That ought to mean that when we purchase equipment and furniture for the Federal departments and agencies, we get the best bargain possible and that we at least make sure that folks who work hard and play by the rules in the furniture industry, or any other industry, have the opportunity to benefit from the Federal contracts that are let to purchase furniture and other sorts of items that help us in the Federal agencies and departments. To me, this is just pure common sense. So for that reason I support this amendment.

I think all we are asking for here is a level playing field—no special preference, no exclusion of the private sector from the bidding process. If the furniture made by the Federal Prison Industries is the best deal, then that is who ought to be doing the work. But if it is not, then the taxpayers deserve the best deal.

As to a broader point, I just want to say this. I believe that people in prisons should work. This is in no way, or should it be in any way, interpreted as an amendment designed to suggest that those who are doing hard time should stop doing hard time or that those who are learning trades and skills ought to be in any way prevented from doing so. But it seems to me that what makes sense is for the Prison Industries to focus primarily on providing services, and so on, in areas where they aren't competing with American workers and American jobs in the private sector. I think, at a minimum, we should level the playing field so that that can occur.

For those reasons, I am happy to support this amendment as a cosponsor. I look forward to the continuation of this debate tomorrow on the floor as well.

Under the previous order, I yield the floor back to the Senator from Michigan.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Michigan is recognized.

Mr. LEVIN. I yield to the chairman of the committee who, I understand, wants to make a statement at this time.

Mr. THURMOND. Mr. President, the amendment offered by the Senator from Michigan, Senator LEVIN, would seriously damage the functioning of the Federal Prison Industries, Incorporated known as FPI.

FPI is the Bureau of Prisons' most important inmate program. It keeps inmates productively occupied and reduces inmate idleness and the violence

and disruptive behavior associated with it. Thus it is essential to the security of Federal correctional institutions, the communities in which they are located, and the safety of Federal correctional staff and inmates. Eliminating FPI's mandatory source status in law would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's Federal prisons.

In addition to the general benefit of keeping our prison population employed, the Federal Prison Industries Program has the added benefit that 50 percent of the wages paid to prisoners employed under the program are used to pay off fines and provide restitution to the victims of their crimes. This is an important benefit that must not be impeded.

FPI has no other outlet for its products than Federal agencies. The constraints within which FPI operates cause it to be less efficient than its private sector counterparts. While private sector companies specialize and become highly efficient in certain product areas, FPI, in an attempt to limit its market share in any one area, has diversified its product line. Private sector companies strive to obtain the most modern, efficient equipment to minimize the labor component of their manufacturing costs. FPI, on the other hand must keep its manufacturing process as labor intensive as possible in order to employ the maximum number of inmates.

Since FPI operates its factories in secure correctional environments, it faces additional constraints that limit its efficiency. For example, every tool must be checked out at the beginning of the day, checked in before lunch, checked out again in the afternoon, and checked in at the end of the day. In addition, Federal Prison Industries factories are occasionally forced to shut down because of inmate unrest or institutional disturbances. The costs associated with civilian supervision and numerous measures necessary to maintain the security of the prison add substantially to the cost of production.

It should be noted that the average Federal inmate has an 8th grade education, is 37 years old, is serving a 10-year sentence for a drug related offense, and has never held a steady job. According to a recent study by an independent firm, the overall productivity rate of an inmate with a background like this is approximately ¼ that of a civilian worker.

FPI must have some method of offsetting these inefficiencies if it is expected to acquire a reasonable share of Government contracts and remain self financing. The offsetting advantage that Congress has provided is the mandatory sourcing requirements in section 4124 of title 18, United States Code. This section requires that Federal agencies purchase products made by FPI as long as those products meet customer needs for quality, price, and timeliness of delivery. If the product is not currently manufactured by FPI, or if the FPI is not competitive in quality, price or timeliness, Federal Prison Industries will grant a waiver to allow the Federal agency to purchase the product from private sector suppliers.

The amendment proposed by Senator LEVIN would force the Attorney General to require that Federal agencies purchase FPI products on a case-by-case basis, increasing paperwork and administrative expense unnecessarily. The current FPI mandatory source requirement provides a steady flow of work to the inmate population and reduces the requirement for FPI to expend large amounts of money on advertising and marketing. If such expenses had to be incurred, sales levels and market share would have to be expanded to cover them. This would have an adverse impact on private sector companies in the same businesses as FPI.

I urge my colleagues to reject the Levin amendment. Mr. President, I ask unanimous consent that a letter from the Council of Prison Locals of the AFL–CIO be printed in the RECORD.

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

FEDERAL PRISON COUNCIL 33,
(AFL–CIO)
June 19, 1997.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR. I am writing to express the strong opinion of the Council of Prison Locals, American Federation of Government Employees, against Senator Levin's proposed amendment to the Defense Authorization Bill. The Levin Amendment would eliminate mandatory source status for Federal Prison Industries (FPI), a wholly-owned corporation of the Federal Government.

The Council of Prison Locals is the exclusive representative of 22,000 bargaining unit employees nationwide working in the nation's Federal Prisons. Our members feel that this is the Bureau of Prisons most important correctional program.

We have several concerns with the Levin Amendment. The first concern is that FPI should be looked at as part of the overall Bureau of Prisons program. This should include hearings on the Judiciary Committee. We feel the safety of thousands of Correctional Workers is in jeopardy because of the ''perception'' that FPI is somehow controlling the Federal market. This could not be further from the truth. We believe that FPI is part of safe prison management of our facilities and should not be an amendment to some unrelated legislation.

We urge you to oppose the Levin Amendment and keep the Federal Prison System safe for its workers.

Sincerely,

PHIL GLOVER,
Northeast Regional Vice President,
Council of Prison Locals, AFGE.

Mr. THURMOND. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

Mr. President, last July, a master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on the Government furniture contract has undermined the Navy's ability to improve living conditions for its sailors. This was his testimony.

Speaking frankly, the FPI product is inferior, costs more, takes longer to procure. FPI has, in my opinion, exploited their special status, instead of making changes that would make them more efficient and competitive. The Navy and other services need your support to change the law and have Federal Prison Industries compete with private sector furniture manufacturers under GSA contract. Without this change, we will not be serving sailors or taxpayers in the most effective and efficient way.

There was a coalition that joined together to try to provide for competition. All we are asking for is the private sector to be allowed to compete when its product costs less and when its product is a better quality. The competition in contracting at coalition is made up of 28 organizations and 204 businesses. Their letter, in part, reads as follows, that this amendment would implement a recommendation of the National Performance Review which stated that our Government should ''take away Federal Prison Industries' status as a mandatory source of Federal supplies and be required to compete commercially for Federal agencies' business.'' This solution would help manufacturers by eliminating the barriers to competition and allowing the bid process to take place.

We received a letter from Access Products of Colorado Springs, CO. They were denied an opportunity to bid on an Air Force contract for toner cartridges because Federal Prison Industries exercised its right to take the contract on a sole-source basis.

This is a small business in Colorado trying to sell to the Government. They have to compete with incredibly cheap labor in the prisons, which ranges between 23 cents an hour and $1.15 an hour. That is labor paid in the prison. This small business in Colorado makes this product, and they want to sell it to the Government. Here is what they write.

My company bid $22 a unit. The Federal Prison Industries' bid was $45 a unit.

The Government ended up paying $45. So here you have a small business struggling to survive against Federal Prison Industries paying incredibly cheap prices for its labor, comes in with a bid of half of what that product is bid by the FPI and loses the bid.

We are not trying to get a monopoly for the private sector. We are trying to eliminate this monopoly which is assumed by FPI, which allows it to say, this product, since it is produced by FPI, must be used by the Federal agencies, even though it costs the taxpayers more and, in many cases, is nowhere near as good in quality.

This is what the Access Products folks in Colorado Springs went on to say:

The way I see it, the government just overspent my tax dollars to the tune of $1,978.

The total amount of my bid was less than that. Do you seriously believe this type of product is cost effective? I lost business. My tax dollars were misused because of unfair procurement practices mandated by Federal regulation. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulations and the seeming approval of Congress. It's far past time to curtail this company known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

The Veterans' Administration sought repeal of this mandatory preference on several occasions on the ground that FPI prices for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, Veterans Administration officials estimated that repeal of this preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

We all want to do what we can do reasonably to make sure that work is available for Federal prisons. But the way that we are doing it is all wrong.

As one small businessman in the furniture industry put it in very emotional testimony at a House hearing last year:

Is it justice? Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veterans Administration suggested he enter?

Here you have a veteran of Vietnam who has entered into the business at the suggestion of the Veterans Administration, and he is not allowed to compete on a level playing field with Federal Prison Industries.

Our amendment is supported by the Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the Business and Industry Industrial Furniture Manufacturers Association, the American Apparel Manufacturers Association, the Industrial Fabrics Association International, the Competition in Contracting Act Coalition, and hundreds of small businesses from Michigan and around the country.

Mr. President, there is something fundamentally wrong with the procurement system which says that a small businessperson cannot compete even though his price is lower than a Federal Prison Industries' price, which has the cheapest labor in the country, 23 cents an hour to $1.15 an hour, and when we tell the veterans who open up small businesses and want to supply the Veterans Administration with a product, that they can't compete because the Federal Prison Industries has a monopoly on a product. We are not dealing fairly with either that veteran or that small businessperson.

There are many products which this Government buys that are imported which are not produced with American labor of small business, and instead of diversifying to produce those products currently imported and made with non-American labor, we have Federal Prison Industries continuing to focus on textiles, furniture, on items which displace American workers and American small businesses because they have a monopoly.

We are not seeking a preference. I want to drive home that point. We are not saying Federal Prison Industries should not be allowed to compete. It is the opposite. We are saying American small businesses should be allowed to compete where their price is cheaper and when their quality is better. For Heaven's sake, they ought to be allowed to sell to their Government and not be faced with a monopoly which charges more for even a less quality product frequently, as these letters explain, and nonetheless, sells to the Government at a greater expense to the taxpayers.

That is why the NFIB, the Chamber of Commerce, the National Association of Manufacturers, all of these small businesses in all of our States are pleading with us to end this monopoly situation.

Let me read from some of their letters. The National Federation of Independent Business says, in a letter dated June 19, 1997:

Today, federal agencies are forced to buy prison-made products through Federal Prison Industries (FPI) . . . This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

The Chamber of Commerce says, in a letter dated June 19, 1997:

The Chamber has long-standing policy that the government should not perform the production of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says, in a letter dated June 25, 1997:

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost(s) for goods and services bought by the government and in many cases has resulted in loss of jobs and business opportunities for our members. Removal of the "FPI mandatory source status is an idea [whose] time has come . . .

Mr. President, our amendment would not require FPI to close any of its facilities, or force FPI to eliminate any jobs for federal prisoners, or undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI—which currently ranks as one of the sixty largest federal contractors—to compete for federal contracts on the same terms as all other federal contractors. That is simply justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

The obvious fact is that FPI already has built-in competitive advantages, even if it is forced to compete for its contracts. First and foremost, FPI pays inmates a fraction of the wages paid to private sector working in competing industries. FPI's pay scales, as of March 27, 1995, were as follows:

Grade:	*Compensation rate*
1	$1.15/hour
2	0.92/hour
3	0.69/hour
4	0.46/hour
5	0.23/hour

Second, the Federal government provides land to FPI for the construction of its manufacturing facilities. Third, FPI pays no corporate income taxes and has no need to provide health or retirement benefits to its workers.

On top of these advantages, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. There is simply no reason why the taxpayers should be required to provide an indirect subsidy as well, by requiring federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items.

Mr. President, I am a supporter of the idea of putting federal inmates to work. A strong prison work program not only reduces inmates idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to productive society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work.

That is why I participated in an effort in the early 1990's to help Federal Prison Industries identify new markets that it could expand into without displacing private sector jobs. In 1990, the House Appropriations Committee requested a study to identify new opportunities for FPI to meet its growth requirements, assess FPI's impact on private sector businesses and labor, and evaluate the need for changes to FPI's laws and mandates. That study conducted by Deloitte & Touche on behalf of FPI, concluded that FPI should meet its growth needs by using new approaches and new markets, not by expanding its production in traditional

industries. The Deloitte & Touche study concluded:

FPI needs to maintain sales in industries that produce products such as traditional furniture and furnishings, apparel and textile products, and electronic assemblies to maintain inmate employment during the transition.

These industries should not be expanded, and FPI should limit its market shares to current levels.

I followed up on that report by meeting with FPI officials and participating in a ''summit'' process, sponsored by the Brookings Institute, designed to develop alternative growth strategies for FPI. The summit process resulted in two suggested areas for growth: entering partnerships with private sector companies to replace off-shore labor; and entering the recycling business in areas such as mattresses and electrical motors.

Unfortunately, FPI has chosen to take the exact opposite course of action. Last year, for instance, FPI acted unilaterally to virtually double its furniture sales from $70 million to $130 million and from 15 percent of the federal market to 25 percent of the federal market, over the next five years. This follows a steady growth in FPI's market share which has already taken place, unannounced, over the last ten years. In direct contravention of the Deloitte & Touche recommendations, FPI has announced its intention to undertake similar market share increases in other traditional product lines, such as work clothing and protective clothing.

This amendment would return FPI to the course prescribed by Deloitte & Touche and the Brookings summit by requiring it to concentrate any future expansion efforts, to the maximum extent practicable, on products currently sold to federal agencies that would otherwise imported. Expansion in existing lines of business would still be possible, but only as a last resort, and only as a result of competition, on a level playing field, with private industry.

Mr. President, this amendment is appropriate on this bill, because the Department of Defense is FPI's biggest customer, and pays by far the largest subsidy for FPI's overpriced products. The competition required by our amendment will save millions of dollars for the Department of Defense and other federal agencies. It should also improve FPI's performance, forcing it to become more efficient and productive, and advancing FPI's objectives of instilling a strong work ethic and providing a positive job experience. Working in non-productive and uncompetitive jobs may reduce inmate idleness, but it does not provide realistic work experience that will translate to the private sector.

We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for working men and women around the country, better for the taxpayer, and better for FPI.

Mr. WARNER. Mr. President, I commend my friend, the Senator. He has my support. I will vote with him tomorrow. He is right on.

Mr. LEVIN. I thank my good friend from Virginia.

Mr. President, I understand there will be a period of time tomorrow immediately prior to voting on this amendment for the proponents and opponents to summarize arguments. I think that will be part of the unanimous consent request which is going to be propounded in a few moments.

I thank the Chair.

I thank my good friend from Virginia.

I yield the floor.

FFTF

Mr GORTON. Mr. President, I would like to engage the Senator from New Hampshire, [Mr. SMITH] in a colloquy to clarify a provision within the bill's title on Department of Energy national security programs. Section 3134 limits, for a prescribed time period, the funds made available by the National Defense Authorization Act for the purpose of evaluating tritium production to two options: use of a commercial light water reactor or building an accelerator. As you know, DOE has decided to evaluate, in addition to a commercial reactor and an accelerator, the Fast Flux Test Facility, as known as the ''FFTF,'' as a possible back-up production option to provide interim quantities of tritium. The FFTF is currently, and in the future proposed to be, funded from sources not covered by this bill, specifically, the non-defense Environmental Management account and the civilian Nuclear Energy account. Accordingly, would the Subcommittee chairman agree that the limitation contained in section 3134 is not applicable to FFTF and similar options that are funded through programs wholly unrelated to that monies provided by this defense bill.

Mr. SMITH of New Hampshire. If the Senator would yield, that is correct. The provision being proposed is applicable only to the stated plans in the Department's ''dual track'' strategy. This bill would not affect the Fast Flux Facility, because that facility is currently funded through a non-defense account. This bill does not have authority over these funds, and therefore, this provision would in no way alter the commitment made by former Secretary O'Leary to keep the FFTF in a hot stand-by condition.

Mr. GORTON. I thank the Senator for this clarification.

AIR FORCE SERGEANTS ASSOCIATION

Mr. MCCAIN. Mr. President, on Monday, the Senate adopted a symbolic, yet important amendment which grants a Federal charter to the Air Force Sergeants Association, a highly respected nonprofit, veterans association.

Over the past 36 years, the Air Force Sergeants Association has been stalwart in representing the interests of Air Force enlisted men and women. The association has served a vital purpose by informing Members of Congress of the concerns of enlisted servicemembers and their families, and likewise informing enlisted personnel where Members of Congress stand on critical personnel issues, such as pay, military medical health care, quality of life and earned retirement benefits for active duty, Reserve component, and military retirees.

This Federal Charter is a symbolic gesture that shows Congress appreciation to the Air Force Sergeants Association for the outstanding service they provide and to the dedicated men and women whom the association represents. We pay tribute to the noncommissioned officers who form the backbone of the Air Force.

Noncommissioned officers turn the wrenches, prepare the aircraft, walk the perimeters, and train ''new'' junior officers as they report to their first assignments directly from their commissioning source. The contribution of our noncommissioned officers cannot be overstated whether as major contributors to dismantling the Iron Curtain, winning the Persian Gulf War, to carrying out vital peacekeeping missions throughout the world or projecting American power wherever and whenever it is needed.

As the Air Force celebrates its 50th anniversary, Congress honors the commitment and contribution of enlisted servicemembers to our national security. Granting this Federal charter demonstrates our gratitude for their outstanding efforts.

Mr. President, I appreciate the support of my colleagues for this amendment. It is with great honor and gratitude that I was asked to introduce this legislation by my friends at the Air Force Sergeants Association.

I ask unanimous consent that the text of the Air Force Sergeants Association Federal charter amendment, amendment number 728, be printed again in the CONGRESSIONAL RECORD.

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

AMENDMENT NO. 728

(Purpose: To provide a Federal charter for the Air Force Sergeants Association)

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AMENDMENT NO. 420

Mr. GLENN. Mr. President, I rise to speak in support of an amendment offered by my colleagues, Messrs. COCHRAN and DURBIN, to correct a significant deficiency in our export licensing system.

I will speak today of the current practice of allowing the export from the United States of high-powered, dual-use computers—machines that until very recently were called supercomputers—without any prior U.S. Government assessment of their end uses or end users. The amendment takes a significant step to correct this problem—not by banning the export of such machines, but merely by requiring exporters to obtain an individual validated export license before exporting them from the United States or reexporting them from elsewhere.

The amendment specifically requires a license for the export of computers with a composite theoretical performance level equal to or greater than 2,000 million theoretical operations per second [MTOPS], when such machines are destined to a group of countries that now receive such computers—up to a level of 7,000 MTOPS—without U.S. Government end use or end user checks.

The specific group of controlled countries—the so-called ''Tier 3'' countries—is described as follows in the Bureau of Export Administration's Report to Congress for Calendar Year 1996: ''* * * countries posing proliferation, diversion or other security risks.'' So we are dealing here with certain countries that our government, on the basis of all the information at its disposal, has determined pose risks to our security.

SOME ANCIENT HISTORY

This is not the first time I have spoken about the proliferation risks associated with high-powered computers. On October 31, 1989, I spoke of the dangers from supercomputers and super bombs (CONGRESSIONAL RECORD, 10/31/89, p. S–14382 ff.).

On that occasion, I reminded my colleagues of the role computers play in designing nuclear weapons, and this particular application will only grow in importance now that the world appears heading for a ban on all nuclear explosions. Though it is true indeed that countries do not need high-powered computers to build the bomb—witness America's 1945-vintage Fat Man and Little Boy bombs—it is well recognized today that such computers are absolutely essential to developing advanced nuclear weapon designs, including H-bombs, especially when nuclear test explosions are prohibited. These computers are also useful in designing nuclear weapon delivery systems, the full gamut advanced conventional weapons systems, and have other national security applications—cryptography, for example.

Over a decade ago, in January 1986, America's three nuclear weapon labs—the Lawrence Livermore, Los Alamos, and Sandia National Laboratories—issued an unclassified report aptly titled, ''The Need for Supercomputers in Nuclear Weapons Design.'' The following extracts clearly identify the utility of supercomputers—as defined back in 1986—in the design and improvement of our Nation's nuclear weapons:

Large-scale computers are essential to carrying out the weapons program mission. Computers provide essential understanding and enable us to simulate extremely complicated physical processes . . . Computers enable us to evaluate performance and safety over the decades of a weapon system's lifetime . . . computers enable us to verify weapon designs within testing limits.

With large-scale computers, we have been able to improve our designs by optimizing design parameters, while reducing the number of costly experiments in the design process . . . Tests involving high explosives have been reduced from 180 tests for a 1955-vintage weapon to fewer than 5 for today's weapons because of computation.

Computers enable us to extrapolate to new capabilities . . . it is this computational capability, driven by the needs of the weapons design, that has made possible new concepts and enhanced safety in weapons.

The inability to calculate solutions to complex problems [during the years of the Manhattan Project] hampered development and forced weapons designers to build in large margins against error (e.g., large amounts of high explosive, which increased weight to such an extent that some designers were uncertain the devices could actually be carried by existing aircraft) . . . It has been estimated that a team of scientists using the calculators of the 1940s would take five years to solve what it takes a Cray computer one second to perform.

Without supercomputers, the nation's nuclear weapons program would be deprived of much of its vitality . . . supercomputing is essential . . . in providing us with a tool to simulate the complex processes going on during a nuclear explosion . . . computers enable us to infer real-environment weapon performance from underground nuclear tests.

The computer becomes absolutely essential in the evolution of a design that will survive the ''fratricide'' threat . . . the computer is essential in designing a system whose vulnerability to an ABM attack is reduced to an acceptable level.

[Computers] enable the designer to ''test'' ideas before actually committing to hardware fabrication . . . computing capabilities are absolutely critical to progress in new designs.

OK, so those were the uses of high-powered computers a decade ago. Obviously, computer technology has grown rapidly—even exponentially—since that time. This growth has led to much higher computing speeds, more manufacturers, more applications, improved software, and more countries seeking such machines. The growth has been so rapid that many both in and out of Government have come to believe—or appear to have convinced themselves—that this technology is completely uncontrollable.

The rapid advancement of this technology has been accompanied by an equally rapid decontrol of some of the very devices we used to make some of the most powerful weapons the world has ever known. The Commerce Department's Bureau of Export Administration, for example, reports in its most recent Annual Report to Congress that—''Due to the 1994 and 1995 liberalization for computers, this commodity group has been replaced by shotguns as being the most significant commodity group for which export license applications were received in fiscal year 1996.'' So it now appears that we are giving closer regulatory attention to shotguns than to a key technology that our top weapons labs have characterized as essential to performing a variety of nuclear-weapons applications.

But the supporters of this decontrol effort are not daunted by this news. They have consistently argued that if some other country is exporting high-powered computers without rigorous controls—or without any controls at all—then by golly, so should we, or else we would face the horrible accusation of ''shooting ourselves in the foot'' by denying U.S. manufactures market opportunities that are available to their foreign competitors. If there is evidence of foreign availability, in short, if there is at least one other country out there—whether it be North Korea, or Iran, or China, or any other nation—if just one of these countries decides to cash in on America's restraint, then we should have the same profit-making opportunities.

Well, there are a lot of problems with this point of view, some legal, and some political and moral. Let's have a closer look at these problems.

THE LEGAL AND POLITICAL FOUNDATIONS OF LICENSING

Under our Constitution, treaties are the supreme law of the land. One of our treaties, the Nuclear Non-Proliferation Treaty of 1968 [NPT], explicitly requires America not in any way to assist any non-nuclear weapon state to acquire the bomb. That treaty does not contain any proviso indicating that assistance may be provided if some other country is providing such assistance. It has no loophole allowing such assistance provided though a third party. It contains no codicils exempting the computer industry or any other industrial sector from the duty not in any way to assist the proliferation of nuclear explosive devices. The taboo on assistance is clear and categorical.

As well it should be. Indeed, America is quite fortunate that the term ''not in any way'' does not mean ''except in some ways.'' After all, there are 5 nuclear-weapon states today in the NPT and over 175 non-nuclear-weapon states in the world that have ratified or acceded to that treaty. If today we decide that it is fully consistent with this treaty obligation for the United States to decontrol completely technology that our top weapons designers at our nuclear weapon labs have publicly identified as essential to performing a variety of nuclear weapons-related activities, then how can we even pretend to be complying with this treaty? Is this the kind of approach we wish for other members of the treaty to adopt, to interpret that treaty as only requiring the regulation of state-of-the-art technology or goods that are only exclusively available at home? Is this what is ahead for American leadership in the global nonproliferation regime?

If this is the reasoning that is to guide America's technology transfer control policies into the 21st century, then I truly worry not just for the future of the NPT but for the future security of our country. To those who argue that we should only control state-of-the-art or sole-national-source technology, I ask: Why limit this logic only to the controls over computers? Why not, after all, also decontrol all of the other technologies that go into making bombs, except those items that are the most modern or exclusively sold in the U.S.?

The answer of course, is self apparent. Such a step would amount the crudest possible form of technological indexing, where U.S. controls would simply be ratcheted down with every new technological advancement. Such an approach would wreak havoc on any responsible nonproliferation policy.

The hydrogen bombs that America fielded in the 1950's and 1960's are no less dangerous in the hands of our adversaries just because they were made with technology that is now a half-century old. To advocate the decontrol of a technology strictly on the bases of so-called foreign availability, or the age, or level of sophistication of the item, without regard to either the actual end use or identity of the end user, is to turn a blind eye to proliferation. It is a sure-fire method to bring, as fast as possible, anachronistic weapons of mass destruction back into fashion. Fortunately, the NPT does not only aim at preventing the proliferation of state-of-the-art bombs—and we and our friends and allies around the world are much better off as a result.

Nor does our domestic legislation take such an approach. I am proud, for example, to have been the principal author of the Nuclear Non-Proliferation Act of 1978 [NNPA], which requires the President to control ''all export items * * * which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes'' (section 309(c)). Now I suppose it might have been possible to have written this law only to control:

The smallest possible number of chokepoint export items . . . which are known beyond even the faintest shadow of a doubt to be exclusively intended for a weapons-related use in a publicly-listed bomb plant in a rogue regime that is known to be pursuing weapons of mass destruction.

But fortunately that is not how the law was written and our Nation is quite a bit safer with the original text. No indeed, the law was quite explicit in requiring the control over ''all'' export items—and all means all—which ''could be''—not just are—''of significance for'' nuclear explosive purposes—not just

absolutely critical to performing such functions.

We also have several sanctions laws that punish foreign countries and firms that assist other countries to acquire nuclear weapons. The so-called ''Glenn/Symington amendments'' in sections 101 and 102 of the Arms Export Control Act, for example, require sanctions against any party involved in the transfer of unsafeguarded uranium enrichment technology or nuclear reprocessing technology. These are the types of technology that produced the nuclear materials used in the Nagasaki and Hiroshima bombings. I guess you can call that old technology. I guess you could say there is ''foreign availability'' of that technology since many other nations can perform these fuel cycle operations. I guess that today's methods of enriching uranium or separating plutonium are more sophisticated than they were 20 years ago. But does any of this mean that we should rewrite all of our nuclear sanctions laws to correspond to this dubious new doctrine of controlling only state-of-the-art goods? Absolutely not, the question answers itself.

When China transferred ring magnets to Pakistan's unsafeguarded uranium enrichment plant, I did not wonder, ''now gee, were these items state-of-the-art quality or just 1970's-vintage?'' I was not angry that the items did not come from San Francisco, Chicago, New York, or even Cleveland. I did not care how sophisticated, or how old, or how cheap, or how ''available'' such items were. I did care, however, that China was assisting Pakistan to produce nuclear materials for its secret bomb project.

Nonproliferation is about not assisting countries to get the bomb—not just a duty to control the most modern gadgets available. When the special U.N. inspectors found tons of Western dual-use goods in Saddam Hussein's weapons bunkers, did any of my colleagues recall an avalanche of mail from their constituents expressing outrage that more U.S. goods were not found in Saddam's arsenal? Were there pickets in front of the Capitol haranguing the Congress further to relax export controls so that we can lower our Nation to that grimy ''level playing field'' quite evidently enjoyed by some of our European friends? None that I could find.

None indeed. Here is what happened instead. The public was outraged, and outraged all the more amid revelations shortly after the gulf war in 1991 that United States dual-use goods did, indeed, turn up in Iraq. This outrage, with a little help from the news media, helped to stimulated some constructive reforms in America's nonproliferation policy. In 1992, America succeeded in getting 27 nations of the Nuclear Suppliers Group to commit themselves not to export dual-use goods to unsafeguarded nuclear facilities and to require full-scope international safeguards for all exports of nuclear reactors and other nuclear energy-related technology. Before these sensitive dual-use goods can be exported, under this multilateral understanding, member governments must review specific license applications and review the specific nonproliferation credentials of the importing parties.

In this instance, America did not stoop to adopt the laissez faire nuclear trading practices of other countries; instead, we raised the level of the international playing field to our level by showing that our Nation is a leader not a follower when it comes to nonproliferation.

Another positive reform in U.S. nonproliferation controls was implemented just a few months after Iraq invaded Kuwait. President Bush unveiled the ''Enhanced Proliferation Control Initiative'' [EPCI], which authorized the U.S. Government to prohibit the export of any item—repeat, any item—that could contribute to the proliferation of missile technology or chemical and biological weapons. A similar control had existed for years covering dual-use nuclear technology where the exporter ''knows or has reason to know'' that the item would be used in a weapons-related application.

The EPCI or so-called knows rule was intended, however, to complement—not to replace—the Nation's export licensing system. Let me cite a recent case to illustrate this point.

On February 19, 1997, for example, the Washington Post reported that a California computer firm, Silicon Graphics, Inc., had illegally sold four supercomputers to a Russian nuclear weapons facility. The article quoted the chief executive officer of this firm as offering the following explanation for the export: ''The Department of Commerce doesn't provide a list of facilities around the world that we shouldn't ship to. So we tend to rely on the end-user statement on how they will be used.'' In short, the company interpreted the knows rule as applying only to the importer's stated end-use for the specific export. The company, and it is probably not alone in this respect, evidently did not even consider the possibility that its importer would consider offering a bogus end use.

Now there are several reasons why the U.S. Government cannot go around publishing the names and locations of all the world's secret bomb facilities and their suppliers. Here are three of them—First, the names change rapidly in the black business of nuclear proliferation and a printed list would no doubt be obsolete as soon as its ink was dry; second, the public identification of such facilities and suppliers could well jeopardize U.S. intelligence collection capabilities; and third, such a listing could be quite useful to a proliferant country or group, effectively amounting to free market research for the proliferators.

So there are some significant limitations in the extent to which the Government can delegate export control responsibilities to the private sector. Companies simply do not have the capabilities of U.S. intelligence agencies. That is the reason why licensing is such a good idea: It is the best known technique for making efficient and effective use of the resources of our Government—for which the U.S. taxpayer has paid so dearly over the years—to assess proliferation risks in specific exports.

Thus even if some of the goods we control are being sold by foreign competitors, and even if some goods are not state-of-the-art, it still makes considerable sense for the U.S. Government to require licenses for items that could assist countries to make bombs. Why? For two key reasons.

First, licensing is the Government's window on the world market for U.S. products; export decontrol or devolution of export controls to the private sector slams that window shut. In other words, licensing creates a paper trail, generates data, and gives our Government's nonproliferation analysts something concrete to work with. This information is valuable in assessing —and subsequently reducing—proliferation risks. Thus, even if license applications are rarely denied as is currently the case, it still makes sense to require licenses for goods that, as our treaties and domestic laws specify, could assist other countries to make weapons of mass destruction.

Second, our leadership role in international nonproliferation regimes requires not just words but deeds. If we want other nations to strengthen their controls, we should be prepared to do so ourselves. Again, our job must be to use our leadership to raise international standards up to our own level playing field, rather than lower our own to some homogenized least-common-denominator standard set by the world's most irresponsible suppliers.

SOME ADDITIONAL LOOSE ENDS

Before concluding today, I would like to touch upon a few other charges that have been leveled against the very idea of requiring export licenses for any but state-of-the-art computers. I will address two of such charges.

First, our national economy will allegedly be hurt by the establishment of licensing requirements for computers rated at over 2,000 MTOPS going to the designated nations.

We should keep in mind here that the overwhelming majority of America's exports leave the country without requiring export licenses at all. In 1995, for example, America exported $969 billion in goods and services, while the Government denied export licenses for goods valued at only $30 million. To give my colleagues an idea of the scale we are talking about here, the ratio between the value of those goods that were denied licenses and the total value of U.S. trade in that year is analogous to the difference between the length of a pencil eraser and the height of the Washington Monument. That is about the same ratio as the size of garden pea on the quarter-inch line of a

100-yard football field, or the amount of calories in a single carrot relative to a year's worth of balanced meals.

Here is another way to put this problem in its proper context: $99.20 out of every $100 in U.S. exports did not require an export license. And of the few that did require such a license, only one license in a hundred was denied. That was in 1995. Since then, computer controls have been substantially liberalized (along with chemical exports going to parties to the Chemical Weapons Convention), while overall U.S. exports were just over $1 trillion in 1996. Relative to total U.S. trade, therefore, fewer and fewer goods are requiring licenses.

Now some might argue that while these figures may be true, certain industries face a greater likelihood of having to face license requirements than other industries. Yes that is undoubtedly true: If you produce something that is likely to assist another country to get the bomb, you can expect Uncle Sam to get a bit nosy and, if the system is working right, to be an outright nuisance. No company, however, can claim any right under U.S. law to help another country to make nuclear weapons or any other weapons of mass destruction. We have a free economy—but our individual freedom to produce and market goods is not unlimited, especially when it comes to goods that can jeopardize our national security.

As John Stuart Mill once wrote in his book, ''On Liberty,'' over a 100 years ago: ''Trade is a social act. Whoever undertakes to sell any description of goods to the public, does what affects the interest of other persons, and of society in general; and thus his conduct, in principle, comes within the jurisdiction of society.'' The writer of those words was one of England's foremost liberal economists. Even Adam Smith himself admitted that the Government had a legitimate responsibility to regulate certain forms of trade.

And I for one cannot imagine a more legitimate basis for regulating trade than to ensure that America is not assisting other countries to make the bomb. Fortunately, I am not alone in this conviction. As President Clinton stated on October 18, 1994: ''There is nothing more important to our security and to the world's stability than preventing the spread of nuclear weapons and ballistic missiles.'' The key legislative task—a responsibility now before us today—is to ensure that this principle is reflected in the rules and procedures America uses to control its own exports. License-free exports of technologies that our weapons labs have repeatedly identified as useful in making bombs and reentry vehicles hardly seems to me an appropriate way to implement this Presidential statement of our top national priority.

Our national economy will not be hurt, and America's international economic competitiveness will not be crippled, by the establishment of a licensing requirement on computers rated at 2,000 MTOPS and above going to certain destinations—though our national economy could well be endangered, and considerable business opportunities lost, if a nuclear war should someday break out involving foreign weapons that designed with computers that were Made in USA.

Most computers, moreover, will still leave the country without export licenses. We are talking about today machines that have special capabilities. On June 12 of this year, a senior strategic trade advisor at the Department of Defense, Peter Leitner, testified before a hearing of the Joint Economic Committee on ''Economic Espionage, Technology Transfers and National Security.'' Dr. Leitner included with his testimony a graphic showing some of the functions in our own military of computers operating at levels actually less than 2,000 MTOPS. He pointed out that NORAD had recently upgraded its computers by buying Hewlett-Packard computers rated between 99 and 300 MTOPS. He testified that machines have been used below 2,000 MTOPS to perform the following functions: space vehicle design (launch and control); high-speed design simulations; prewind tunnel modeling; reentry vehicle design (ICBMs); and high-speed cryptography.

Perhaps we should require licenses for computers at even lower levels than 2,000 MTOPS, as Dr. Leitner's testimony implies. It seems hard to justify the authorization of exports—without even requiring a license or an end use or end-user check—of technology that is capable of being used in designing nuclear weapons or reentry vehicles as being in any way consistent with our national security interests. Until some international agreement can be reached on an alternative level, however, the 2,000 MTOPS level is a good place to begin to strengthen controls over these sensitive dual-use items.

Multilateral control over this technology is of course the best course to pursue, but multilateralism has to begin somewhere. The United States—with its reputation as the world's leading champion of nonproliferation and with its world-class computer industry—has an extraordinary opportunity for leadership in encouraging other members of the Nuclear Suppliers Group to adopt similar controls. A diplomatic effort of this nature would also help to alleviate fears of our industry that the duty of complying with these controls would fall only on U.S. exporters. Our negotiations with other members of the NSG should begin with one basic question: Why should computers be exempt from the no-assistance norm that lies at the heart of the global nonproliferation regime?

My colleague from Minnesota, Mr. GRAMS, has recently suggested that perhaps the General Accounting Office might be called upon to examine the national security risks of unregulated exports of computers in this range and, depending on the scope and content of the request, this might be a good idea indeed. But until we see a specific request and a finished study, I think the amendment proposed by Messrs. COCHRAN and DURBIN is a prudent course to follow for the immediate future.

It is useful to recall that GAO does indeed have some relevant background in dealing with the proliferation implications of such computers. At my request back in 1994, the GAO prepared a lengthy report on U.S. export licensing procedures for handling nuclear dual-use items. In testimony before the Committee on Governmental Affairs on May 17, 1994, a senior GAO official, Joseph Kelly, noted that recent export control reforms in recent years ''. . . will almost certainly result in a substantial decline in the number of computer license applications and could complicate U.S. efforts to prevent U.S. computer exports from supporting nuclear proliferation.'' GAO concluded that ''many of the computers that will now be free of nuclear proliferation licensing requirements are capable of performing nuclear weapons-related work.'' (GAO/NSIAD–94–119, 4/26/94 and GAO/T-NSIAD–94–163, 5/17/94.) Mr. President, these do not seem to me to be the types of items that should be, in GAO's terms, ''free of nuclear proliferation licensing requirements.''

The second charge leveled against the establishment of a licensing requirement is that it would place U.S. exporters at a competitive disadvantage, due to the protracted delays in obtaining the necessary license approvals. This argument also lacks credibility. The Bureau of Export Administration [BXA] in the Department of Commerce is so proud of its recent efforts to streamline the export license application process that it trumpets this achievement in its most recent annual report to Congress. Here is what that report had to say about the licensing process:

> . . . BXA implemented significant improvements in the export license system via Presidential Executive Order 12981 [which] . . . limit the application review time by other U.S. agencies, provide an orderly procedure to resolve interagency disputes, and establish further accountability through the interagency review process.
>
> [E.O. 12981] . . . reduces the time permitted to process license applications. No later than 90 calendar days from the time a complete license application is submitted, it will either be finally disposed of or escalated to the President for a decision. Previously, all license applications had to be resolved within 120 days after submission to the Secretary. . . . By providing strict time limits for license review and a ''default to decision'' process, it also ensures rapid decisionmaking and escalation of license applications.
>
> In FY 1996, the Bureau introduced a PC-based forms processing and image management system which, along with the new multipurpose application form, enhances BXA's ability to make quick and accurate licensing and commodity classification decisions.
>
> BXA ensures that export license applications are analyzed and acted upon accurately, quickly, and consistently, and that exporters have access to the decisionmaking

process, with current status reports available at all times. Rapid processing is available for the majority of applications BXA receives.

BXA also notes that it is in the process of upgrading and expanding its electronic licensing process to provide prompt customer service.

It is also noteworthy that BXA discusses in the same report its assistance to Russia and other new republics of the former Soviet Union to upgrade their national systems of export control. Obviously, if America is decontrolling goods useful in making nuclear weapons and other weapons of mass destruction, and the missile systems to deliver them, then we can hardly hope to inspire these other countries to show any greater discipline.

It would be far better for us to be sticking to a strict interpretation of the ''not in any way to assist'' obligation that the United States and every other nuclear-weapon state in the NPT has vowed to implement. We should lead the way in strengthening international controls, not in relaxing them under the false flag ''economic competitiveness.'' We should remember that these other countries have their own conceptions of ''economic competitiveness'' that, if allowed to become a global norm, could lead to a total collapse of the international nonproliferation regime. We have as much at stake in encouraging these countries to place nonproliferation as a high-national priority as we have in ensuring a similar priority here at home.

CONCLUSION

So I ask my colleagues to join me in voting for this constructive reform of our export licensing process. We have the people in our government who are competent to review these licenses. We have the technology and procedures in our Government to ensure the prompt and efficient handling of license applications. We have both domestic and international legal obligations that requires the control of technology that could assist other countries to get the bomb. And we have legitimate national security interests to protect. America can be a formidable economic competitor in the world without becoming the world's most formidable proliferator of nuclear or dual-uses goods. I urge my friends and colleagues to vote for this amendment.

HIGH-PERFORMANCE COMPUTERS

Mr. WARNER. Mr. President, I had the opportunity earlier today to meet with a number of computer manufacturers located in my State. They expressed grave concerns about the amendment which you have proposed. I would like to take this opportunity to engage in a colloquy with the Senator from Mississippi in an effort to get more information on this important issue into the RECORD.

My constituents allege that, by next year, your amendment will have the effect of restricting the sale of personal computers—similar to those in our Senate offices—to Tier 3 countries. Do you agree with this statement?

Mr. COCHRAN. Mr. President, based upon statements made by Under Secretary of Commerce for Export Administration William Reinsch, it is highly unlikely that personal computers capable of more than 2,000 MTOPS will be available by next year. At a recent hearing Secretary Reinsch said, ''high-end Pentium-based personal computers sold today at retail outlets perform at about 200 to 250 MTOPS,'' and at another hearing, this one before my subcommittee on June 11, he also said that ''computer power doubles every 18 months, and this has been the axiom in the industry for I think about 15 years.'' The math is straightforward; if top-end PC's are capable of 250 MTOPS today, 18 months from now they'll be capable of 1,000 MTOPS; and 54 months from now—in 4½ years—they'll be capable of 2,000 MTOPS. Fifty-four months from now is not, contrary to the claims of some computer manufacturers, the fourth quarter of next year.

Mr. WARNER. Mr. President, it is my understanding that, since 1995 when the new export control standards were established, there have been over 1,400 computers sold in this range to Tier 3 countries. Of those 1,400 sales, a small number have allegedly wound up with military end users in Russia and China. What evidence do we have concerning these alleged computer sales to military end users?

Mr. COCHRAN. Mr. President, according to the Department of Commerce, from the period January 25, 1997, through March 1997, 1,436 supercomputers were exported from the United States. Of that number, 91—or 6.34 percent—went to Tier 3 countries, some of which went with an individual validated license. We know, based upon statements by Russian and Chinese Government officials, that some of these supercomputers are in the Chinese Academy of Sciences, a military facility in Chungsha, China, and in Arzamas-16 and Chelyabinsk-70. Arzamas-16 and Chelyabinsk-70 are both well-known nuclear weapons development facilities in Russia; the suggestion by exporters that these high performance computers would be in either of these locations and not be doing nuclear-related work appears to be somewhat self-serving and contrary to common sense. According to Russia's Minister of Atomic Energy, these supercomputers are ''10 times faster than any previously available in Russia.'' The Chinese Academy of Sciences, which has worked on everything from the D–5 ICBM to enriching uranium for nuclear weapons, hasn't been shy about its new supercomputing capabilities, saying that its American supercomputer provides the Academy with ''computational power previously unknown'' available to ''all the major scientific and technological institutes across China.'' American high performance computers are now available to help these countries improve their nuclear weapons and improve that which they are proliferating.

Mr. WARNER. Mr. President, if your amendment passes, it is my understanding that this would be the first time that export control parameters would be established in statute. I am concerned that with advances in technology, the fixed parameters will quickly become outdated. How will we be able to deal with these technological advances when fixed parameters are included in legislation? Did you consider other alternatives to fixed statutory language, such as an annual review of the threshold by a neutral third party or government entity?

Mr. COCHRAN. Mr. President, the current policy is established in regulation, and regulation has the force and effect of law. For Congress to participate in the policymaking process it must pass legislation. Furthermore, the pace of technological advancement is such that, at some point in the future, it is entirely possible that the 2,000 MTOPS level—which is the administration's current floor—will have to be raised. That is why, on July 7 on the Senate floor, I said that if, 4 or 5 years from now, industry's optimism proves to be correct, I will be pleased to return to the floor and offer legislation adjusting the 2,000 MTOPS level.

Mr. WARNER. Mr. President, I have been told that computers with similar capabilities and computing power are readily available from other nations. Given that, the concern is that your amendment would put U.S. computer companies at a competitive disadvantage since these computers are readily available on the world market. What has your subcommittee's research shown regarding the foreign availability of computers in this range (2,000–7,000 MTOPS)? What is the market share of U.S. manufacturers of computers in this range, and has that market share changed since the administration liberalized its policy in 1995?

Mr. COCHRAN. Mr. President, this amendment will not in any way reduce the number of American high-performance computers going to Tier 3 countries. It does not change the administration's standards for making the exports; all that is changed is the question of who makes end-use and end-user determinations for Tier 3 countries. In fact, at least eight high-performance computers have been exported to Tier 3 countries with an individual validated license since this policy started. Only entities that shouldn't be receiving these supercomputers in the first place won't, because of closer scrutiny by the executive branch, receive them under this amendment. So, the suggestion by some manufacturers that this amendment would somehow reduce their market share is an argument that has no basis in fact.

Mr. WARNER. Mr. President, it has been alleged that the licensing requirement contained in your amendment will put U.S. computer companies at a commercial disadvantage since it often takes up to 6 months for the Commerce

Department to approve an export license. By contrast, the Japanese often approve export licenses in 24 hours. In conjunction with your efforts on this amendment, have you explored options for improving the export license approval process at Commerce?

Mr. COCHRAN. Mr. President, Japan has a more restrictive export control policy than does the United States. I support making the Department of Commerce export licensing process more efficient, though a more efficient process cannot come at the expense of national security concerns, which must be adequately addressed in the process. I would note, as well, that more than 95 percent of export licenses considered by Commerce are currently approved in 30 days or less.

AMENDMENT NO. 669

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor an amendment to the Department of Defense authorization bill that would restore funding for bioassay testing of atomic veterans. I urge all of my colleagues to join in support of this important measure.

In my role as the ranking member of the Senate Committee on Veterans' Affairs, I have heard firsthand of the difficulties experienced by veterans exposed to ionizing radiation during their military service when they have tried to get their radiation-related diseases service connected by the Department of Veterans Affairs. The main reason for this difficulty is the sometimes impossible task of accurately reconstructing radiation dosage.

The law currently distinguishes between two groups of veterans: those who warrant presumptive service connection for their radiation-related conditions because of their participation in an atmospheric nuclear test, the occupation of Hiroshima or Nagasaki, or their internment as a prisoner of war in Japan during World War II, which resulted in possible exposure to ionizing radiation—and those who may have been exposed to ionizing radiation in service under other circumstances, such as service on a nuclear submarine. Those veterans who do not receive presumptive service connection and suffer from radiogenic diseases must prove their exposure to radiation by having the VA and DOD attempt to reconstruct their radiation dose through military records. VA looks to the DOD to perform these dose reconstructions.

This amendment is so important because the White House Advisory Committee on Human Radiation Activities has acknowledged that there are inadequate records to determine the precise amount of radiation to which a veteran was exposed, and what the long-term risks associated with that exposure are. As of September 1996, VA had only granted service connection to 1,977 out of 18,896 veterans who had filed claims based on participation in all radiation-risk activities. VA estimates that it has granted fewer than 50 claims of veterans who did not receive presumptive service connection.

This amendment would authorize $300,000 for the completion of the third and final phase of Brookhaven National Laboratory's testing of radiation-exposed veterans. Brookhaven's fission tracking analysis could provide a more accurate measure of an individual's internal radiation dosages. I have contacted VA in support of the Brookhaven project in the past. VA's response indicated that it is the Department of Defense, not the VA, who has the responsibilty to provide dose estimates for veterans exposed to ionizing radiation. That is why we must restore funding to the Brookhaven project in the DOD authorization bill.

As ranking member of the Committee on Veterans' Affairs, I have seen the struggles of America's atomic veterans and their survivors. I have heard testimony of the veterans who bravely served in our military, and who are now sick and dying and cannot get the compensation they have earned by their service to our country. These veterans were placed in harm's way, sworn to secrecy, and abandoned by their government for many years. It is critical that we search for a better way to assess their exposure to radiation. It is vital that we restore funding to a program that can renew hope to atomic veterans and their families.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent for a period of morning business not to exceed 10 minutes.

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

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we have a few cleared amendments on the bill. Would it be possible to clear up these few amendments and then return to his request?

Mr. BROWNBACK. I have no objection to doing that.

Mr. WARNER. I thank the Senator.

Mr. President, we are ready to proceed, if the distinguished ranking member is prepared.

AMENDMENT NO. 607, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that Senator KYL's amendment be modified as indicated in the modification, which I now send to the desk, numbered 607.

Mr. LEVIN. Mr. President, let me ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand that this modification, which has been offered by the sponsor of the amendment, would be in order, that he would have the right to modify his own amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Arizona would have the right to modify his amendment only if cloture is not invoked tomorrow.

Mr. LEVIN. As of right now, if the Senator from Arizona were here, he would have the right to modify his amendment. Is that correct?

The PRESIDING OFFICER. If cloture were invoked tomorrow, the particular modification would be invalid without unanimous consent.

Mr. LEVIN. Parliamentary inquiry. Perhaps I did not state it clearly. If the Senator from Arizona were here now and offered to modify his own pending amendment, which is what I understand is being offered——

The PRESIDING OFFICER. It would be invalidated by the adoption of cloture tomorrow in the absence of unanimous consent.

Mr. WARNER. Mr. President, I am seeking unanimous consent and appearing on behalf of the Senator and offering it on his behalf. And the yeas and nays, to my understanding, have not been ordered.

The PRESIDING OFFICER. If unanimous consent were granted to the modification, of course.

Mr. WARNER. That is correct. And I have sought unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Parliamentary inquiry. I am sorry to press this. But my parliamentary inquiry is, that right to modify his own amendment would exist if the Senator were here himself at this point.

The PRESIDING OFFICER. Only with unanimous consent, should cloture be invoked tomorrow.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. WARNER. 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. WARNER. Now, Mr. President, I thank the indulgence of the Chair while the Senator from Michigan and I have resolved such differences as we may have had and once again restate, I ask unanimous consent that the amendment of the Senator from Arizona, amendment No. 607 be amended, and I send to the desk the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I thank the Chair.

The amendment (No. 607), as modified, is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design,

or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons; and

(4) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled ''A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions'', agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term ''Bilateral Destruction Agreement'' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term ''Cooperative Threat Reduction program'' means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term ''Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

AMENDMENT NO. 644

(Purpose: To make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll)

Mr. WARNER. Now, Mr. President, on behalf of Senator KEMPTHORNE, I offer an amendment which would make retroactive the entitlement of certain Medal of Honor recipients for special pensions provided to persons entered and recorded in the Medal of Honor rolls.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. WARNER. I therefore urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KEMPTHORNE, proposes an amendment numbered 644:

At the end of subtitle D of title V, add the following:

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104–201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stripes, in equal shares.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 644) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 596

(Purpose: To authorize $6,719,000 for the construction of a combined support maintenance shop, Camp Johnson, Colchester, Vermont)

Mr. LEVIN. Mr. President, on behalf of Senators LEAHY and JEFFORDS, I offer an amendment which would authorize $6.7 million for the construction of a combined support maintenance shop for the Vermont Army National Guard in Colchester, VT.

I believe this amendment has been cleared on the other side.

Mr. WARNER. Mr. President, it has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself and Mr. JEFFORDS, proposes an amendment numbered 596:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$162,135,000''.

Mr. JEFFORDS. Mr. President, I am pleased to be offering, with my colleague Senator PATRICK LEAHY, an amendment to the Department of Defense authorization bill to provide for the construction of a combined support and maintenance shop [CSMS] at Camp Johnson, VT.

This project is to be constructed in Colchester, VT and used by the Vermont National Guard to meet its support level maintenance mission. The quantity, size and type of equipment now assigned to the Vermont Army National Guard have required them to propose the construction of this CSMS. The new facility will have administrative offices and allied shops as well as special bays for maintenance work on all types of vehicles. The design money for this project was approved by the Congress last year.

The Vermont Army National Guard has stretched the limits of the current facility which was built over 40 years ago, in 1956. The current facility has very significant shortfalls in all office and shop areas. The existing work bays cannot accommodate the M–1 tank. In addition, essential maintenance and maintenance training is consistently delayed due to the lack of space. Without the construction of a new facility readiness of the Vermont Army National Guard will be adversely affected.

In order to assure that the Vermont Army National Guard is ready at all times to meet the needs of our nation's defense, Senator Leahy and I have worked together on this project. I am pleased that the Vermont Army National Guard can move forward on this CSMS and hope that my colleagues will support the efforts that Senator Leahy and I have taken to insure that the Vermont Army National Guard can meet the military needs of our country in the next century.

I commend Chairman THURMOND for his foresight to realize that his new facility is essential in order for the Vermont Army National Guard to meet the anticipated demands on them in the coming years.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 596) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 781

(Purpose: To authorize $3,210,000 for the construction of an Army National Guard readiness center at Macon, Missouri)

Mr. WARNER. Mr. President, again, I am standing in for the distinguished

chairman of the Armed Services Committee this evening in offering these amendments.

On behalf of Senator BOND, I offer an amendment which would authorize $3.2 million for the construction of a readiness center for the Missouri Army National Guard in Macon, MO.

This amendment, it is my understanding, has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, proposes an amendment numbered 781:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$158,626,000''.

Mr. BOND. Mr. President, I rise to offer an amendment to the Defense authorization bill to include authorization for funding construction of a National Guard readiness center. Military construction projects such as this will ensure that as we downsize our military, the facilities which house and service our military will not be left to deteriorate. Armories throughout the Nation need to be adequately maintained and upgraded to provide decent training facilities for the men and women assigned to units based at these armories and to protect the vital equipment stored there. In Macon, MO, there is a company of soldiers located in a facility owned by the city, which was constructed in the 1890's and is totally inadequate. In order to provide these soldiers with a facility capable of maintaining their proficiency in mission essential task training, I have requested funds adequate to complete such a facility. I also point out that it will be less expensive to create a new facility than to attempt to refurbish this 19th century structure.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 781) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 610

(Purpose: To authorize $5,232,000 for the addition and alteration of an administrative facility at Bellows Air Force Station, Hawaii)

Mr. LEVIN. Mr. President, on behalf of Senator INOUYE, I offer an amendment which would authorize $5.2 million for the alteration of an administrative facility at Bellows Air Force Station, HI.

I believe this amendment has been cleared by the other side.

Mr. WARNER. The amendment has been accepted on this side.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. INOUYE, proposes an amendment numbered 610:

On page 366, in the table following line 5, insert after the item relating to Robins Air Force Base, Georgia, the following new item:

Hawaii	Bellows Air Force Station	$5,232,000

On page 366, in the table following line 5, strike out ''$540,920,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$546,152,000''.

On page 369, line 9, strike out ''$1,793,949,000'' and insert in lieu thereof ''$1,799,181,000''.

On page 369, line 13, strike out ''$540,920,000'' and insert in lieu thereof ''$546,152,000''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 610) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 782

(Purpose: To make certain adjustments in the authorizations relating to military construction projects)

Mr. WARNER. On behalf of Senators THURMOND and LEVIN, I offer an amendment which would make funding adjustments to provide the necessary offset to fund certain military construction projects.

I undoubtedly think it has been accepted on the other side.

Mr. LEVIN. It has been, Mr. President.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself and Mr. LEVIN, proposes an amendment numbered 782:

On page 356, line 8, strike out ''$1,957,129,000'' and insert in lieu thereof ''$1,951,478,000''.

On page 357, line 4, strike out ''$1,148,937,000'' and insert in lieu thereof ''$1,143,286,000''.

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out ''$75,620,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$65,920,000''.

On page 362, line 14, strike out ''$1,916,887,000'' and insert in lieu thereof ''$1,907,387,000''.

On page 362, line 20, strike out ''$75,620,000'' and insert in lieu thereof ''$65,920,000''.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 782) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 783

(Purpose: To authorize the Secretary of the Air Force to enter into an agreement for the use of a medical resource facility in Alamagordo, New Mexico)

Mr. LEVIN. Mr. President on behalf of Senator BINGAMAN, I offer an amendment that would authorize the Secretary of the Air Force to enter into an agreement to grant $7 million to a private nonprofit hospital in Alamagordo, NM, to construct and equip a new joint-use hospital.

I ask also unanimous consent that Senator DOMENICI be added as an original cosponsor.

I believe it has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 783:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the ''Hospital''), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equiping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the

amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ''eligible individual'' means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 783) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 784

(Purpose: To require a report on the policies and practices of the Department of Defense relating to the protection of members of the Armed Forces abroad from terrorist attack)

Mr. WARNER. Mr. President, on behalf of Senator SPECTER, I offer an amendment which would require the Secretary of Defense to provide the Congressional defense committees with a report that would contain an assessment of the policies and procedures for determining force protection requirements within the Department of Defense and procedures to determine accountability within the Department of Defense when there is a loss of life due to a terrorist attack.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 784:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD AND TERRORIST ATTACK.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dhahran is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(a) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 784) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 785

(Purpose: To express the sense of Congress regarding the transfer of the ground communication-electronic workload from McClellan Air Force Base, California, to Tobyhanna Army Depot, Pennsylvania, in accordance with the schedule provided for the realignment of the performance of such workload; and to prohibit privatization of the performance of that workload in place)

Mr. WARNER. Mr. President, on behalf of the Senators SANTORUM and SPECTER, I offer an amendment which would express the sense of the Senate that the ground communication-electronic depot maintenance workload currently performed at McClellan Air Logistics Center should be transferred to the Army Depot at Tobyhanna, PA, in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, for himself and Mr. SPECTER, proposes an amendment numbered 785:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 785) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 786

(Purpose: To make technical amendments and corrections)

Mr. WARNER. Now, Mr. President, on behalf of Senator THURMOND, I offer an amendment which makes technical amendments and corrections to the bill.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 786:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert ''(a) PROHIBITION.—'' before ''None''.

On page 37, line 9, strike out ''6,006'' and insert in lieu thereof ''6,206''.

On page 278, line 12, strike out ''under section 301(20) for fiscal year 1998''.

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out ''$23,600,000'' and inserting in lieu thereof ''$24,100,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out ''14,100,000'' and inserting in lieu thereof ''$14,600,000''.

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert '', to the extent provided in appropriations Acts,'' after ''shall''.

On page 417, line 23, strike out ''$1,265,481,000'' and insert in lieu thereof ''$1,266,021,000''.

On page 418, line 5, strike out ''84,367,000'' and insert in lieu thereof ''$84,907,000''.

On page 419, line 17, strike out ''$2,173,000'' and insert in lieu thereof ''$2,713,000''.

On page 481, line 16, insert ''of the Supervisory Board of the'' before ''Commission''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 786) was agreed to.

Mr. WARNER. I thank the Chair. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 706

(Purpose: To enhance fish and wildlife conservation and natural resources management programs under the Sikes Act)

Mr. WARNER. Mr. President, on behalf of Senators CHAFEE and BAUCUS, I offer an amendment that would authorize the act to promote effective planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation on military installations.

Mr. President, I also ask that the Senator from Virginia [Mr. WARNER] be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, Mr. BAUCUS, and Mr. WARNER, proposes an amendment numbered 706.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CHAFEE. Mr. President, the Sikes Act was enacted by Congress in 1960 to provide enhanced stewardship of fish and wildlife and other natural resources on military installations. It was named for Congressman Bob Sikes of Florida. The act seeks to capitalize on the enormous potential for natural resource conservation on military lands. The Department of Defense controls nearly 25 million acres of land and water at approximately 900 military installations in the United States, and the National Guard oversees an additional 1 million acres on 80 sites. These lands serve as home to approximately 100 endangered or threatened species and countless other fish and wildlife resources.

The Sikes Act was last amended in 1986, and authorization expired in 1993. Since then, several attempts to reauthorize the act have been made, and although Congress has been close several times, all have failed. We now have a golden opportunity to amend and reauthorize the Sikes Act, in S. 936, the bill to authorize the Department of Defense.

Two weeks ago, an agreement was reached among the Department of Defense, the Department of the Interior, the International Association of State Fish and Wildlife Agencies, and the two House committees with jurisdiction over the Sikes Act. The White House approved the agreement the following day. The amendment that I am introducing, together with Senator BAUCUS and Senator KEMPTHORNE, is virtually identical to the House version, which passed in the House as part of H.R. 1119, the Department of Defense authorization bill. This amendment to the Sikes Act will greatly improve the current law.

In its current form, the Sikes Act authorizes the Secretary of Defense to enter into cooperative plans with the Secretary of the Interior and the appropriate State fish and wildlife agency for the conservation of fish and wildlife on military lands. Over the 37 years of the Sikes Act, cooperation under the act has improved fish and wildlife management on military bases.

For example, wetlands associated with the North American Waterfowl Management Plan that are on military bases have been restored under a recent initiative by the Fish and Wildlife Service and Department of Defense. Fort Bragg and Camp Lejeune in North Carolina, and Elgin Air Force base in Florida, have undertaken efforts to protect the redcockaded woodpecker. Fisheries assessments are taking place on both coasts, including Brunswick Naval air station in Maine and a submarine base in Washington.

While these examples illustrate how cooperation can improve natural resource management, more can and should be done. Only 250 agreements exist, and many of these are outdated. In addition, many agreements provide only for minimal cooperation among parties, rather than affirmative management of the resources. Another 200 agreements are currently being developed.

The amendment that Senator BAUCUS, Senator KEMPTHORNE, and I are introducing would infuse new vigor into implementation of the Sikes Act. Specifically, it would require the Secretary of each military department to develop a natural resource management plan for each of its military installations, unless there is an absence of significant natural resources on the base. The plan would be prepared by the Secretary in cooperation with the Fish and Wildlife Service and the appropriate State fish and wildlife agency. The plan must be consistent with the use of military lands to ensure the preparedness of the military, and cannot result in any net loss in the capability of the military installation to support the military mission of the installation. With those caveats, the plan must also provide for the management and conservation of natural resources. This language accommodates the interests of the State and Federal wildlife agencies as well as the needs of the military.

While the agreement was negotiated on the House side, I would like to make several observations regarding the differences between the current law and this agreement. The most important change in the law, of course, is that development of the natural resources management plans would become mandatory. In practical terms however, this provision would better conform to and encourage the current practice of the military, which already has a policy of developing these plans.

An equally important change to the law would be that preparation and implementation of the plans would be the responsibility of the Secretary of the appropriate military department, rather than the Secretary of Defense. Extensive discussions last year revolved around attempts to agree on a dispute resolution process in the event that the Department of Defense, the Fish and Wildlife Service, and the State fish and wildlife agency could not agree on the development of a particular plan. The balance struck in the current agreement between the requirement to prepare the plans, and the discretion afforded the Secretary of the individual military department regarding the content of each plan, seems to me to be a good one.

Greater specificity would be provided for the contents of the plans, which are to provide for, among other things and to the extent appropriate, fish and wildlife management and habitat enhancement, establishment of management goals and objectives, and sustainable use by the public.

The amendment also provides for an opportunity for the public to comment on individual plans, as well as a review of each military installation by the Secretary of the appropriate military department to determine whether new plans should be prepared or existing plans should be modified. In addition, the amendment would also require annual reports by the Secretaries of Defense and the Interior regarding funding for implementation of the Sikes Act. The Department of Defense currently spends approximately $5 million for developing plans under the Sikes Act, but there are few cost estimates for State fish and wildlife agencies, as well as for the Fish and Wildlife Service. Thus, these annual reports should provide valuable information.

The amendment also seeks to encourage cooperative agreements for the funding of management and conservation measures without specifying particular cost sharing or matching requirements.

I would note that there is one substantive change between the House language and this amendment. This change was negotiated between the Committees on Environment and Public Works and Armed Services, and approved by all interested parties, including the Departments of Defense and the Interior, and the International Association of State Fish and Wildlife Agencies. Specifically, the deadline for completing the natural resource management plans is extended from 2 to 3 years from the date of the initial report to Congress, which itself is required 1 year from the date of enactment. This change should enable the Department of Defense to complete the plans consistent with its own internal time frames, without unnecessarily missing any statutory deadlines.

I would note that jurisdiction of the Sikes Act, since its passage in 1960, has always rested with the Committee on Environment and Public Works. Bills to amend and reauthorize the act, including one that was introduced in the 103d Congress containing substantive revisions similar to the revisions in this amendment, have all been referred to that committee. The fact that reauthorization of the Sikes Act is being done through the DOD authorization bill represents the fortuitous circumstance that after more than 1 year of debate, agreement happened to be reached by all parties at this particular time in this particular context. I do not expect that this circumstance would alter jurisdiction over the Sikes Act in the future. Nevertheless, the Committee on Environment and Public Works has always worked cooperatively on that portion of the Sikes Act pertaining to military installations in the past, and will continue to do so in the future.

In closing, Mr. President, I believe that this amendment will improve the Sikes Act significantly, and represents a major achievement in environmental law in this Congress. The speed with which this legislation has moved in this Congress understates its importance both for the agenda of the Environment and Public Works Committee, and for efforts to conserve natural resources nationwide. I would especially like to thank both the distinguished chairman of the Subcommittee on Readiness, Senator INHOFE, and the distinguished chairman of the Committee on Armed Services and manager of the bill, Senator THURMOND, for their cooperation and efforts in facilitating approval of this amendment.

Mr. BAUCUS. Mr. President, I am pleased to join Senator CHAFEE, the chairman of the Environment and Public Works Committee, in supporting an amendment to S. 936, the Defense Authorization Act. This amendment will reauthorize and improve a law commonly known as the Sikes Act. The amendment will reauthorize the law through the year 2003.

The Sikes Act authorizes the Secretary of Defense to manage fish and wildlife and other natural resources on military lands. The Department of Defense controls nearly 25 million acres of land at approximately 900 military installations. These lands encompass all major land types in the United States and include habitat for threatened and endangered species, historic and archaeological sites, and other cultural and natural resources.

Senator CHAFEE and I have been working, in consultation with the Senate Armed Services Committee, to reauthorize and amend the Sikes Act, a law within our committee's jurisdiction, for a number of years. Unfortunately, we were unable during the last Congress to draft amendments that were acceptable to the Interior Department, the Department of Defense, and the International Association of Fish and Wildlife Agencies. I am pleased to say that this amendment has the support of all three. In addition, a nearly identical version was recently passed by the House on the House Defense Authorization bill.

This amendment requires the Secretary of Defense to prepare integrated natural resources management plans for military installations, unless the Secretary determines that preparation of a plan for a particular installation is inappropriate. Plans are to be prepared, in cooperation with the U.S. Fish and Wildlife Service and the State fish and wildlife agency, within 4 years after the date of enactment. I urge all three agencies to work closely together, taking full advantage of their respective resources and expertise, to develop mutually acceptable plans to conserve fish and wildlife and other natural resources on our Nation's military installations. Finally, the amendment establishes annual review and reporting requirements to ensure that required plans are prepared and implemented.

Mr. President, I urge my colleagues to support the amendment.

Mr. INHOFE. Mr. President, I want to thank Senator CHAFEE and his staff for the willingness to work in a cooperative manner with myself and the staff of the Subcommittee on Readiness.

The Sikes Act Amendment is a significant item of legislation that will directly impact the Department of Defense management of the 25 million acres of land it controls.

While Senator CHAFEE has highlighted some of the positive environmental aspects of this legislation, I would like to stress the need to ensure the preservation of the military mission, readiness and training.

The Sikes Act Amendment makes the preparation of integrated natural resource management plans mandatory for the military departments.

I have reluctantly agreed to the mandatory language of this provision because the Department of Defense and military departments support it and have insisted that this new environmental requirement will not undermine the military mission and will not increase funding for such planning activities.

It should be made clear that:

The Sikes Act Amendment is not intended to enlarge the U.S. Fish and Wildlife Service or State fish and wildlife agency authority over the management of military lands.

Natural resource management plans should be prepared to assist installation commanders in conservation and rehabilitation efforts that are consistent with the use of military lands for the readiness and training of the U.S. Armed Forces.

It is understood that many installations, about 80 percent, have already completed integrated natural resource management plans in cooperation with the U.S. Fish and Wildlife Service and appropriate State fish and game agencies.

Given the level of agency cooperation, the time, the personnel, and funds involved in the completion of existing natural resource management plans, it is expected that most of these plans will satisfy the requirements of the Sikes Act Amendment and will not have to be redone.

I want to close with an emphasis on the need to ensure that the amendment will not result in an increased funding level for natural resource management plans and will not undermine military readiness and training.

As chairman of the Subcommittee on Readiness, I intend to follow the implementation of this amendment, and its impact on military readiness, very carefully.

Senator CHAFEE, I want to thank you again and express my appreciation for our ability to work together on the Sikes Act Amendment and other environmental issues.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 706) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 624, AS MODIFIED

(Purpose: To require the Secretary of the Navy to carry out a program to demonstrate expanded use of mutitechnology automated reader cards throughout the Navy and the Marine Corps)

Mr. LEVIN. Mr. President, I call up an amendment numbered 624 offered by Senator ROBB, and I send a modified amendment to the desk. The amendment would require the Secretary of the Navy to carry out an expanded use of multitechnology automated reader cards throughout the Navy and Marine Corps, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, the clerk will report the modified amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, proposes an amendment numbered 624, as modified:

At the end of subtitle E of title III, add the following:

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cars throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and

the Committee on National Security of the House of Representatives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(1), $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load off load program of the Navy.

(2) Of the amount authorized to be appropriated under section 301(1), the total amount available for cold weather clothing is decreased by $36,000,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 624), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 631

(Purpose: To restore the garnishment and involuntary allotment provisions of title 5, United States Code, to the provisions as they were in effect before amendment by the National Defense Authorization Act for Fiscal Year 1996)

Mr. WARNER. Mr. President, on behalf of the Senator from Idaho [Mr. CRAIG], I offer an amendment No. 631, that would change the method for processing court-ordered Federal employees' wage garnishment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CRAIG, proposes an amendment numbered 631:

At the end of title XI, add the following:

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.'';

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

The PRESIDING OFFICER. Without objection the amendment is adopted.

The amendment (No. 631) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 645

Mr. WARNER. Mr. President, on behalf of Senator GORTON, the distinguished Senator from Washington, I call up an amendment that would clarify the implementation date of the designated provider program of the uniform services treatment facilities, USTF, to clarify the limitation on total payments and allow the USTF to purchase pharmaceuticals under the preferred pricing levels applicable to Government agencies, No. 645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. GORTON, for himself, Mrs. HUTCHISON, and Mr. D'AMATO, proposes an amendment numbered 645:

Page 217, after line 15, insert the following new subtitle heading:

Subtitle A—Health Care Services

Page 226, after line 2, insert the following new subtitle:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.''.

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: '', including any transitional period provided by the Secretary under paragraph (2) of such subsection''.

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

''(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.''.

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: ''Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.''.

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104–201, 10 USC 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: '', subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)'', and

(2) in subsection (2), by inserting before the period at the end the following: '', or the effective date of agreements negotiated pursuant to section 722(c)(3)''.

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: ''In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.''.

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

''(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 645) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 787

(Purpose: To Make Technical Corrections to Section 123)

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY and myself, I offer an amendment which corrects a drafting error in the bill regarding how the cost cap for the *Seawolf* submarine program is defined. Section 123 of this bill, S. 936, was included to clarify those costs that are included and those that are excluded from the total cost cap on the *Seawolf* program. This amendment does not change the *Seawolf* cost cap up or down, but merely corrects an error we made in crafting the language in the committee's markup of the defense authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KENNEDY, for himself, and Mr. WARNER, proposes an amendment numbered 787:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23, SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 787) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 658

Mr. LEVIN. Mr. President, on behalf of Senators LUGAR, BINGAMAN, and other cosponsors, I ask to call up amendment No. 658 that would restore the funds requested in the President's budget for the Department of Defense Cooperative Threat Reduction Program and related programs at the Department of Energy.

I ask unanimous consent at this point that Senator GLENN be added as a cosponsor.

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

MODIFICATION TO AMENDMENT NO. 658

Mr. LEVIN. I send a modification to the desk. I believe this amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification follows:

On page 2 of the amendment change line 12, which currently reads ''$56 million'' to ''40 million dollars''.

Mr. GLENN. Mr. President, I rise to speak as a cosponsor of the amendment offered by my colleagues, Messrs. BINGAMAN, LEVIN, LUGAR, DOMENICI, and others, to restore $60 million to the Cooperative Threat Reduction (CTR) Program, $25 million to the Department of Energy's Materials Protection Control and Accounting [MPC&A] Program, and $50 million to the International Nuclear Safety Program. The administration requested these funds because they are needed to serve our national security interests. I have heard or seen nothing to dispute this basic conclusion and therefore strongly support the full requested amounts.

These funds serve our interests because they work to alleviate one of the gravest national security threats facing our nation. Acknowledged by the President and Congress, by liberals and conservatives, by the House and the Senate, by Republicans and Democrats alike—indeed by all thinking Americans—this threat arises from the dangers all of us would face from the further erosion of Russia's ability to protect its weapons-usable nuclear materials and the technology and dual-use goods needed to produce them. In light of this broad national consensus, I find it hard to understand why we are here today debating a proposal to slash the funds for the programs designed to alleviate this very threat.

Congress should, of course, give close scrutiny to all Federal programs to see if further economies can be made. No one should look upon the Nunn-Lugar program as immune from vigorous congressional oversight. But when one considers the magnitude of the potential threats our country faces from these deadly materials, and considers these threats in light of the genuine progress that has been made (thanks to Nunn-Lugar) in reducing clear and present nuclear dangers in the former Soviet Union, it should be clear to all that Congress has, if anything, shortchanged this program rather than overfunded it.

I find these proposed cuts all the more remarkable given the committee's apparent determination to shovel hundreds of millions of additional taxpayer dollars at the National Missile Defense Program, despite the disturbing implications of that program for the future of the Antiballistic Missile [ABM] Treaty, and despite any serious accounting for precisely how these additional funds will be spent.

In 1991, a far-sighted bipartisan coalition gathered to support a proposal offered by our colleagues, Messrs. Nunn and LUGAR, to curb present and potential future proliferation threats emanating from the collapse of the Soviet Union. In 1997, there continues to be a strong consensus both in Congress and across America that it is in our collective national interest to address these threats. Some misinformed commentators have attacked the CTR and MPC&A programs as a form of ''subsidy of Russia's nuclear security'' or ''foreign aid.'' Perhaps what the critics fear most is that the programs might actually succeed in achieving their ambitious goals, and thereby reduce the need for our government to spend additional billions more to address these grave foreign threats.

I will leave it for others to speculate further about what must be motivating critics of the Nunn-Lugar program—and some of these criticisms might occasionally even be on target—but I remain convinced that the modest funds our country is allocating to CTR and MPC&A efforts are not only well within our means, but vital to our long-term national security and nonproliferation interests. And these funds are truly modest, compared against the billions we continue to spend on such programs as the B–2, the ever-expanding National Missile Defense program, the airborne and space-based laser programs, and other dubious programs that are well funded in the present bill. A $135 million cut to these Nunn-Lugar activities is the last thing this program needs. What, after all, has the program already accomplished?

The CTR Program has worked and continues to work to ensure that significant numbers of strategic Soviet nuclear weapons will not be available for use against the United States and its friends and allies around the world. The program has worked to help reduce the risk of nuclear materials finding their way into black markets in unstable regions around the world. The program has worked to facilitate the removal of all nuclear weapons from Ukraine, Belarus and Kazakstan. The program has worked to help remove over 1,400 nuclear warheads from Russia's strategic weapons systems, and to eliminate hundreds of delivery vehicles for such systems, including submarine launched ballistic missile launchers, ICBM silos, and strategic bombers.

The committee has claimed that the CTR Program can be cut because the loss could be made up with prior years' funds. Yet, Defense Secretary Cohen wrote to the chairman of the committee on June 19 that ''All unobligated CTR funds have already been earmarked for specific projects''. The CTR Program continues to serve the national interest by helping to eliminate strategic arms programs in Russia and Ukraine—if anything, Congress should be debating today measures to accelerate these efforts rather than to chop them back. The committee's proposal would only work to convert the CTR Program into a competitive threat renewal program.

A few years before Congress made the mistake of eliminating the Office of Technology Assessment, that organization produced an excellent report entitled, ''Proliferation of Weapons of Mass Destruction: Assessing the Risks'' (OTA-ISC–559, August 1993). On page 6 of that report, readers will find the following unambiguous finding:

> ''Obtaining fissionable nuclear weapon material (enriched uranium or plutonium) today remains the greatest single obstacle most countries would face in the pursuit of nuclear weapons.''

Those were OTA's words, ''the greatest single obstacle'' to proliferation. Now, what kept Saddam from getting the bomb sooner than he could have? Access to special nuclear material. What is America's leading defense against future nuclear terrorism? Limiting access to special nuclear materials. We should not be cutting programs that help Russia to serve our common interest in limiting international trafficking in special nuclear materials. We should instead be reaffirming and even expanding such programs. Helping Russia to serve our interest in these ways is not foreign aid, it is part and parcel of our national defense strategy.

The MPC&A programs run by the Department of Energy work specifically

on this problem of enhancing controls over these special nuclear materials, plutonium and highly enriched uranium. I have seen the letter that the Energy Secretary sent to the chairman of the committee on June 19—Secretary Peña wrote that the proposed $25 million cut in the MPC&A program would lead to a 2-year delay in achieving key program objectives. This program deserves our full support. After all, as Secretary Pena says, this program has secured ''tens of tons'' of nuclear material at 25 sites, and is working on enhanced controls at a total of 50 sites where this material is at risk in Russia, the Newly Independent States, and the Baltics. When we consider that we are dealing with a problem involving hundreds of tons of such material, it hardly seems wise for us now to be cutting back on our efforts to address this formidable threat to our national security.

Another program cut by the committee is the International Nuclear Safety Program. That program is essentially an investment to reduce the risk that fallout from a future Russian nuclear reactor accident will not once again—only a few years after the disastrous Chernobyl accident—be falling down from the sky on United States citizens and other people around the world. There is no fallout defense initiative—or FDI, so to speak—in this bill that would offer any shield over our country or the territory of our allies against such radioactive debris from a future reactor explosion in Russia. The best initiative of this nature is the one in this amendment, to restore the funds needed to enhance the safety and security of certain old Soviet-designed power reactors in the Newly Independent States and Russia.

So, in conclusion, I believe that the bipartisan consensus behind Nunn-Lugar, which is represented in this bipartisan amendment offered today, is alive and well because it addresses genuine threats to our security. I hope all Members will support full funding for these programs.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 658), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 778

Mr. HATCH. Mr. President, I feel constrained to oppose the Levin amendment provision that is filed on this bill before the Senate, as it is a matter that is properly within the jurisdiction of the Judiciary Committee which has not had an opportunity to consider it.

More importantly, in my view, this amendment, while well intentioned, is unwise policy.

This amendment would essentially abolish the Federal Government's purchasing preference for products supplied by Federal Prison Industries [FPI], also known by its trade name of UNICOR.

FPI is the Federal corporation charged by Congress with the mission of training and employing Federal prison inmates.

For more than 60 years, this correctional program has provided inmates with the opportunity to learn practical work habits and skills, and has enjoyed broad, bipartisan support in Congress and from each Republican and Democrat administration.

FPI and its training programs at Federal prisons across the Nation have been credited with helping to lower recidivism and ensuring better job-related success for prisoners upon their release—a result that all of us applaud.

This amendment, in its starkest terms, requires of us a choice—either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefore I must oppose this amendment. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should be opposed to this amendment.

Under current law, FPI may sell their products and services only to the Federal Government. The amendment we are debating would not alter this sales restriction.

To ensure that FPI has adequate work to keep inmates occupied, Congress created a special FPI procurement preference, under which Federal agencies are required to make their purchases from FPI over other vendors as long as FPI can meet price, quality, and delivery requirements.

This amendment would remove this procurement preference. Without the Federal Government's procurement preference, FPI probably could not exist. Again, FPI is not permitted to compete for sales in the private market. It may only sell to the Federal Government, and then only if it can meet price, quality, and delivery requirements.

Nothing short of the viability of Federal Prison Industries is at issue here. Under full competition for Federal contracts, combined with market restrictions, FPI could not survive.

My colleagues should remember that the primary mission of FPI is not profit, but rather, the safe and effective incarceration and rehabilitation of Federal prisoners. Needless to say, FPI operates under constraints on its efficiency no private sector manufacturer must operate under. For example, most private sector companies invest in the latest, most efficient technology and equipment to increase productivity and reduce labor costs. Because of its different mission, FPI frequently must make its manufacturing processes as labor-intensive as possible—in order to keep as many inmates as possible occupied.

The Secure correctional environment FPI in which FPI operates requires additional inefficiencies. Tools must be carefully checked in and out before and after each shift, and at every break. Inmate workers frequently must be searched before returning to their cells. And FPI factories must shut down whenever inmate unrest or institutional disturbances occur. No private sector business operates under these competitive disadvantages.

The average Federal inmate is 37 years old, has only an 8th grade education, and has never held a steady legal job. Some studies have estimated that the productivity of a worker with this profile is about one-quarter of that of the average worker in the private sector.

My colleague's amendment has not been considered by the Judiciary Committee, which has jurisdiction over FPI and, more generally, National penitentiaries under rule XXV of the Standing Rules of the Senate.

The Committee has not had the opportunity to consider the full impact of this proposal on FPI and prison work.

All share the goal of ensuring that FPI does not adversely impact private business. Indeed, FPI can only enter new lines of business, or expand existing lines, until an exhaustive review has been undertaken to the impact on the private sector. Again, this is a restraint that most other businesses do not have imposed on them.

FPI has made considerable efforts to minimize any adverse impact on the private sector. Over the past few years, it has transferred factory operations for multiple factory locations to new prisons, in order to create necessary inmate jobs without increasing FPI sales. FPI has also begun operations such as a mattress recycling factory, a laundry, a computer repair factory, and a mail bag repair factory, among others, to diversify its operations and minimize its impact on the private sector, while providing essential prison jobs.

I agree with my colleagues who believe that we must address the issues raised by prison industries nationwide. As we continue, appropriately, to incarcerate more serious criminals in both Federal and State prisons, productive work must be found for them. At the same time, we must ensure that jobs are not taken from law-abiding workers.

On jobs there is substantial evidence that FPI actually creates a substantial number of private sector jobs. In fiscal year 1996, some 14,000 vendors nationwide registered with FPI, and supplied over $276 million in sales to FPI.

Every dollar FPI receives in revenue is recycled into the private sector. Out of each dollar, 56 cents go to the purchase of raw materials from the private sector; 19 cents go to salaries of FPI staff; 17 cents go to equipment, services, and overhead, all supplied by the private sector; 7 cents go to inmate pay, which in turn is passed along to

pay victim restitution, child support, alimony, and fines. FPI inmates are required to apply 50 percent of their earnings to these costs. One cent goes to activating new FPI factories—again, with equipment purchased from the private sector. Private businesses in every State benefit from these sales.

In short, FPI is a proven correctional program. It enhances the security of Federal prisons, helps ensure that Federal inmates work, and helps in their rehabilitation when possible. The amendment before us now would do immense harm to this highly successful program, and I urge my colleagues to oppose it.

I think it is the right thing to do to oppose it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my good friend, Senator HATCH, has made reference to the private sector benefiting from Federal Prison Industries. The private sector has spoken loud and clear in letters to us. The NFIB says that this amendment is important because:

> Today federal agencies are forced to buy prison-made products. . . . This is another example of avoidable government waste, as virtually all such items are available from the private sector which provides them more efficiently and at lower prices. Mandatory purchases cost America jobs. Firms that can't enter an industry or expand production can't hire new employees.

The U.S. Chamber of Commerce says:

> We believe that our Federal prison system should not be given preferential treatment at the cost of our Nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe on the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says:

> The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulting in higher costs for goods and services bought by the government and in many instances has resulted in loss of jobs and business opportunities for our members.
>
> Removal of the ''FPI mandatory source status'' is an idea whose time has come.

Mr. President, I ask unanimous consent that the full text of the letters from the NFIB, the Chamber of Commerce, the National Association of Manufacturers and Access Products Inc. be printed in the RECORD at this time.

There being no objection, the letters were ordered to be printed in the Record, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, June 19, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to urge the Congress to take action to ensure that increased competition is encouraged between small business and prisons.

It is well known that government agencies sometimes compete against private businesses in providing goods and services. Today, federal agencies are forced to buy prison-made products through Federal Prison Industries, Inc. (FPI). It is considered the mandatory source of some 85 items ranging from general supplies to office furniture. This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

In a survey of our members, 70 percent believe that government agencies should not be allowed to compete against private businesses. In addition, the prohibition of competition between government agencies and small businesses was one of the top recommendations of the 1995 White House Conference on Small Business. Small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the FPI.

We urge you to take action to ensure that the FPI competes fairly for federal agencies' business. Small businesses should not have to compete with government-supported entities with exclusive contracts that give them an immediate and unfair advantage.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 19, 1997.

Re Prison Industry Mandatory Preference.

MEMBERS OF THE UNITED STATES SENATE: I am writing to urge your support for the amendment to be offered by Senators Levin and Abraham to eliminate mandatory preference for prison industry goods for government contracts to S. 936, the fiscal year 1998 defense authorization bill.

Currently, the federal government is required to purchase needed goods from the U.S. Federal Prison Industries (FPI) if available. This law was enacted in the 1930's and has resulted in a growing encroachment upon private sector enterprise. For example, FPI now accounts for 25% of textiles and furniture purchased by the federal government. The amendment by Senators Levin and Abraham would remove Federal Prison Industries as a''required source of supply'' for federal government purchasing.

The FPI produces more than 85 different products and services and in 1994 sold approximately $392 million worth of goods and services to the federal government, causing it to be ranked 54th among the ''Top 100 Federal Contractors.'' Additionally, we understand that in order to accommodate the growth in the prison population, FPI is planning to expand its sales. The Chamber supports the National Performance Review recommendation that the FPI's status as a mandatory source be eliminated and that FPI be required to compete commercially for federal business.

The Chamber has long-standing policy that the government should not perform the production of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts. Clearly, a balance must be struck between these two competing goals.

The U.S. Chamber, the world's largest business federation, represents an underlying membership of more than three million businesses and organizations of every size, sector and region. On behalf of this membership, I strongly urge your support of the amendment to the defense authorization bill to eliminate the FPI mandatory source of supply requirement and to open these government contracts to fair competition from the private sector.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, June 25, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the 10,000 small and medium members of the National Association of Manufacturers, I would like to restate our support for your bill S. 339. This bill would restore competition to federal procurement by ending the Federal Prison Industries (FPI) mandatory source status.

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost for goods and services bought by the Government and in many instances has resulted in loss of jobs and business opportunities for our members.

Removal of the ''FPI mandatory source status'' is an idea which time has come and it has received the support of this current administration in its National Performance Review Recommendations.

We trust that you will move quickly on gaining passage of S. 339 and restore fairness and equity to thousands of small and medium size manufacturers.

Sincerely,

JAMES P. CARTY.

ACCESS PRODUCTS, INC.,
Colorado Springs, CO, April 15, 1997.

Senator WAYNE ALLARD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. ALLARD: I wrote to you in March of 1997 regarding Federal Prison Industries and the unfair and uncompetitive advantage it has over small companies such as mine who are seeking to do business with the federal government.

I have a very specific example which I am quite incensed about, not only as a small business owner but as a taxpayer as well.

I recently lost an EDI bid to Unicor. The contractor was Scott AFB and the item solicited was 86 Series 2 remanufactured toner cartridges. For your information, the FRQ# was F1162397T2361. Unicor bid on this item and simply because Unicor did bid, I was told that the award had to be given to Unicor. Unicor won this bid at $45 per unit. My company bid $22 per unit. The way I see it, the government just overspent my tax dollars to the tune of $1978. The total amount of my bid was less than that.

Do you seriously believe that this type of procurement is cost-effective? Forget about fairness to small business—that seems to be an issue lost in the halls of Congress.

I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this

country are being excluded from competition, with the full support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this ''company'' known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

What will it take to convince you that this is an issue which deserves your attention and your support? Perhaps a visit to my manufacturing facility in Colorado Springs would help. Meet the people who pay their taxes only to have them misused by overspending as per government regulations. I'm sure they will feel their tax dollars could be more wisely used. Meet the people who could also fail to prosper if my company is rendered unable to do business with the federal government because of uncompetitive procurement practices. This is the tip of the iceberg in my industry and I have no wish to go down like the Titanic.

Sincerely,

SHARON KRELL,
Manager/Owner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I want to make a couple of notes about an upcoming event and something that took place today, and then I have business to conduct before the Senate.

A STRONG ECONOMY AND CULTURAL DECLINE

Mr. BROWNBACK. Mr. President, today there is some excellent news regarding the economy. The deficit, because of such a strong economy and taxes being paid, may be as low as $45 billion. I am hopeful that we can continue to keep that economy going strong by some of the tax cuts that are being proposed and are currently being negotiated. I think the real story here of what is taking place on balancing this budget is the fact that the economy is growing. Growth works, and it works well, and it is working well for us here.

I think it would be a mistake if we did not step forward and do whatever we can to continue this economy and this economic expansion that has been one of the longest running expansions we have had in history to date. That is why some of the tax cuts, particularly the progrowth and profamily tax cuts, the capital gains tax cut and the $500 per child tax credit are very, very important for us to continue, not only to balance the budget and not only to do it before the year 2002, or do it by the year 2000, but to start to pay off the debt. I think it is important we do it.

I also note that while the economy is doing well and we are getting the deficit under control—and those are important things—we certainly need some help in our culture overall. We continue to have terribly high rates of crime taking place in this society. We had in Washington, DC three people in a coffee shop murdered. We continue to have story after story, it seems like, on a daily basis of cultural problems that we are having just throughout society. Whether it is the number of children born out of wedlock, teenage suicide, cultural decline in total, violent crime rates or disintegration of the family, we really have to step it up in these areas.

CHARACTER COUNTS WEEK

Mr. BROWNBACK. Mr. President, one thing I want to draw people's attention to is that in the third week of October, there is going to be a ''Character Counts'' week taking place. That may be a while off and is not necessary for us to focus on now, but I think it is time that while we look at economic activity being strong and culturally we are having all these problems, let's focus on these things.

The Senator from New Mexico, Senator DOMENICI, has been a major champion of character counts, and that is where people step up and say, ''We need to look at ourselves and our own character.'' Good character doesn't come about by accident, it is a practice of virtue. It is one thing that each and every one of us as Americans can step forward with.

I would like to, as we close today, give one example of a person who stepped up on character, and it is a gentleman in Wichita, KS, in my home State, by the name of Leo Mendoza. Leo is a man who knows that character counts, because he hasn't always had it.

Leo is a survivor of sexual abuse, alcohol abuse, drug abuse and crime. For 17 years, he was in and out of jail, on and off drugs and in and out of marriages.

But today, after years of soul-searching and counseling, he is, once again, a solid citizen. He is an elder at his church, and he and his wife are trying to adopt a child.

What changed Leo? Was it Government rehabilitation programs? Was it a Government social program? Or was it actually something deeper, something that the Government could neither teach nor instill?

Leo actually never relied on a Government assistance program, partly out of pride, partly out of independence. He never even sought help from others. It was his friends who sought him.

In 1987, a friend of his introduced him to Alcoholics Anonymous and a local church.

Slowly, he began to form the rudiments of character, promising himself that he would confront the daily struggles of life with the firmness that a life of true character is built not on one heroic act, but rather is the consequence of a thousand little struggles. Leo, together with his family, friends, and church, began to rehabilitate. He had the courage to say no, the patience to endure the temptations and the humility to ask God for help when weakness was about to overcome him.

By struggling with his past, Leo learned virtue, and by learning virtue, he built character.

Those struggles teach us about our own character and about what true character is made of.

I give that little vignette as we close today because in attacking the cultural decline and difficulties in this society, this is not something you legislate with massive Government programs or is not something we can sit in a conference room to decide what we are going to do and impose that will upon the country. But rather it is the little individual struggles that each and every one of us has everyday. It is each and every struggle that 250 million-plus Americans deal with. That is how you make a great Nation, people struggling to build character, by building that virtue and struggling to build it one at a time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume consideration of the Grams amendment No. 422; that there be 90 minutes remaining for debate to be equally divided between Senator COCHRAN and Senator GRAMS; and that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Grams amendment, to be followed by a vote on, or in relation to, the Cochran amendment No. 420.

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

Mr. BROWNBACK. I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

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

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

COMBATING THE FLOW OF NARCOTICS—SENATE JOINT RESOLUTION 34

Mr. MCCAIN. Mr. President, I joined my colleague and friend, Senator DODD, in introducing a joint resolution calling on the President to take concrete steps to increase the level of international cooperation in combating the

flow of narcotics into this country, and to lead America toward coming to grips with the domestic demand that is tearing this country apart while enriching the drug cartels of Latin America and our own organized crime groups.

This legislation acknowledges the problems endemic in waging the war on drugs while domestic demand continues to remain high. It further recognizes the failure of numerous previous efforts at stemming the flow of illegal narcotics. It consequently expresses the sense of Congress that the President should appoint a high level task force, to be chaired by the Director of the Office of National Drug Policy, to establish a framework for improving international cooperation in these efforts. Finally, and of particular importance, it suspends for 2 years the process by which countries are certified as cooperating in the war on drugs.

The drug problem in this country dates at least as far back as the Civil War, when wounded soldiers were turned into morphine addicts as the only way to deaden the horrific pain caused from battle and disease. The problem grew to such an extent that President Nixon felt compelled to establish the Drug Enforcement Administration in order to better coordinate the antidrug effort. President Reagan assigned Vice President Bush to oversee a major escalation in the war on drugs, a war carried on at considerable monetary cost throughout the Bush administration. President Clinton, to his credit, appointed perhaps our finest ''drug czar'' in Gen. Barry McCaffrey, who has waged the drug war as valiantly as he led troops in combat during Desert Storm.

And still, the flow of illegal narcotics continues virtually unimpeded. Record-breaking seizures serve mainly to remind us of how much more is getting through our porous borders undetected. Street prices alert us to the failure of our best efforts at putting a dent in the problem of drug trafficking. To the extent that one area, for example, cocaine, is tackled with any degree of success, another bigger problem—the resurgence in heroin abuse comes to mind—rises up in its place. Clearly, it is time to step back again and look more critically at every facet of the problem.

I do not believe ''chicken-and-egg'' debates about which problem, supply or demand, should take higher priority serve any useful purpose. The bill we are offering today addresses both problems. Nor do I believe the certification process has accomplished its intended goal any more than such processes ever really do irrespective of the subject matter. In fact, the decision by the White House to decertify Colombia, which has waged a valiant and costly—in both lives and treasure—struggle against extremely powerful and ruthless cartels while recertifying Mexico, whose law enforcement agencies are so rife with corruption that that country's equivalent of Gen. McCaffrey was arrested for drug-related crimes, illuminates all too well the impracticality of the current process.

It is easy to argue that the drug problem has been studied to death. It has not, however, been examined from the perspective, and at the level, recommended in this resolution. If I believed for a second that this resolution represented just another attempt at studying the problem of drugs, I would not have attached my name to it. The recommended steps, however, combined with the suspension of the drug certification process, constitute a real and meaningful effort at focusing the Nation's attention on one of our most serious problems. Drugs are, in every sense of the word, a scourge upon our society. We must take a comprehensive, sober look at the scale of the problem and what realistically can be done about it. We must do this domestically and internationally. We must, once and for all, wage the war on drugs as though we intend to prevail. I hope that my colleagues in the Senate and the House of Representatives will support this legislation.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JULY 4

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 4, the United States imported 8,960,000 barrels of oil each day, 918,000 barrels more than the 8,042,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 58.4 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,960,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 748. An act to amend the prohibition of title 18, United States Code, against financial transactions with terrorists.

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington.

H.R. 849. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

H.R. 1847. An act to improve the criminal law relating to fraud against consumers.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The message also announced that the House has passed the following joint resolution, without amendment:

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

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal section of the Federal Energy Administration Act of 1974.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

The message also announced that pursuant to the provisions of section 711 of Public Law 104–293, the minority leader appointed the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of

Weapons of Mass Destruction: Mr. Tony Beilenson of Maryland.

The message further announced that pursuant to the provisions of section 806(c)(1) of Public Law 104–132, the majority leader appoints the following individual to the Commission on the Advancement of Federal Law Enforcement: Mr. Gilbert Gallegos of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington; to the Committee on Energy and Natural Resources.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado; to the Committee on Energy and Natural Resources.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code; to the Committee on the Judiciary.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon; to the Committee on Energy and Natural Resources.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on Commerce, Science and Transportation; to the Committee on the Judiciary.

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; to the Committee on Commerce, Science and Transportation.

H.R. 1847. An act on improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2410. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled ''Veterans' Benefits Improvement Act of 1996'' (RIN:2900–AI66), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC–2411. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled ''Veterans Education: Submission of School Catalogs to State Approving Agencies'' (RIN: 2900–AH97), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC–2412. A communication from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to export administration regulations (RIN0694–AB60), received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2413. A communication from the Acting Assistant Secretary for Export Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule relative to revisions to the entity list, received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2414. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report for calendar year 1996 under the Federal Home Loan Bank Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–2415. A communication from the Deputy Secretary, U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report relative to Release No. 33–7427 concerning the Electronic Data Gathering, Analysis, and Retrieval system; to the Committee on Banking, Housing, and Urban Affairs.

EC–2416. A communication from the Program Director, Naitonal Fund for Medical Education, transmitting, pursuant to law, the audited financial statement for the year ended December 31, 1996; to the Committee on the Judiciary.

EC–2417. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998, 1999, and 2000''; to the Committee on the Judiciary.

EC–2418. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the employment of Americans by the United Nations and Specialized Agencies under the Foreign Relations Authorization Act; to the Committee on Foreign Relations.

EC–2419. A communication from the Assistant Legal Adviser for Treaty Affairs, U.S. Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–2420. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Maritime Terrorism: A Report to Congress'' for calendar year 1996 under the Omnibus Diplomatic Security and Antiterrorism Act; to the Committee on Foreign Relations.

EC–2421. A communication from the Assistant General Counsel, U.S. Information Agency, transmitting, pursuant to law, a report of a rule relative to the Exchange Visitor Program, received on June 27, 1997; to the Committee on Foreign Relations.

EC–2422. A communication from the Secretary of Defense, transmitting, pursuant to law, a proposal to obligate $23.5 million in Fiscal Year 1997 to implement the Cooperative Threat Reduction Program under the Fiscal Year 1997 Defense Appropriations Act; to the Committee on Armed Services.

EC–2423. A communication from the Secretary of Defense, transmitting, pursuant to law, the Calendar Year 1996 Report on Accounting for United States Assistance Under the Cooperative Threat Reduction Program under the National Defense Authorization Act for Fiscal Year 1996; to the Committee on Armed Services.

EC–2424. A communication from the Director, Operational Test and Evaluation, Office of the Secretary, Department of Defense, transmitting, pursuant to law, a report relative to an alternative live fire test; to the Committee on Armed Services.

EC–2425. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to medical care for children of members of the Armed Services under the 1997 National Defense Authorization Act; to the Committee on Armed Services.

EC–2426. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Armed Forces Health Professions Scholarship and Financial Assistance Programs under the National Defense Authorization Act for Fiscal Year 1997; to the Committee on Armed Services.

EC–2427. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of General George A. Joulwan; to the Committee on Armed Services.

EC–2428. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Lieutenant General Paul K. Van Riper; to the Committee on Armed Services.

EC–2429. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Vice Admiral Douglas J. Katz; to the Committee on Armed Services.

EC–2430. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to property transferred to the Republic of Panama under the Panama Canal Act of 1979; to the Committee on Armed Services.

EC–2431. A communication from the U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the financial status of the railroad umemployment insurance system for calendar year 1997; to the Committee on Labor and Human Resources.

EC–2432. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled ''Servicemen's and Veterans' Group Life Insurance'' (RIN: 2900–AI73), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC–2433. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled ''Minimum Income Annuity'' (RIN2900–AI83), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC–2434. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to memorialization of spouses of veterans; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

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

POM–163. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 97–1003

Whereas, The federal ''Intermodal Surface Transportation Efficiency Act of 1991'' (ISTEA) was designed to be the comprehensive solution to federal surface transportation funding since it replaced the ''Surface Transportation and Uniform Relocation Assistance Act of 1987'', which marked the end of the interstate era; and

Whereas, The purpose of ISTEA is ''to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner''; and

Whereas, When it was proposed, ISTEA was designed to give states and local governments flexibility as to how federal moneys were to be spent in their regions but, in fact and practice, the new federal program specifies how these moneys are distributed as well as how they can be spent by states and local governments; and

Whereas, Examples of the types of categories for which specified percentages of ISTEA moneys may be spent include, but are not limited to, safety, enhancements, population centers over 200,000 people, areas with populations under 5,000 people, transportation projects in areas that do not meet the Clean Air Act standards, and minimum allocation, reimbursement, and hold harmless programs; and

Whereas, For the six-year duration of ISTEA, Colorado will receive an estimated $1.31 billion in federal moneys, compared to $1.43 billion Colorado received in the previous six years; and

Whereas, Before the enactment of ISTEA, Colorado was permitted to use a portion of Interstate Maintenance Funds to increase vehicle carrying capacity, but under ISTEA, capacity improvements are limited to High Occupancy Vehicle (HOV) lanes or auxiliary lanes in nonattainment areas; and

Whereas, Since the six-year duration of ISTEA will end after the 1996 fiscal year, Congress will have to reauthorize ISTEA in order to continue the federal surface transportation funding to states and local governments; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That the Colorado General Assembly respectfully urges the 105th Congress of the United States to consider the following proposals as ISTEA comes under scrutiny for reauthorization:

(1) Eliminate federal mandates, sanctions, and restrictions that limit the powers of the states and local governments to accomplish their individual transportation needs and reduce federal oversight and reporting requirements;

(2) Transfer from the General Fund to the Highway Trust Fund, for distribution to the states, the 4.3 cents per gallon fuel tax added by the United States Congress in 1993; and

(3) Allow the 2.5 cents per gallon fuel tax added by the United States Congress in 1990 to be deposited into the Highway Trust Fund and distributed to the states, given the demonstrated need for moneys for transportation systems.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

POM–164. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 242

Whereas, one of the most important legislative initiatives in the 105th Congress is the reauthorization of the federal highway and mass transit programs, referred to as the Intermodal Surface Transportation Efficiency Act (ISTEA); and

Whereas, the quality of our highways and mass transit systems directly affect the lives of virtually all Americans; and

Whereas, the United States Department of Transportation reports that an additional $15 billion in highway investment above current spending is needed annually just to maintain existing highway conditions; and

Whereas, highway users pay for construction and maintenance of highways and mass transit through the Highway Trust Fund, which is financed with the revenues from the federal motor fuels tax; and

Whereas, in 1993, Congress enacted a 4.3 cent per gallon increase in the motor fuels highway user fee which was directed into the Treasury general fund for deficit reduction rather than into the Highway Trust Fund; and

Whereas, the allocation of federal highway user fee revenues among the states will be the single most contentious issue in the Intermodal Surface Transportation Efficiency Act reauthorization debate; and

Whereas, the allocation debate could effectively be eliminated before it becomes contentious by significantly increasing the total amount of federal highway funds available to be allocated among the states; and

Whereas, this can be accomplished by swift action on the following two measures:

(1) Redirecting the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund; and

(2) Removing the Highway Trust Fund from the unified budget to ensure that all revenues into the Highway Trust Fund are spent; and

Whereas, failure to act on these two measures before the completion of the fiscal year 1998 budget resolution means this source of additional highway revenues for the State of Hawaii could be lost for the entire six-year duration of the Intermodal Surface Transportation Efficiency Act reauthorization measures; now, therefore,

Be it resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, the House of Representatives concurring, that Hawaii's Congressional Delegation is respectfully urged to support and enact measures before the United States House of Representatives and the United States Senate to redirect the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund, and to remove the Highway Trust Fund from the unified budget, before Congress completes the fiscal year 1998 budget resolution; and

Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Senator Daniel K. Akaka, Senator Daniel K. Inouye, Representative Neil Abercrombie, and Representative Patsy T. Mink.

POM–165. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

HOUSE RESOLUTION 203

Whereas, on November 15, 1990, the President signed the Clean Air Act Amendments of 1990 (Public Law 101–549, 104 Stat. 2399); and

Whereas, the Environmental Protection Agency has demonstrated an inability to effectively promulgate fair and equitable regulations pertaining to vehicle emissions which frustrate the intent of the Congress of the United States to permit the various states to have a range of acceptable options; and

Whereas, a number of members of Pennsylvania's Congressional delegation have expressed concern over various aspects to the operational parameters of the emissions program as currently mandated by the Environmental Protection Agency; and

Whereas, it is quite likely that the Commonwealth will be threatened with the loss of up to $1 billion in Federal highway funds and possibly fined on a daily basis by a Federal District Court judge; and

Whereas, the only remedy for Pennsylvania is Congressional action to relieve these penalties; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to suspend implementation of the vehicle emissions provisions of the Clean Air Act Amendments of 1990 and subsequent regulations promulgated by the Environmental Protection Agency until October 1, 1998; and be it further,

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Wesley K. Clark, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Anthony C. Zinni, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. ROBB, and Mr. SARBANES):

S. 998. A bill to simplify and consolidate the pay system for the United States Secret Service Uniformed Division, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY):

S. Res. 106. A resolution to commemorate the 20th anniversary of the Presidential Management Intern Program; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 107. A resolution to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

WOMEN VETERANS LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing legislation which would require the Department of Veterans Affairs [VA] to provide mammograms to women veterans in accordance with nationally accepted standards.

Breast cancer is the second leading cause of death among women and the No. 1 killer of women ages 40 to 49. I am, and will continue to be, personally committed to ensuring that the women of this country receive mammography screening in accordance with the highest possible standards. Enactment of this legislation will ensure that our Nation's women veterans receiving care at Veterans Health Administration [VHA] treatment facilities will have access to mammography screening in accordance with accepted national policy.

At issue is the question of how often women should receive screening mammography examinations and the age at which those examinations should begin. On March 23, 1997, the American Cancer Society [ACS] recommended that women begin annual mammography screening at age 40. On March 27, 1997, after much deliberation, the National Cancer Advisory Board recommended that all women between 40 and 49 years receive regular mammogram screening every 1 to 2 years. The National Cancer Institute accepted the same recommendation, both recommendations being very close to the new ACS standard of annual screening beginning at age 40. In addition, the American College of Radiology Board of Chancellors approved revised guidelines in January 1997, affirming its support for yearly screening for women after the age of 40.

The issue of mammography screening for women between the ages of 40 to 49 has been an issue of particular interest to me and one that has occupied quite a bit of my time during the first half of 1997. In my capacity as chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I have already held four hearings this year addressing the importance of mammography screening for women ages 40 to 49; one here in Washington, DC on February 5, in Philadelphia, PA on February 20, in Pittsburgh, PA on February 24, and in Hershey, PA on March 3, 1997. I have heard testimony, from physicians and women alike, advocating mammography screening beginning at age 40. Currently, 40 States have enacted legislation, and 4 States have legislation pending, which would require either insurance reimbursement for, or mandatory provision of, routine mammogram screening of women ages 40 to 49. Obviously, our Nation sees the value of screening women early for breast cancer, and the impact that early detection can have on decreasing the mortality of this No. 1 killer of women between 40 and 49.

It is estimated that last year 184,300 women were diagnosed with breast cancer, and this year nearly 44,000 women will die from the disease. Research indicates that regular mammograms for women in their 40's can cut breast cancer mortality by 17 percent. When Dr. Vogel of the University of Pittsburgh Cancer Institute and Magee Women's Hospital testified at the February 24 hearing in Pittsburgh, PA, he stated that there are nearly 1 million women in Pennsylvania between the ages of 40 and 49, and that nearly 2,000 will be diagnosed with breast cancer this year. As many as 1,000 of these women will die. He stated that if women aged 40 to 49 were screened annually, this death toll could be reduced by 250.

I am disappointed that VHA has refused to adopt this higher, now national, standard of mammography screening for our Nation's women veterans despite these research findings and national recognition that early mammography screening can save thousands of women's lives each year. In a report issued in April, 1997, VA's Inspector General Office of Health Care Inspections [OHI] offered their objective and critical assessment of the status of mammography services being provided to our Nation's women veterans receiving treatment at VA treatment facilities. Some of OHI's findings are particularly alarming. For example, only 36 percent of women veterans treated in 1995 were even offered a mammogram and only 79 percent of the VHA facilities systematically recorded reviews of outcome data, including disposition of positive mammograms and correlation of surgical biopsy results with radiologic interpretations. Only 72 percent of VHA facilities assessed effectiveness using quality improvement or quality assurance monitors, and none of the VHA facilities assessed customer satisfaction, quality of final diagnostic product, or any other quality of care indicators for contracted providers of mammography services.

The OHI recommended that VHA offer mammograms in accordance with ACS guidelines—yearly mammography screening, beginning at age 40. VHA, maintaining that mammography screening for women between the ages of 50 to 69 is sufficient, rejected this recommendation. For this reason, I am compelled to introduce this legislation which will require the Department of Veterans Affairs to, at a minimum, offer mammograms in accordance with the most prudent guidelines, those of the American Cancer Society, which call for yearly mammogram screening starting at age 40.

The women who receive treatment at any of our Nation's VA medical centers deserve mammography screening consistent with the accepted national standard—the highest standard, which is currently the recommendation of the American Cancer Society. As chairman of the Veterans' Affairs Committee, I urge my colleagues in the Senate to join me in supporting this legislation.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. GLENN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 322

At the request of Mr. GRAMS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 365

At the request of Mr. COVERDELL, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 365, a bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes.

S. 472

At the request of Mr. CRAIG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 492

At the request of Mr. SARBANES, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 569

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 569, a bill to amend the Indian Child Welfare Act of 1978, and for other purposes.

S. 683

At the request of Mr. STEVENS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 683, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

S. 724

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 724, a bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform.

S. 726

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Mr. BREAUX], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. REED], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Michigan [Mr. ABRAHAM], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. DORGAN], the Senator from Georgia [Mr. COVERDELL], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from South Carolina [Mr. THURMOND], the Senator from Illinois [Mr. DURBIN], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from Nebraska [Mr. KERREY], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 726, a bill to allow postal patrons to contibute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 728

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 728, a bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 854

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 854, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital in the capital gains tax for assets held more than 2 years, and for other purposes.

S. 938

At the request of Mr. BOND, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 938, a bill to amend the Public Health Service Act to provide surveilance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Alabama [Mr. SESSIONS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. ABRAHAM his name was withdrawn as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 657

At the request of Mr. DURBIN the names of the Senator from Rhode Island [Mr. REED] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of amendment No. 657 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 658

At the request of Mr. GLENN his name was added as a cosponsor of amendment No. 658 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 670

At the request of Mr. WELLSTONE the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 670 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 688

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 688 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 689

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 689 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 706

At the request of Mr. CHAFEE the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of amendment No. 706 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 706 proposed to S. 936, supra.

SENATE RESOLUTION—106—COMMEMORATING THE 20TH ANNIVERSARY OF THE PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 106

Whereas, the Presidential Management Intern Program was created 20 years ago to attract to federal service men and women of exceptional management potential and special training in public policy;

Whereas, more than 3500 persons have been appointed to federal service under the Presidential Management Intern Program;

Whereas, these men and women contribute to raising the standards of public service through their hard work and dedication: Now, therefore, be it

Resolved, That the Senate recognize the skill and dedication of Presidential Management Intern Program participants and commemorate the 20th anniversary of the Presidential Management Intern Program.

That a copy of this resolution be transmitted to the Presidential Management Alumni Group as an expression of appreciation for their continued support for federal service and the Presidential Management Intern Program.

Mr. ROBB. Mr. President, I rise today to introduce a resolution commemorating the 20th anniversary of the Presidential Management Intern, or PMI, program. I would request that Senators MIKULSKI, SARBANES, WARNER, KENNEDY, TORRICELLI, ROCKEFELLER, SANTORUM, and KERRY be listed as original cosponsors.

President Carter established the PMI program to recruit graduate students with excellent management potential and public policy backgrounds to the Federal work force. As many of us know, either from working with PMI's in Federal agencies or even having them on our staffs, these men and women have provided valuable services to our country in a wide variety of areas. Since the program's inception, over 3,500 men and women have participated as PMI's with over half of those remaining in government service today.

At a time when many have denigrated Federal employees, I believe we should recognize the outstanding commitment and abilities of these individuals and the program which has worked to ensure that our Government has civil servants of the highest caliber. For that reason, I and my colleagues are introducing this resolution to commemorate the twentieth anniversary of the Presidential Management Intern program and recognize the outstanding men and women who have participated in it.

SENATE RESOLUTION 107—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia* v. *Brenda S. Cook*, No. 94–F–20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia* v. *Brenda S. Cook*.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

REID AMENDMENT NO. 758

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 45, between lines 3 and 4, insert the following:

(e) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts transferred under this section, the Secretary of Defense may utilize not more than $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

FEINGOLD AMENDMENT NO. 759

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF FUNDS FOR DEPLOYMENT OF GROUND FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense may not be obligated for the deployment of any ground elements of the Armed Forces of the United States in Bosnia and Herzegovina after the later of—

(1) June 30, 1998; or

(2) a date that is specified for such purpose (pursuant to a request of the President or otherwise) in a law enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the support of—

(A) members of the Armed Forces of the United States deployed in Bosnia and Herzegovina in a number that is sufficient only to protect United States diplomatic facilities in that country as of the date of the enactment of this Act; and

(B) noncombat personnel of the Armed Forces of the United States deployed in Bosnia and Herzegovina only to advise commanders of forces engaged in North Atlantic Treaty Organization peacekeeping operations in that country; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

DOMENICI (AND BINGAMAN) AMENDMENTS NOS. 760–761

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted two amendments intended to be proposed by them to the bill, S. 936, supra; as follows:

AMENDMENT NO. 760

Insert where appropriate:

SEC. . LOS ALAMOS LAND TRANSFER.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary

of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) no later than three months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years, and;

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) No later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(4) no later than 3 months after the date which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title—

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(5) as soon as possible, but no later than nine months after the date of submission of the plan under paragraph (4), complete the conveyance of all portions of the lands identified in the plan.

(c) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a limited period of time or that remediation of hazardous substances in accordance with applicable laws has not been completed, and the finding will delay the parcel's conveyance beyond the time limits provided in paragraph (5), the Secretary shall convey title of the parcel upon completion of the remediation or after the parcel is no longer necessary for national security purposes.

AMENDMENT NO. 761

Insert where appropriate:

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the ''Foundation'').

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

DODD AMENDMENTS NOS. 762–763

Mr. DODD proposed two amendments to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''Gulf War illness'' means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101 of title 38, United States Code.

(3) The term ''Persian Gulf veteran'' means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term ''contingency operation'' has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 723. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions that were made by the Secretary of Defense to the criteria used by physical evaluation boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness pursuant to section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

''§ 1074e. Medical tracking system for members deployed overseas

''(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

''(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

''(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

''(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

''1074e. Medical tracking system for members deployed overseas.''.

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

''(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

''(2) The Secretary shall also ensure that medical care providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

''(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

''(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

''(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

''(1) Clear notice that the drug being administered is an investigational new drug.

''(2) The reasons why the investigational new drug is being administered.

''(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

''(4) Such other information that, as a condition for authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

''(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

''(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1107. Notice of use of investigational new drugs.''.

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

At the appropriate place in the bill at the following new section:

SEC. . (A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure, and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to ''put in place a solidly based democratic administration'' in Hong Kong prior to July 1, 1997.

(B) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

STEVENS (AND OTHERS) AMENDMENT NO. 764

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. WYDEN, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. SHELBY, Mr. SARBANES, Mr. REID, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. LEAHY, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. INOUYE, Mr. HOLLINGS, Mr. FORD, Mrs. FEINSTEIN, Mr. ENZI, Mr. DOMENICI, Mr. DEWINE, Mr. D'AMATO, Mr. CONRAD, Mr. COCHRAN, Mr. BYRD, Mr. BURNS, Mr. BINGAMAN, Mr. AKAKA, and Mr. BENNETT) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title IX, add the following:

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§ 10509. Senior Representative of the National Guard Bureau.

''(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advice and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

''(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

''(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

''(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve

active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

''(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''10509. Senior Representative of the National Guard Bureau.''.

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

''(7) The Senior Representative of the National Guard Bureau.''.

(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting '', and to the Senior Representative of the National Guard Bureau,'' after ''Chief of Staff of the Air Force,''.

(2) Section 10504(a) of such title is amended in the second sentence by inserting '', and in consultation with the Senior Representative of the National Guard Bureau,'' after ''Secretary of the Air Force''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1998.

DODD (AND McCAIN) AMENDMENT NO. 765

Mr. DODD (for himself and Mr. McCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates received 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the Sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

GRAHAM AMENDMENTS NOS. 766–768

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 766

At the end of subtitle D of title II, add the following:

SEC. 235. CONSOLIDATION OF ELECTRONIC COMBAT TESTING.

(a) LIMITATION.—The electronic combat testing assets of the laboratories and test and evaluation centers of the Department of Defense may not be transferred from the locations of those assets as of the date of the enactment of this Act until the five-year plan for consolidation of laboratories and test and evaluation centers of the Department of Defense required by section 277 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 242) is completed.

(b) CONTINUED SUPPORT FOR SOCOM AND AIR COMBAT COMMAND.—The Secretary of Defense shall ensure that, within amounts available for use for the purpose, the range electronic combat test capabilities at Eglin Air Force Base, Florida, are funded at levels sufficient to continue to meet the operational requirements of the Special Operations Command and the Air Combat Command.

AMENDMENT NO. 767

At the end of subtitle D of title X, add the following:

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the results of the review; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

(D) CERTIFICATION.—The Secretary of Defense will certify to Congress that contingency plans have been developed and appropriate assets have been identified to defend United States territory against potential hostile action by Cuba. The current assessment by the intelligence community of Cuban military capabilities and the threats to the national security of the United States posed by Fidel Castro and the Government of Cuba will be the basis for development of the contingency plans.

AMENDMENT NO. 768

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish the Center for Hemispheric Defense Studies in the Department of Defense in accordance with section 2166 of title 10, United States Code, as added by subsection (b).

(b) CHARTER FOR CENTER.—(1) Chapter 108 of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following:

''§ 2166. Center for Hemispheric Defense Studies

''(a) ESTABLISHMENT.—There is a Center for Hemispheric Defense Studies in the Department of Defense.

''(b) MISSION.—The mission of the Center is to develop, organize, manage, administer, and present for civilian and military leaders of South American, Central American, and Caribbean nations executive-level academic programs that are designed—

''(1) to stimulate deliberations about defense policy and civil-military relations specifically in the context of the requirements and interests of South American, Central American, and Caribbean nations;

''(2) to provide those leaders with an understanding of defense decisionmaking and resource management in a democratic society;

''(3) to improve the expertise of the civilian leaders of such nations in national defense and military matters;

''(4) to strengthen civil-military relations within those nations; and

''(5) to foster intergovernmental understanding and cooperation in democratic countries in the Western Hemisphere.

''(c) LOCATIONS OF EDUCATIONAL PROGRAMS.—(1) The headquarters of the Center is located at the National Defense University, Fort McNair, District of Columbia. The headquarters is the principle location for the presentation of the core programs of the Center.

''(2) The Center may present at locations in South American, Central American, and Caribbean nations activities that are designed to assist any of such nations to institutionalize the development of civilian defense expertise, as follows:

''(A) Series of short courses.

''(B) Outreach and research activities that complement the educational programs of the Center.''.

(2) The table of sections at the beginning of such chapter, as amended by section 902, is further amended by adding at the end the following:

''2166. Center for Hemispheric Defense Studies.''.

(c) RELATIONSHIP TO NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

''(6) The Center for Hemispheric Defense Studies.''.

(d) FIRST PROGRAM SESSION OF CENTER.—The Center for Hemispheric Defense Studies shall present the inaugural session of the Center's core education program during the first quarter of fiscal year 1998.

(e) PLAN FOR PROGRAMS.—Not later than December 31, 1997, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for convening at the Center for Hemispheric Defense Studies a minimum of five core program sessions each year and for operating and maintaining the Center in general.

(f) ASSESSMENT OF DEPARTMENT OF DEFENSE PROGRAMS RELATING TO REGIONAL SECURITY AND HOST NATION DEVELOPMENT IN THE WESTERN HEMISPHERE.—(1) Congress reaffirms the findings on Department of Defense programs relating to regional security and host nation development in the Western Hemisphere that are set forth in subsection (a) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2896).

(2) Not later than May 1, 1998, the Secretary of Defense shall—

(A) carry out another comprehensive review and assessment in accordance with subsection (b) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2897), in addition to the review and assessment previously carried out under such subsection; and

(B) submit to Congress a report on the additional review and assessment.

HUTCHISON AMENDMENTS NOS. 769–770

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 769

On page 68, between lines 17 and 18, insert the following:

SEC. 319. EFFECTIVE DATE OF PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

Notwithstanding any other provision of this Act, the provisions of this Act, and any amendments made by such provisions, relating to depot-level maintenance and repair shall take effect on the date of enactment of this Act.

AMENDMENT NO. 770

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. POLICE, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) Notwithstanding any other provision of law, the Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides police services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement may provide for the reimbursement of the Secretary, in whole or in part, for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

DORGAN (AND OTHERS) AMENDMENT NO. 771

Mr. DORGAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, Mr. THURMOND, Mr. ROBERTS, and Mr. COVERDELL) proposed an amendment to amendment No. 705 proposed by Mr. MCCAIN to the bill, S. 936, supra; as follows:

After ''SEC.'' on page 1, line 3 of the amendment, strike all and insert:

. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, or the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of

Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

REID AMENDMENT NO. 772

Mr. REID proposed an amendment to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

SARBANES AMENDMENT NO. 773

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

COATS (AND OTHERS) AMENDMENT NO. 774

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. BREAUX, Mr. SMITH of Oregon, and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) will meet July 8 and 9, 1997, in Madrid, Spain, to issue invitations to several countries in Central Europe and Eastern Europe to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The Clinton Administration has determined that the United States Government will support inviting three countries—Poland, Hungary, and the Czech Republic—to join NATO at the Madrid summit.

(4) The United States should ensure that the process of enlarging NATO continues after the first round of invitations are issued this July.

(5) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(6) In furthering NATO's purpose and objective of promoting stability and well-being in the North Atlantic area, Romania, Slovenia, and any other democratic states of Central and Eastern Europe should be invited to become NATO members as expeditiously as possible upon satisfaction of all relevant criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should issue a second round of invitations to Central and Eastern European states that have met the criteria for NATO membership at the 1999 NATO summit.

BINGAMAN AMENDMENT NO. 775

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

''(d) The Secretary may—

''(A) demonstrate the feasibility of, and

''(B)(i) acquire facilities by lease or purchase, or

''(ii) enter into an agreement with an owner or operator of a facility, for the production of tritium for defense-related uses in a facility licensed under section 103 of this Act.''

(b) Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) does not apply to activities conducted under this section during fiscal year 1998.

(c) The Nuclear Regulatory Commission may collect fees from the Secretary under section 9701 of title 31, United States Code (the Independent Offices Appropriation Act of 1952) for services rendered to the Secretary in connection with the implementation of this subsection.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 776

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the appropriate place in Title XXXI add the following new section:

SEC. . EDUCATIONAL FOUNDATION FOR SCHOOLS IN THE AREA AROUND LOS ALAMOS NATIONAL LABORATORY.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around Los Alamos National Laboratory (in this section referred to as the ''Foundation'').

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such investments to fund programs designed to support the educational needs of public schools in northern New Mexico educating children in the area around the Los Alamos National Laboratory.

BINGAMAN AMENDMENT NO. 777

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations restricting the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas.

LEVIN (AND OTHERS) AMENDMENT NO. 778

Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. HELMS, Mr. ROBB, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 844 PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

''(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

''(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitions of offers for the procurement of such products;

''(2) use competitive procedures for the procurement of that product, unless—

''(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

''(B) the Attorney General makes the determination described in subsection (b)(1)

within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

''(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

''(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

''(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

''(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

''(B) it is necessary to award the contract to Federal Prison Industries in order—

''(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

''(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

''(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison Industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.''.

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) Federal Prison Industries shall, to the maximum extend practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor.''; and

(3) in paragraph (6), as so redesignated, by striking out ''paragraph (4)(B)'' and inserting in lieu thereof ''paragraph (5)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 779

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 652 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by $51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by $51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104–201 for chemical and biological defense counterproliferation programs, $16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by $51,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 780

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 653 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by $51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by $51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104–201 for chemical and biological defense counterproliferation programs, $16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by $51,000,000.

BOND AMENDMENT NO. 781

Mr. WARNER (for Mr. BOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$158,626,000''.

THURMOND AMENDMENT NO. 782

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 356, line 8, strike out ''$1,957,129,000'' and insert in lieu thereof ''$1,951,478,000''.

On page 357, line 4, strike out ''$1,148,937,000'' and insert in lieu thereof ''$1,143,286,000''.

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out ''$75,620,000'' in the amount column in the time relating to the total and insert in lieu thereof ''$65,920,000''.

On page 362, line 14, strike out ''$1,916,887,000'' and insert in lieu thereof ''$1,907,387,000''.

On page 362, line 20, strike out ''$75,620,000'' and insert in lieu thereof ''$65,920,000''.

BINGAMAN AMENDMENT NO. 783

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the ''Hospital''), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ''eligible individual'' means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

SPECTER AMENDMENT NO. 784

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD FROM TERRORIST ATTACK.

(a) FINDINGS—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dharhan is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

SANTORUM (AND SPECTER) AMENDMENT NO. 785

Mr. WARNER (for Mr. SANTORUM for himself and Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

THURMOND AMENDMENT NO. 786

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert ''(a) PROHIBITION.—'' before ''None''.

On page 37, line 9, strike out ''6,006'' and insert in lieu thereof ''6,206''.

On page 278, line 12, strike out ''under section 301(20) for fiscal year 1998''.

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out ''$23,600,000'' and inserting in lieu thereof ''$24,100,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out ''$14,100,000'' and inserting in lieu thereof ''$14,600,000''.

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert '', to the extent provided in appropriations Acts,'' after ''shall''.

On page 417, line 23, strike out ''$1,265,481,000'' and insert in lieu thereof ''$1,266,021,000''.

On page 418, line 5, strike out ''$84,367,000'' and insert in lieu thereof ''$84,907,000''.

On page 419, line 17, strike out ''$2,173,000'' and insert in lieu thereof ''$2,713,000''.

On page 481, line 16, insert ''of the Supervisory Board of the'' before ''Commission''.

KENNEDY (AND WARNER) AMENDMENT NO. 787

Mr. WARNER (for Mr. KENNEDY, for himself and Mr. WARNER) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23. SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT ACT OF 1997

THOMPSON (AND GLENN) AMENDMENT NO. 788

Mr. BROWNBACK (for Mr. THOMPSON, for himself and Mr. GLENN) proposed an amendment to the bill, H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; as follows:

On page 4, insert between lines 5 and 6 the following:

''(D)(i) The Administrator shall ensure that non-profit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

''(ii) For purposes of this subparagraph, the term 'disability' has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1940 (42 U.S.C. 12102(2)).

On page 4, line 6, strike ''(D)'' and insert ''(E)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 9, 1997, at 9 a.m. in open session, to consider the nominations of Gen. Wesley K. Clark, USA, to be commander-in-chief, United States European Command and Lt. Gen. Anthony C. Zinni, USMC, to be commander-in-chief, United States Central Command.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, to conduct a hearing on the Real Estate Settlement Procedures Act [RESPA], the Truth in Lending Act [TILA] and problems surrounding the mortgage origination process.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 9, for purposes of conducting a joint oversight hearing with

the House Committee on Resources which is scheduled to begin at 11 a.m. The purposes of this hearing is to receive testimony on the Final Draft of the Tongass Land Management Plan as the first step in the congressional review process provided by the 1996 amendments to the Regulatory Flexibility Act.

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

COMMITTEE ON THE GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, July 9, at 9 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 3 p.m. in room S211 to hold a hearing on: ''Encryption, Key Recovery, and Privacy Protection in the Information Age.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, at 2:30 p.m. until business is completed to hold a business meeting for a briefing on the status of the investigation into the contested Louisiana Senate election. This meeting will continue at 9:30 a.m. on Friday, July 11, 1997.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

TOBACCO IN THE MILITARY

• Mr. LAUTENBERG. Mr. President, yesterday the Senate adopted an amendment to require the Pentagon to study the effectiveness of the military's programs aimed at promoting healthy lifestyles among members of the Armed Forces. By March 30 of next year, the Secretary of Defense must submit a report which outlines programs aimed at preventing tobacco and alcohol dependence, in terms of education, rehabilitation, and intervention. I commend the Senator from New Mexico for his leadership on this issue. As a cosponsor to this amendment, I am glad that my colleagues view the health of our military personnel an important factor when considering our Nation's security.

Over the past year, the Pentagon has taken important steps to reduce tobacco use among its personnel. Despite strong opposition from the tobacco industry and its friends in the Congress, policies to remove subsidies from tobacco products sold through military commissaries have been implemented. Further regulations on tobacco advertising and product placement are due to take effect in the future. These are positive steps that have been long overdue.

The need to attack tobacco addiction in the military was crystallized in a report by the Inspector General of the Department of Defense last December. The DOD IG's analysis concluded that between health care and lost productivity attributed to tobacco use, tobacco addiction costs the Defense Department, and American taxpayers, about $930 million a year. Roughly $453 million of this is in hospitalization costs alone. In this Senator's view, that's $930 million too much.

The need to address this issue head-on couldn't be clearer. Tobacco use among military personnel has continued at higher levels than that of the civilian population. Nearly 36 percent of civilian males aged 18 to 25 smoke cigarettes. However, for the same age group in the Army, 41 percent smoke tobacco products as do 39 percent in the Navy and 44.7 percent in the Marine Corps. In light of the fact that the health of our troops, and all members of our military, should be of the utmost importance, this disparity is shameful.

I commend those in the Pentagon who have begun to seriously address the problem of tobacco sales and addiction in the military. They are doing a great service for military personnel by removing subsidies from cigarettes sold in commissaries in an effort to protect their health. They are taking the bold step of evaluating ways to discourage use, an effort which is clearly at odds with the low prices of tobacco products sold on military bases compared to prices in retail outfits in the rest of the country. While I agree that for their service, members of the military should get certain benefits, a line should be drawn at an addictive and destructive product such as tobacco.

Mr. President, I hope that when this Congress receives the report from the Secretary of Defense, as directed by this amendment, it will include bold proposals aimed at curbing addiction. Our fighting forces need to be the best prepared and the healthiest in the world.•

REMEMBERING JIMMY STEWART

• Mr. SANTORUM. Mr. President, I rise today to honor the memory of one of the most beloved sons of Pennsylvania, Mr. Jimmy Stewart. A native of Indiana County, Mr. Stewart honored all of us by identifying himself, in the fullest sense, as one of us.

Throughout his career, he was hailed as the Everyman, the quintessential American male, an example of ''inspired averageness,'' as one writer put it. And that was his special gift—doing the extraordinary in a way that didn't call attention to itself. But what he did with his life, what he accomplished, did, in the end, call attention to itself, because Jimmy Stewart was not ordinary.

In ''Liberty Valance,'' one of Mr. Stewart's movies in which he plays a Senator returning to town for a rancher's funeral, a newsman says to him: ''This is the West, sir. When the legend becomes fact, print the legend.'' I would like to recall today, Mr. President, how the fact of Jimmy Stewart became the legend. Because with Mr. Stewart, the fact and the legend are one.

Jimmy Stewart was born in Indiana, PA in 1908. His father owned the local hardware store and he always retained ties to his hometown and the traditions that it embodied for him. As he himself said, ''This is where I made up my mind about certain things—about the importance of hard work and community spirit, the value of family, church and God.''

He graduated with honors from Princeton University in 1932 with a degree in architecture and even did well enough to earn a scholarship to pursue graduate studies in that field. But it was acting he chose to pursue and he would eventually appear in 71 films, among them some of the best ever produced, such as ''The Philadelphia Story,'' ''Mr. Smith Goes to Washington,'' ''It's a Wonderful Life,'' and ''Rear Window.'' For someone with a reputation for uncomplicated wholesomeness, the successful portrayal of so many diverse characters in so many films suggests, as others have remarked, the possession of something more—something deeper and more compelling than simple wholesomeness, although he had that too.

This ''something more'' was seen most clearly, perhaps, in Mr. Stewart's exemplary service in World War II. When other stars were content to remain at home and fulfill their patriotic obligation in less hazardous ways, Jimmy Stewart willingly left a thriving and prosperous film career to enlist in the Army Air Corps. He enlisted as a private and by 1945 had attained the rank of colonel. He also aggressively campaigned for combat duty and would eventually fly 20 dangerous missions over enemy territory as a command pilot. By war's end, he had been awarded the Distinguished Flying Cross, the French Croix-de-Guerre, and the Air Medal. He stayed active in the Air Force Reserve and retired a brigadier general, the highest rank ever attained by a professional entertainer.

Just as he had the humility to leave a successful film career to be a soldier

like any other in that war, he also had the modesty to return to acting and wonder if he could reclaim a place in Hollywood. And he did, of course. ''It's a Wonderful Life'' was his first film after the war and it not only returned him to American movie audiences, it gave us and every future generation the wonderful character of George Bailey. George Bailey, who changed so many lives without even knowing it. And, of course for many of us, Jimmy Stewart was George Bailey. Someone who succeeded in so many ways without ever appearing to fully realize how extraordinary those achievements were.

Jimmy Stewart continued to distinguish himself as a citizen, as an actor, and a devoted husband and father for the rest of his life. Once he retired from the movies, he remained active in charitable and community work, wrote poetry and became an ardent champion of film preservation, often coming to Washington to testify before Congress on the subject of colorizing old black and white films—a practice he opposed.

With his death, he leaves two twin daughters and a son. He also leaves millions of devoted fans who admired him as much for his work as for the exemplary character and intelligence he projected throughout his lifetime.

Jimmy Stewart once said that he agreed to do ''It's a Wonderful Life'' because of one line in it: ''Nobody is born to be a failure.'' He believed that ordinary Americans, in their everyday life, could, and did, do extraordinary things. Jimmy Stewart may have behaved as if he were just like everyone else. And he may have even believed it himself. But he really wasn't. He wasn't average at all. It was simply a final act of skill and generosity that he let us believe he was.●

ALLOWING MEDICARE ELIGIBLE MILITARY RETIREES TO JOIN THE FEDERAL EMPLOYEES HEALTH BENEFITS PLAN

● Mr. BURNS. Mr. President, I recently added my name to the list of cosponsors of S. 224, introduced by Senator WARNER, which will allow Medicare-eligible military retirees to join the Federal Employees Health Benefits Plan. After hearing from military retirees in Montana, I am convinced that this is a necessary step to help ensure that military retirees have access to quality health care.

When military retirees turn 65, they no longer have guaranteed access to military health care. The lucky ones can get services from military treatment facilities [MTF's] on a space-available basis, but the rest do not have access to MTF's. They must rely on Medicare, which has less generous benefits, despite the commitment they received for lifetime health benefits by virtue of their service to this country. They are the only group of Federal employees to have their health benefits cut off at age 65. That's just not right.

This bill offers a simple solution by allowing military retirees who are eligible for Medicare to join the Federal Employees Health Benefits Plan. This is a popular program which provides good benefits at a reasonable cost. It will serve military retirees well and uphold the Government's commitment to provide quality health benefits. Our military retirees deserve no less.●

HONORING THE RETIRED AND SENIOR VOLUNTEER PROGRAM [RSVP] OF WATERLOO, IA

● Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of the Retired and Senior Volunteer Program [RSVP] in Waterloo, IA. This program is celebrating 25 years in their community, this year of 1997. In the last 25 years, over two million volunteer hours have been donated to the communities it serves. Among the recipients of these hours have been children, teachers, elderly, handicapped and a variety of service and community agencies. Some of the many community needs RSVP is assisting with are mentoring, assisting teachers, clerical, carpentry, transportation for the frail and elderly, mediation, respite care, tax preparation assistance, bulk mailings, money management, etc. The needs are as diverse as the volunteers themselves.

This RSVP program started out as a clearinghouse for volunteers and now includes sponsoring several programs of its own: a mediation program that assists with the small claims courts; a school volunteer program that provides mentors and other volunteers to assist with student needs; a money management program that helps individuals remain independent in their own homes; a respite program that provides relief to care givers; and a tax assistance program that provides tax preparation assistance to the low income and elderly.

RSVP provides challenging volunteer opportunities to those 55 and older. At the same time meeting many community needs through the dedication of their unselfish volunteers, who have proven to be a valuable asset to the communities they serve.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–13 AND TREATY DOCUMENT NO. 105–14

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 9, 1997 by the President of the United States:

Extradition Treaty with France (Treaty Document No. 105–13);

Extradition Treaty with Poland (Treaty Document No. 105–14).

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and France, signed at Paris on April 23, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions of this Treaty, which includes an Agreed Minute, follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1997*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1997*.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 103, H.R. 680.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 788

(Purpose: To provide that the Administrator of General Services shall ensure that nonprofit organizations shall consider the mental or physical disability of individuals for purposes of self-help requirements, and for other purposes)

Mr. BROWNBACK. Mr. President, Senators THOMPSON and GLENN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. THOMPSON, for himself and Mr. GLENN, proposes an amendment numbered 788.

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

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

The amendment is as follows:

On page 4, insert between lines 5 and 6 the following:

''(D)(i) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

''(ii) For purposes of this subparagraph, the term 'disability' has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

On page 4, line 6, strike ''(D)'' and insert ''(E)''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 788) was agreed to.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 680), as amended, was deemed read the third time and passed.

CLARIFYING PROTECTIONS OF THE FEDERAL TORT CLAIMS ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1901, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1901) to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1901) was deemed read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Senator BYRD and Senator ROCKEFELLER have each received a request from a State prosecutor in West Virginia for copies of correspondence between a West Virginia resident and their offices for use in a pending criminal prosecution in that State. Senator BYRD and Senator ROCKEFELLER believe that granting the prosecutor's request would serve the ends of justice. This resolution authorizes them to provide copies of correspondence in response to the prosecutor's request.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia* v. *Brenda S. Cook*, No. 97–F–20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia* v. *Brenda S. Cook*.

ORDERS FOR THURSDAY, JULY 10, 1997

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., Thursday, July 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 936, the defense authorization bill.

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

Mr. BROWNBACK. Mr. President, tomorrow morning, the Senate will resume consideration of the defense authorization bill and immediately begin 90 minutes of debate on the Grams second-degree amendment to the Cochran amendment. Following that vote, the Senate will continue debating amendments with rollcall votes occurring throughout the day. The majority leader has stated that it is his intention to assess the progress on the bill following these votes in order to determine if and when the cloture vote will occur.

POSTPONEMENT OF CLOTURE VOTE

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that the cloture vote be postponed at a time to be determined by the majority leader, after consultation with the Democratic leader.

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

PROGRAM

Mr. BROWNBACK. Mr. President, on behalf of the majority leader, I announce that it is his intention to complete action on the defense authorization bill this week. Senators can expect

late-night sessions with rollcall votes into the evening in order to finish this important legislation this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:07 p.m., adjourned until Thursday, July 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1997:

DEPARTMENT OF THE INTERIOR

JAMIE RAPPAPORT CLARK, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE MOLLY H. BEATTIE.

DEPARTMENT OF AGRICULTURE

I. MILEY GONZALES, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE KARL N. STAUBER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ANDREW M. CUOMO.

DEPARTMENT OF AGRICULTURE

AUGUST SCUMACHER, JR., OF MASSACHUSETTS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AN FOREIGN AGRICULTURAL SERVICES, VICE EUGENE MOOS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WESLEY K. CLARK, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. ANTHONY C. ZINNI, 0000

EXTENSIONS OF REMARKS

A TRIBUTE TO SOUTH CAROLINA'S WATERMELON FARMERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to South Carolina's watermelon farmers who planted more than 11,000 acres of watermelons this year. Yesterday, each Member of Congress should have received watermelons grown at the farm of Jim Williams of Lodge, SC. These watermelons were picked on Sunday and driven overnight by Clinton and Wade Murdaugh to be delivered to both the House and the Senate on Monday morning.

We take great pride in our watermelons in South Carolina. We like to call them Mother Nature's perfect candy; they're sweet, succulent, nutritious and even fat-free. South Carolina farmers lead the way in the production of watermelons. My State was a pioneer in the use of black plastic and irrigation to expand the watermelon growing season. By covering the earth in spring with black plastic, farmers can not only speed the melons' growth by raising soil temperatures, but also prevent weed growth.

So, as we all enjoy this summer treat, I would like to thank all the folks in South Carolina who brought us these watermelons: Jim Williams of Williams Farm in Lodge, SC; Les Tindal, our State agriculture commissioner; Martin Eubanks and Minta Wade of the South Carolina Department of Agriculture; Randy Cockrell and the South Carolina Watermelon Association; Bennie Hughes and the South Carolina Watermelon Board; and also Senator HOLLINGS, Representative SPRATT and their staffs who helped to deliver the melons. They have all worked very hard to share a taste of South Carolina with my colleagues here in Washington and I thank them.

DEMOCRATS USE SKEWED FIGURES TO CHALLENGE TAX-CUT PROPOSAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial which appeared in the Omaha World Herald on June 20, 1997. This editorial is of particular interest because it notes the fraudulent basis for the argument used by Democrats opposing the Taxpayer Relief Act.

DEMOCRATS USE SKEWED FIGURES TO CHALLENGE TAX-CUT PROPOSAL

Democrats who don't like the House-approved tax-cut proposal that is now before the Senate ought to challenge it on its merits instead of putting out a fraudulent class-warfare argument.

The Clinton administration and congressional Democrats who oppose the Republican-sponsored plan argue that the proposed net tax cut of $85 billion over five years ($135 billion in cuts and $50 billion in tax increases) is targeted to favor the rich. They rely on a report from President Clinton's Treasury Department asserting that two-thirds of the benefits would go to people in the nation's top 20 percent of earners.

Treasury officials reached that conclusion by inflating the definition of income like a toy balloon. It included things such as ''imputed rental value.'' That means the sharp-pencil pushers at Treasury have calculated how much a homeowner could rent his home for and added that figure onto his income. They also included the increased value of retirement funds, pension contributions and employer-funded life and health insurance.

Those are not what most middle-class people would call ''income.'' Such ridiculous additions skew the economic profile of the middle-class taxpayer. But they enable Treasury officials to ratchet millions of people up into phony levels of wealth and then claim that the middle class is being overlooked in the tax-cut package.

The Joint Committee on Taxation sees it differently. Using a definition of income more like that of the IRS, the committee found that people earning from $20,000 to $75,000 a year would receive 71 percent of the proposed tax savings in the GOP plan. The percentage jumps to 88 if the range is expanded to $100,000. Only 7 percent of the proposed tax cuts would go to people earning more than $100,000 a year.

Based on a reasonable definition of income, the Republican tax-cut proposal is focused on the middle class. But Democrats insist that the GOP is intent on stiffing the middle class in order to take care of high rollers.

In a battle of credibility on tax policy, the Joint Committee on Taxation demolishes the Clinton administration's Treasury Department. We are inclined to believe the committee when it says 1) Treasury is unfairly inflating income figures to push middle-class families into upper income levels, and 2) the majority of GOP-proposed tax relief is directed to the middle class.

TRIBUTE TO JOSEPH MINDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

Each city or town has a person who is dedicated to improving the community and making it a better and more enjoyable place for people to live, work, and raise their family. Joseph Minder has been this person for the city of Martins Ferry, OH.

Throughout his career, Mr. Minder has worked tirelessly for the city of Martins Ferry. He served as recreation director for over 9 years, service and safety director for over 13 years, and as an administrative assistant until his retirement. He continued to serve the city, and the people who have made Martins Ferry their home, as a volunteer as well. Joseph Minder was a member and often chairman of such events as the Betty Zane Frontier Days, the Strawberry Festival, and he also worked to bring fireworks to Martins Ferry for Independence Day.

Mr. Minder's greatest accomplishment was overseeing the new, state-of-the-art waterplant in Martins Ferry. This plant just went on line in May. Again, Mr. Minder's hard work and determination benefited the people of Martins Ferry, OH.

Joseph Minder's service and commitment to Martins Ferry are commendable, and Mr. Minder's work is deserving of the thanks and praise of the people of his community. I ask my colleagues to join me today in thanking Mr. Minder, and wishing him luck and success in his retirement.

IN HONOR OF FATHER JOHN PROTOPAPAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Father John Protopapas on his retirement from Annunciation Greek Orthodox Church in Cleveland, OH, after 30 years of service, guidance, and friendship.

John Protopapas was born in the village of Pano-Zodnia, Cyprus in 1927. His grandfather was the Protopresbyter of his village, and his father was the psalti. Following family tradition, John Protopapas was destined to serve the church. In 1949, an uncle sponsored him to enter the United States. He enrolled in the Greek Orthodox Theological Seminary in Brookline, MA. After graduating in 1952, he attended Andover Newton Theological School earning the degrees of bachelor of divinity and master of sacred theology, majoring in pastoral clinical psychology.

In June 1955, he married Catherine Lianides and was ordained. The couple spent 10 years in Bangor, ME, at St. George Church. During this time, their three children, Christopher James, Paula Joanne, and Mira Lynn, were born. After brief assignments to the Holy Dormition Church in Oakmont-Verona, PA, and Kimisis Tis Theotokou in Alliquippa, PA, Father Protopapas was assigned to Cleveland's Annunciation Greek Orthodox Church on July 15, 1967. The community has enjoyed his selfless leadership in spirituality, education, and culture ever since.

Father Protopapas is a prominent humanitarian. As a result of his sponsorship, several patients from Greece have traveled to local hospitals to receive open-heart surgery. He was appointed honorary mayor of Cleveland in 1989 for his important work in the progress of the city. Among the many other honors he has received throughout his life, Father Protopapas currently holds the positions of member of the Diocesan Council, chairman of

the Diocesan Greek Education Committee, and chairman and secretary of the Diocesan Ecclesiastical Court in Ohio.

When he is not working to enhance the spiritual, cultural, and civic life of the community, Father Protopapas is an avid gardener. His plants and flowers, as well as his parishioners and the community as a whole, have certainly flourished under his care. My fellow colleagues, please join me recognizing the lifetime achievements of Father John Protopapas as his friends and family celebrate his prestigious career on July 26, 1997.

TRIBUTE TO ABE FRIEDMAN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Ms. DEGETTE. Mr. Speaker, the Denver Police and Fire Widows have asked me to please pay tribute to Mr. Abe Friedman of Jamaica, NY and it is a great honor to have the ability to do so. It is not possible to reiterate all the good, kind, and charitable acts Abe Friedman has provided these women over the years. We all innately understand the terrible circumstances that revolve around losing one's loved one. While no one can give back the husbands these women lost, Mr. Friedman has gone above and beyond the call of duty to give these women the comfort and respect they so rightfully deserve. To the widows of the Denver Police and Fire Departments, his unending concern for their happiness is one of the most endearing memories of those years they lovingly spent as a member of a police or fire family.

On Sunday, May 18, 1997, these women assembled as guests of Mr. Friedman to celebrate the Seventh Annual Spring Extravaganza to celebrate Mother's Day. He spent the day toasting and honoring the many years each widow served as an integral part of a police or fire department family. This simple act was truly a sign of deep consideration for these women and was greatly appreciated by all in attendance.

The Denver Police and Fire Widows are hopeful that this CONGRESSIONAL RECORD reading, in a small way, may convey to Abe Friedman their sincere and unending admiration. They are forever grateful for his many acts of thoughtfulness, attentiveness, and kindness which Abe Friedman has bestowed upon them simply with his friendship.

IN HONOR OF THE ANNANDALE CHRISTIAN COMMUNITY FOR ACTION

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I know my colleagues join me in celebrating the 30th anniversary of the Annandale Christian Community for Action, a group which provides a safety net for needy families and individuals in my district through volunteer social action programs. ACCA is a model provider of child care for low- and moderate-income families and their array of volunteer programs in emergency assistance in transportation services is unparalleled in northern Virginia.

Thirty years ago, the Higher Horizons Day Care Center learned that 13 of the children enrolled would have to be ejected because the income of their working parents was slightly greater than the set poverty standard. Fred and Emily Ruffing, members of St. Michael's Catholic Church, which had organized Higher Horizons saw this impending crisis as a focal point for organizing Annandale's Christian community. In late February of that year, Fred met with Annandale clergy and lay people form the local congregations to explain what was needed. On March 13, 1967, at Peace Lutheran Church, about three dozen members of the local church community gathered and ACCA was born. Responding to the demonstrated need for more day care facilities, particularly ones open to minority children, January 1968 marked the opening of the ACCA Day Care Center at John Calvin Presbyterian Church. This center still serves today as an outstanding model for other similar facilities in the provision of quality care and education for nearly 200 children.

ACCA programs are operated almost entirely by hundreds of volunteers and financed primarily through donations from its 25 member churches, individuals, and groups. These programs include emergency food and monetary assistance for such basic necessities such as rent, utilities, and medical expenses. Additionally, ACCA has developed programs that provide individuals with transportation to medical and therapy appointments, collection and delivery of used furniture, college scholarships for students with special challenges, and repairs and provision of shelter to homeless families.

ACCA Inc. is governed by a board of directors comprised of official representatives from its 25 member churches. All functions, including those of officers, committee chairperson, and service providers, remain carried out by volunteers. From the beginning, ACCA has had successful continuing partnerships, not only with its member churches, but also with Fairfax County and the private sector. Drawing on its large pool of volunteers, ACCA also collaborates with Christmas-in-April, Meals on Wheels, and two local shelters. Both the Fairfax County Board of Supervisors and the Virginia General Assembly have passed resolutions commending ACCA for leadership and continuity of effort in carrying out community social action programs.

Throughout 1997, ACCA's board and member churches are celebrating both the remarkable achievements of the small, dedicated group of local citizens who began ACCA in 1967 and the growth and flexibility of ACCA's programs over three decades in meeting the needs of this dynamic suburban area. I know my colleagues will join me in applauding ACCA for continuously carrying out successful community social action programs for three decades. It is a model worthy of emulation by others, nationwide, in meeting the challenges of immigration, poverty, and welfare reform.

TRIBUTE TO STEVE FAKAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to recognize the bravery and courage of Regional Security Officer Steve Fakan. Steve is a native of Vermilion, OH, which is in my district and was recently honored by the Secretary of State Madeline Albright.

Steve exhibited exceptional personal bravery and perseverance by saving the lives of trapped American journalists caught in raging gun battles between rival factions during the renewed fighting in Monrovia, Liberia, in May 1996.

On May 14, 1996, the Regional Security Officer [RSO] office received a frantic call for help from eight journalists staying at the Mamba Point Hotel. Factional fighting raged around the hotel and the journalists feared for their lives as out-of-control fighters savagely ransacked the area only a few hundred meters from the Embassy. They requested urgent help in getting to the Embassy, as conditions continued to deteriorate.

Diplomatic Security [DS] agents RSO Steve Fakan and TDY RSO Tony Deibler quickly assessed the potentially lethal situation and devised a strategy to rescue the beleaguered journalists.

Using the nearest Embassy gate to the hotel as an exit, Steve and Tony traversed by foot over 300 meters of treacherous open field to the hotel by using alternate covering patterns for each other. Their every movement was closely eyed by snipers perched in nearby buildings.

After reaching the hotel safely, they quickly briefed the journalists on their escape plan. Countless bullets ricocheted off the pavement and nearby buildings as the group made its way back to the embassy. The two agents both realized that they were being tracked by snipers.

As the reporters used the appropriate cover maneuvers, taught to them by the DS agents, to make it back to the Embassy, Tony spotted a sniper aiming his weapon at Steve. Without hesitation, Tony quickly sighted in the sniper with his scoped weapon, causing him to hold his fire and take his finger off the trigger.

The eight journalists, dragging cameras and equipment, made it safely to Embassy compound, thanks to the expertise of the two DS agents. The exhausted, but grateful group of journalists rained enthusiastic praise on the exceptional courage exhibited by their rescuers.

These two men are outstanding examples of the best that DS has to offer, and the American people can be proud that Diplomatic Security has public servants like Tony and Steve to protect our interests overseas.

TRIBUTE TO JUSTIN LEONARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a truly remarkable young man,

Justin Leonard. I had the pleasure of meeting and playing with Justin in the Pro-Am 1997 Kemper Open on June 4. The team on which Justin and I played included Bill Schatz of Chagrin Falls, OH, Spencer Rankin of Green Brook, NJ, and William Zanoni of Glenview, IL. We finished third in the tournament, and several days later, Justin went on to win the Kemper Open.

Justin, like Tiger Woods, Robert Damron, and many other young golfers, is redefining the game of golf and making it more appealing to members of his generation. In just 3 years as a professional on the PGA Tour, Justin has amassed performances and wins in some difficult and prestigious tournaments. In addition to the 1997 Kemper Open, Justin's tour victories and accomplishments have included a win in the 1996 Buick Open, a fifth place finish at the 1996 PGA Championship, sixth at the 1997 Masters Tournament, fifth at the 1997 Saint Jude Classic, and third at last week's 1997 Western Open in Lemont, IL. Fellow golfer and PGA pro, Tom Kite has said of him, ''I have never seen a player his age so polished.''

Justin's amateur record is just as stellar as his professional accomplishments. In 1992, he won the U.S. Amateur Championship and in 1994, while at the University of Texas, he became the NCAA Champion. Justin has also been a member of national teams such as the 1992 U.S. World Amateur, the 1993 Walker Cup, and the 1996 President's Cup.

I am proud to say that Justin is a resident professional golfer at South Carolina's Kiawah Island Resort in Charleston, one of the counties I am proud to represent in this body. He is truly an asset to my home State of South Carolina and a role model for the youth of our Nation.

Mr. Speaker, I proudly associate myself with Tom Kite's description of Justin Leonard and ask that the Members of the House of Representatives join me in saluting Mr. Leonard for his outstanding accomplishments and wishing him well in his future endeavors.

ODYSSEY OF THE MIND TEAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

I am proud to join the city of Shadyside, OH, in congratulating the Shadyside Odyssey of the Mind Classics team in taking top honors at the world competition. This eighth grade team captured the world crown in the ''Can You Dig It?'' division II category by performing a skit, song, and dance which presented them as an archeologist and people from ancient civilizations in order to interpret the Can You Dig It? problem. Team members included Laura Kaluger, Megan Landerholm, Jessica Melankao, Natasha Minwer, Mary Ostrander; Dave Runyon, with Lori and Marty Runyon, and Blanche Ostrander acted as coaches.

This Odyssey of the Mind team competed against 62 other teams in their Division to take the world title for the first time. The students and their coaches practiced diligently to prepare for this competition, and their hard work was rewarded with a well-deserved victory. I am proud of the students' successful performance as well as the support the community of Shadyside gave to the team by helping them raise money to cover the costs of the competition.

The members of the Shadyside Odyssey of the Mind team have set an example of academic excellence for other students to follow. Mr. Speaker, I ask my colleagues to join me today in congratulating the Shadyside Odyssey of the Mind team and recognizing their hard work and perseverance.

IN MEMORY OF ANDREW J. KOCERKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Andrew J. Kocerka, a union man, a family man, and a great American from Cleveland, OH.

Mr. Kocerka devoted his life to the cause of the common person. He spent much of his life defending working people. His commitment to the plight of ordinary individuals is reflected in his dedication to the United Auto Workers, of which he became president of local no. 1045. He will be much loved and remembered by the members of that organization.

Mr. Kocerka is survived by sister Helen Skvarch, and brothers Jack and George, as well as many nieces and nephews.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 2, 1997 into the CONGRESSIONAL RECORD.

MAJOR BUDGET VOTES

Last week the House passed two major budget bills—one to reduce spending in order to balance the budget and the other to provide tax relief for Americans. Many hurdles lie ahead for both, as differences with the Senate and President need to be worked out. But the House action at least moves the process forward as we continue our effort to finally balance the federal budget.

BACKGROUND

The overall package was based on the May 2 budget agreement between President Clinton and congressional leaders which outlined a plan to balance the budget over the next five years as well as provide some tax cuts.

Balancing the budget would be a major accomplishment. For the past several years, deficit politics have dominated the congressional agenda. Finally balancing the budget would show that the federal government can get its fiscal house in order and it would help the economy in a variety of ways: lowering interest rates and the trade deficit, while boosting savings and economic growth.

Major progress has already been made in reducing the budget deficit. The 1993 deficit reduction package, which I supported, has helped reduce it from a record $290 billion in 1992 to around $60 billion this year. The May budget agreement would finish the task and produce a balanced budget by 2002. Yet that agreement was only a broad outline. The specifics were worked out by various congressional committees, and that is what we voted on last week.

BUDGET RECONCILIATION

Most of the savings needed to balance the budget would come from the budget reconciliation bill making changes in various entitlement programs. Changes in Medicare represent the bulk of the bill's savings—$115 billion out of a total of $140 billion. The Medicare savings come largely from reducing payments to hospitals and other health providers and from opening the health insurance program to greater competition. Other changes in the House bill deal with Medicaid payments to hospitals and federal retirement plans.

With my support, this bill passed by a solid margin. It is by no means a perfect package. But I strongly believe in balancing the budget—particularly through spending reductions rather than tax increases—and this was the main bill for achieving those savings. The changes were much more modest than those proposed in recent years; the Medicare savings were well below half of the $270 billion in cutbacks Speaker Gingrich tried to get through last Congress. The Medicare savings are projected to keep the program solvent over the next 10 years, and they have been supported by key older persons' groups.

MAJORITY TAX CUT

The second major vote last week was on the Republican tax cut bill. It contained $133 billion in tax cuts over five years, offset by $48 billion in tax increases, for a net tax cut of $85 billion. It would provide a $500 per child tax credit, give new tax credits for education costs, expand penalty-free withdrawals from IRAs, reduce capital gains taxes, and gradually raise to $1 million the amount exempt from federal estate taxes. To increase revenues it would expand existing taxes on airline tickets.

Although this bill had several good features, I opposed it. Its benefits were tilted far too much to the wealthy. According to Treasury Department estimates, the wealthiest 20% of Americans would get almost 70% of the tax cuts when fully phased in. In addition, the costs of the tax cuts increase sharply in the outyears, seriously undermining our effort to have a balanced budget. The various tax cuts were designed to have modest costs between now and 2002—$85 billion—but they would double over the next five years and then explode to an additional $650-700 billion over the next 10 years. That means we could balance the budget in the year 2002 but then run large deficits after that. We need to balance the budget and keep it balanced.

MINORITY TAX CUT

The alternative tax cut plan proposed by the Democrats would provide greater tax breaks for education. It would retain the $500 per child tax credit, but limit it to families making less than $75,000, rather than $110,000 under the Majority bill. It also targets the capital gains and estate tax cuts to small businesses, family farms, and homeowners. Most of the tax cuts in this plan would benefit middle-income Americans.

This was the toughest vote of the three for me, but I supported this plan. Unfortunately it was defeated and the other version passed. My preference is not to have a tax cut at this time: It is quite possible that all of the spending cuts won't materialize to give us a balanced budget, and balancing the budget is a higher priority than cutting taxes. We shouldn't be paying for a tax cut by borrowing more money. However, the debate has moved beyond that, and the question before us was what kind of tax cuts are preferable.

The Democratic package was the better of the two. It was much less expensive in the outyears, better targeted to the middle class, and it provided significant tax relief for families and their education expenses. Education is a key investment in our young people's future, but it currently is one of the least favored areas in the tax code.

so overall I voted for this tax cut package in order to move the process along, with the hope of improving it as it moves through the next stages of the legislative process. Improvements in the bill can yet be made in a joint House-Senate conference committee by targeting more of the cuts to moderate-income families; reducing its outyear costs; simplifying it so we don't greatly increase the complexity of the tax code; and providing that if for some reason we won't be reaching a balanced budget by 2002, then some of the tax cuts should be trimmed back.

In short, I support a balanced budget plan. Although tax cuts should not be our top priority, the issue today is not whether to cut taxes, but who gets the tax cuts. My view is that the Republican bill disproportionately benefits the rich. We need to better target tax cuts to moderate-income families and capital gains and estate tax reductions to small businesses and family farms. I have been most uneasy about the pattern of this and the previous Congress to cut programs for the poor and provide tax cuts for the rich. That is the wrong legacy to leave, and the wrong way to balance the budget.

DR. CARIDAD PEREZ: EDUCATOR AND HUMANITARIAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Dr. Caridad Perez for all of the stellar and selfless years of work that she has dedicated to south Florida's children. As an educator by occupation, I have known Dr. Perez for many years and have seen the positive outcome of all of her efforts.

After arriving in the United States upon fleeing the Castro regime, Dr. Perez wasted no time in dedicating herself to doing what she does best, educating children. Twenty-eight years ago she founded Edison Private School, starting with only one student. Today, Edison Private School has many alumni who went on to pursue different careers and are now successful members of south Florida's community.

In addition to running Edison Private School, Dr. Perez has made a great name for herself in the business community. She is the president of three different corporations; a real estate company and a business geared toward school transportation, in addition to her school. For her great success in the business world, she was recognized as Businesswoman of the Year by the U.S. Chamber of Commerce in 1993.

Perhaps one of Dr. Perez's greatest achievements has been her work and dedication toward helping children through UNICEF. She serves as the honorary chairman and member at large of the Greater Miami Committee For UNICEF.

I applaud Dr. Perez for her determination to get ahead, her discipline to persevere and her selfless dedication to those children who are in need of a leader and savior.

PERSONAL EXPLANATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GEJDENSON. Mr. Speaker, on July 8, 1997, I attended the NATO Summit as one of four Members of the House of Representatives in the American delegation. As a result, I missed several rollcall votes. Had I been present, I would have voted as follows:

Rollcall No. 246, H.R. 849—''yea''; rollcall No. 247, Senate Joint Resolution 29—''yea''; rollcall No. 248, H.R. 1658—''yea''; and rollcall No. 250, H.R. 2016—''yea.''

STAND DOWN '97

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GALLEGLY. Mr. Speaker, today I would like to pay tribute to an extraordinary group of people dedicated to an honorable cause, our veterans. Each year for the past 5 years, Stand Down, a comprehensive program designed to help homeless veterans reenter mainstream society, offers a 3-day program to provide the services necessary to help veterans achieve this assimilation. This year, Stand Down '97 will be held July 25–27 in Ventura, CA.

Stand Down provides a wide range of services to homeless veterans including medical and legal assistance, employment counseling, mental health services, financial counseling, personal hygiene, substance abuse counseling, AIDS stress and information on exposure to agent orange. The veterans also receive donated shoes, clothing, shelter, food and are treated to performances by the USO.

Since the program began in 1993, over 700 veterans have been assisted in Ventura County through the tireless efforts of volunteers and the executive committee. I would like to take the opportunity to commend the organizers of this program. They are: Clair Hope, Sharon Dwyer, Judge John Dobroth, Jim Grunnert, Jean Farley, Mary Fielder, Todd Howeth, Dwayne Dammeyer, J. Rogers Myers, Kevin Sheahan, Kathy Swaim, Bob Reeves, Rick Brandeberg, Stephen K. Davis, Robert Guillen, Hal Nachenberg, Dr. Philip Loring, Patricia Knight, Evelyn Burge, Betty Zamost, Patrick Zarate, Colleen Kelly, Joseph Narkevitz, Robert Reed, Aubrey Towler, Mike McKelroy, Earl Dunavan, Volney Dunavan, Dr. Bob Delzell, Bill Schmidt, Mike Silkwood, Bob Adams, Dr. Cal Farmer, Jeannette Villanueva-Walker, Sonja Musgrove, Madeline Lee, Sue Duffy, Charles Lowrance, Marie Williams, Nancy Joseph, Gene Ogden, and Francisco Gamboa.

I offer my sincere thanks and congratulations to each of the volunteers and executive committee members. Their commitment to our veterans is a tremendous contribution to our community and a much needed helping hand to our veterans.

A SALUTE TO SOME UNSUNG HEROS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KLUG. Mr. Speaker, my fellow colleagues: I would like to call your attention to a great service rendered to this country by the men who served as civilian weather observers with the U.S. Weather Bureau's North Atlantic Patrol during the Second World War. These men significantly impacted the success of D-Day, and many other battles of World War II, and yet, they have never been given the public appreciation they so richly deserve.

One of my constituents, Mr. Ray McCool, told me of these men, serving in the North Atlantic Weather Patrol aboard Coast Guard vessels, who obtained and transmitted essential weather data to Washington, DC. As a result, they made possible the preparation of weather maps used throughout the war. In fact, their long-range forecasts provided vital information needed to plan the D-Day invasion. Their knowledge and talents made an enormous difference in the success of the overall mission and ultimately in an allied victory.

Their service was not without danger and sacrifice. Under the Geneva Convention articles of War, the rules for treating military prisoners did not apply to civilians. Therefore capture by the enemy most likely meant being treated as a spy and shot. To prevent this, they were outfitted in Coast Guard uniforms, carried as chief petty officers and enlisted into the service as ''U.S. Coast Guard Temporary Reserves.''

If capture by the enemy wasn't worry enough, they had the high seas and enemy ships to face. A typical mission took these men out to sea for 4 to 6 weeks at a time where they dealt with hurricanes and attacks from depth charges, U-boats, and German submarines.

To date, the United States has never fully recognized the invaluable job these civilian weather observers performed.

Today, let the record show we salute these unsung heroes and acknowledge their service to our Nation. Further, in order to show our proper recognition, I am recommending that each local veteran's office present a U.S. flag to the family of a deceased member of this elite ensemble of men. In the face of danger and against the odds, these men stood tall and answered our country's call to freedom, and for that the United States of America is forever grateful.

TRIBUTE TO KFMO RADIO OF PARK HILLS, MO

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to KFMO Radio of Park Hills, MO. A friend to the Eighth Congressional District, KFMO recently celebrated its 50th anniversary.

The first radio station in Park Hills, KFMO began serving the folks of Park Hills, MO, on

July 4, 1947. At that time, the radio station was owned by Hirsch Broadcasting Corp.

From the time of the forty's when radio was king through today, KFMO remains one of the most vibrant and energetic stations in the area. KFMO is part of the Parklands Information System and carries extensive news coverage throughout the day. With the Parkland Today Show, the senior's lunch menu, obits, and tons of local news, folk in St. Francois County know that if it is happening locally, it's happening on KFMO.

In 1992, KFMO was acquired and is currently owned by Hirsch Broadcasting Co. Under the leadership of President M. L. Steinmetz and Larry D. Joseph, vice president/general manager, M.K.S. Broadcasting also own and operates B104 FM radio which is also in Park Hills.

Mr. Speaker, with so many people in so many different areas dependent upon the folks at KFMO for their information, I am pleased to wish them a happy 50th anniversary. I salute their commitment to the community and I ask my colleagues to join me in wishing the folks at KFMO all the best for another 50 years of success and service.

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 9, 1997, into the CONGRESSIONAL RECORD.

THE SUPREME COURT

The U.S. Supreme Court recently completed its 1996–1997 term with a flurry of landmark opinions on a wide range of issues, including assisted suicide, religious freedom and the Brady gun law. This term of the Court showed the extraordinary role and power of the Supreme Court in redesigning the institutions of our government and in allocating power among them. With unusual assertiveness and confidence, the Court struck down three federal laws in a single day and sided against the White House on cases involving Paula Jones and Whitewater.

The Court, particularly its conservative majority, has strongly-held views about the structure of our constitutional form of government, and is not afraid to exercise judicial authority to that end. Restraining federal power is one overarching theme in the Court's decisions this term. The Court struck several blows for states' rights at the expense of Congress, limited claims of immunity by the White House, and even acted to curtain federal judicial authority in certain matters.

The Court continues to be narrowly divided on many issues. Seventeen cases were decided by 5–to–4 votes. The conservative justices—Rehnquist, Scalia, Thomas, O'Connor, and Kennedy—voted together on many of the key decisions, including the decision overturning the Brady gun law. But this term lacked the rancorous debate of previous years, and the Court was surprisingly united on several important cases, including the two decisions rejecting a constitutional right to assisted suicide.

What follows is a summary of the major decisions this term:

ASSISTED SUICIDE

In perhaps the most anticipated decisions of the term, the Court rejected claims that there was a constitutional right to assisted suicide. The Court held that the states may bar or allow assisted suicide as they choose. Currently, only one state, Oregon, allows assisted suicide. The decision was also significant in that the Court declined to involve itself in a difficult social issue, deferring instead to state legislatures.

FEDERAL-STATE RELATIONS

The Court also addressed fundamental questions about the distribution of power between states and the federal government. The conservative majority has acted in recent years to curb the reach of federal authority, particularly when it may intrude on state powers. In 1995, for example, the Court overturned a federal law banning gun possession within 1000 feet of a school.

The Court struck two more blows for states' rights this term. First, the Court invalidated provisions of the Brady gun law which required local law enforcement officials to conduct background checks on prospective handgun purchasers. The Court said that Congress cannot ''dragoon'' state and local officials into administering or enforcing a federal regulatory program. The effect of the decision will likely be limited because most states, including Indiana, also require background checks, and because the Brady law's five-day waiting period for gun purchases remains intact. Second, the Court invalidated the Religious Freedom Act which aimed to protect religious practices from government interference. The Court ruled that Congress has the authority to enforce constitutional rights, but not, as in this case, to make a substantive change in the meaning of the Constitution. The Court stressed that it, and not Congress, has that responsibility. The decision makes it easier for state and local authorities to pass laws of general applicability, such as zoning restrictions, even if those laws have the incidental effect of burdening a religious practice.

PRESIDENTIAL POWER

The Court decided several important cases relating to Presidential power. First, the Court unanimously rejected the President's request for delay in the Paula Jones lawsuit until he leaves office. The civil suit involving alleged sexual harassment while the President was Governor of Arkansas must now go forward. Second, the Court refused to consider a White House claim that attorney-client privilege attached to notes taken by White House lawyers during conversations with Hillary Clinton about the Whitewater matter. The White House has now turned over the notes to Whitewater prosecutor Ken Starr. Third, and in a partial victory for the President, the Court rejected a challenge to the line-item veto law, which gives the President authority to strike certain provisions from spending and tax measures. The Court said that the members of Congress who brought the suit did not have ''standing'' to sue, which means that the Court will not address the merits of the claim until the President actually exercises the line-item veto.

FREE SPEECH RIGHTS

The Court handed down important decisions relating to the First Amendment. First, the Court invalidated a federal law which made it a crime to knowingly send or display indecent material over the Internet, where children can see it. The Court unanimously said that the law would suppress too much speech among Internet users. Second, the Court permitted public schoolteachers to provide remedial help to students at parochial schools. The Court had previously held that public funds could not be spent in this way without violating the separation between church and state.

CRIMINAL LAW

The Court upheld a Kansas law which permits states to confine certain violent sex offenders in mental hospitals after they have served their criminal sentences. The Court also made it easier for police to conduct car searches during routine traffic stops.

CONCLUSION

The Court's major decisions this term aim to restrain the exercise of federal power, particularly by Congress. For a Court that often preaches judicial restraint, it did not hesitate to exercise extraordinary judicial power. The practical effect of the Court's decisions on future congressional action, however, is uncertain. The states and the public continue to look to Washington for guidance, money, and leadership on many issues, including health care, environmental protection and law enforcement. Congress, I suspect, will continue to pass laws which impose some burdens on the states, perhaps as a condition of receiving federal funding or in some other manner consistent with the recent Court decisions. But, in doing so, Congress will know that the Court is a strong proponent of states' rights and is scrutinizing its every move.

DEFENSE INDUSTRY INITIATIVE ON BUSINESS ETHICS AND CONDUCT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SMITH of Texas. Mr. Speaker, I rise today to congratulate the Defense Industry Initiative on Business Ethics and Conduct for its 11 years of active effort in creating high standards of business ethics, business conduct, and compliance in the defense industry. I know that many Members of the House are not familiar with this unique effort, known as the DII.

The DII was created in 1986 as an outgrowth of the work of the President's Blue Ribbon Commission on Defense Management, known as the Packard Commission. At that time, a number of leading defense contractors drafted a set of DII principles. These principles obligated signatory companies to have written codes of conduct, to distribute the codes to all of their employees, to have ethics training programs which made certain that employees understood the codes, to have a hotline or ombudsman system, to have systems to make voluntary disclosures of violations of law or regulation to the Government, to attend annual best practices forums, and to participate in a public accountability process.

The group of signatory companies has grown over these 11 years to 48 companies, including virtually all of the largest defense contractors. Frankly, I would think that all of our 100 largest defense contractors, at least, should be willing to sign up publicly to the Defense Industry Initiative Principles. And I call upon those companies that are among this group which, for whatever reason, are not presently signatories to sign this statement in order to pledge themselves to the Defense Department and to the public as being committed to these ideals.

Recently, the DII conducted its 12th Best Practices Forum. This session was held on

June 5 and 6 in Washington, DC, and included some 160 representatives of the signatory companies and 40 senior Government officials. The program was a state-of-the-art exploration of best practices in corporate ethics and compliance programs.

It is my understanding that the Defense Industry Initiative is the only industry ethics initiative of its type. We have certainly seen any number of other industries which have had sufficient ethical problems that they should consider something equivalent. But it gives me a great source of comfort to know that the industry which is charged with supplying the defense articles that support our national security has set a leadership example in this area.

I would close by saying that all the evidence available to me suggests that the participation of these 48 companies has had a very positive impact on their levels of compliance, as well as in the tone of the relationship with the Government. I am certain that we all remember back to the events that gave rise to the creation of the Packard Commission—things such as high price spare parts or improper labor charging. I understand the Government audits show that among these DII signatory companies the level of such problems has dropped dramatically. Moreover, I believe that this effort has forged a true partnership in the best sense of the word between Government officials responsible for procurement and those in industry who design, develop, and manufacture the items necessary for our national defense.

In order to fully recognize the contribution that has been made and the excellent work that has been done, I would like to place into the CONGRESSIONAL RECORD a list of those companies which are signatories to the DII. All of these defense contractors are to be congratulated for the leadership they have shown and the accomplishments to date. I am certain that we can count on them to continue this fine work in the future. And I hope that we can count on other defense contractors to become part of this important effort.

DEFENSE INDUSTRY INITIATIVE

SIGNATORY COMPANIES

Allfast Fastening Systems, Inc.
Alliant Techsystems Inc.
Allied-Signal Inc.
AT&T
BDM International, Inc.
The Boeing Company
Calspan SRL Corporation
CFM International, Inc.
The CNA Corporation
Computer Sciences Corporation
Day, Zimmerman & Hawthorne Corporation
Day & Zimmermann, Inc.
DynCorp
ESCO Electronics Company
FMC Corporation
Frequency Electronics, Inc.
GDE Systems, Inc.
General Dynamics Corporation
General Electric Company
Harris Corporation
Hewlett-Packard Company
Honeywell Inc.
Hughes Electronics Corporation
IBM Corporation
ITT Industries, Inc.
Lockheed Martin Corporation
McDonnell Douglas Corporation
Northrop Grumman Corporation
Olin Corporation
Parker Hannifin Corporation
Primex Technologies, Inc.
Raytheon Company
Rockwell International Corporation
Rohr, Inc.
Science Applications International Corporation
Stewart & Stevenson
Sundstrand Corporation
Technical Products Group (TPG) Inc./Marion Composites Division
Teledyne, Inc.
Texas Instruments Incorporated
Textron, Inc.
Thiokol Corporation
Trident Data Systems
TRW Inc.
UNISYS Corporation
United Technologies Corporation
Westinghouse Electric Corporation
Williams International Corporation

IN MEMORY OF ROBERT E. COURTNEY, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to note with great sorrow the passing of Robert E. Courtney, Jr., a great friend of Connecticut and all her citizens.

For decades Mr. Courtney worked as an attorney in Connecticut. Working in the insurance liability field, he was so well respected by his colleagues that he was named a member of the American College of Trial Lawyers.

Previously, Mr. Courtney worked as an attorney for the Federal Bureau of Investigation. This was during the Second World War. Living in New York at this time, he met his first wife, Dorothy Kane Courtney. They moved to Connecticut, and spent 40 years together raising their children through good times and bad. In 1976, they tragically lost their son Philip to an illness. After Mr. Courtney suffered the sad passing of his first wife, he was blessed to marry his second wife, Dorothy Scanlon Courtney, with whom he happily spent his last 10 years. Of course, we were all saddened last winter when Dorothy Scanlon Courtney suddenly passed away.

Mr. Courtney was fond of golfing, and he derived great satisfaction and joy from being on the links of his country club in West Hartford. It is also well-known that Mr. Courtney bestowed great threads of legal wisdom on many members of his profession. He was greatly respected in legal circles for his advice and counsel, generously giving his time to attorneys young and old who sought his help.

If a man's success could be measured by the children he raised, then Mr. Courtney must truly be recognized as a giant among men. I have had the pleasure of knowing four of his sons, and they are all successful, community oriented men, three of whom chose to follow their father's footsteps and serve at the bar. In particular, I have had the great pleasure of knowing Joe, a nationally known and respected former State legislator who began his career as an intern in my office when I was a State legislator. It has been my honor to call him a good friend.

His sons blessed him with eight grandchildren, and they brought tremendous joy to him over the years.

Yesterday, Mr. Courtney was laid to rest near his home in Connecticut. He will be missed by his family, his friends, his colleagues, and a grateful State.

TRIBUTE TO MAJ. GEN. C. ''DEAN'' SANGALIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Maj. Gen. C. ''Dean'' Sangalis on his receipt of the 1997 Navy Award. Today, Dean will be presented with this award at the Radisson Hotel at Star Plaza in Merrillville, IN, where there will be a testimonial luncheon featuring time-honored military customs and traditions. The Navy Award is bestowed upon individuals who have demonstrated outstanding achievements, dedication, and years of honorable service to their God, country, branch of service, and community.

Throughout his life, Dean Sangalis has served as an exceptional example of a good American. As a U.S. Marine and World War II veteran, Dean has demonstrated the enduring qualities of loyalty, honor, and service to our country. In 1946, at age 19, Dean enlisted in the U.S. Marine Corps and, shortly thereafter, served with the 1st Service Battalion, 1st Marine Division, in Tientsen, China, and the 1st Marine Provisional Brigade on the island of Guam. He completed his initial tour of duty in April 1948, as a member of the All Navy Olympic Wrestling Team at the U.S. Naval Academy in Annapolis, MD. Dean was again called to active duty in June 1952, and began his rise up the ranks in September of that year when he was commissioned a second lieutenant. While on active duty, Dean served as a platoon commander of I Company, 3d Battalion, 9th Marines in Japan, and I Company, 3d Battalion, 7th Marines, 1st Marine Division in Korea. He completed his tour of duty with the Marine Detachment, Great Lakes, IL.

Dean Sangalis further excelled during his 30 years of service as a Marine reservist. Some of his accomplishments in this capacity included serving as commanding officer in various companies and fulfilling high-level administrative responsibilities. During Dean's assignment as commanding officer of the 2d Battalion, 24th Marines, the battalion was awarded the General Harry Schmidt Trophy as the most outstanding infantry battalion in 1971. Dean also served as: director of the Marine Corps Reserve Support Center in Kansas City, MO; assistant division commander, 4th Marine Division, New Orleans, LA; and commanding general, 2d Marine Amphibious Brigade. Dean was promoted to major general on May 18, 1985, and received his last designated assignment as commanding general, Marine Corps Base, Camp Lejeune, NC, in 1986. Maj. Gen. Sangalis joined the retired reserves on December 1, 1987.

In addition to his outstanding military career, Dean Sangalis secured a successful professional career within the insurance industry. From 1959 to 1992, Dean was district agent for Northwestern Life Insurance Co., specializing in a variety of areas within the field. While with Northwestern Life, Dean has served as a member of several prominent professional organizations, and has received numerous honors, including the 1975 State of Indiana Underwriter of the Year Award.

Over the years, Dean Sangalis has also devoted countless hours to many volunteer

agencies in Indiana's First Congressional District. Dean has served as chairman of the American Cancer Society, fundraiser for the YMCA, and a member of the board of directors for the Boys and Girls Clubs of Northwest Indiana. He is also a member of the Merrillville Rotary Club and the Schererville Chamber of Commerce. Currently, Dean is on the fundraising committee of Trade Winds Rehabilitation Center. In recognition of Dean's outstanding volunteer leadership, the Northwestern Mutual matching gifts plan for agents and employees will present him with a $5,000 check for the Northwest Indiana Boys and Girls Club later this month.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Maj. Gen. C. Dean Sangalis on his receipt of the 1997 Navy Award. Dean's wife, Velda, their children, Callista, Theodore, Vanessa, and Christopher, and five grandchildren can be proud of his accomplishments. His strong devotion to country, and service to his community, truly embody the spirit of volunteerism.

THE MARCH OF THE LIVING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, on behalf of Congresswoman NITA LOWEY and myself, I rise to call the attention of my colleagues to an important program that I am proud to say is based in my New York City district—The March of the Living. I also want to commend all of those who have participated in the March of the Living program.

The March of the Living is a yearly journey in which thousands of Jewish teenagers gather from around the world in Eastern Europe and in Israel. During this unforgettable trip, these young people learn first hand about two 20th-century events that changed history forever—the Holocaust and the creation of the State of Israel.

Since its creation, the March of the Living program has continued to influence the more than 20,000 students who have participated. The students visit concentration camps in various countries and see the crematoria, gas chambers, and personal belongings that remain. Not only is the March of the Living a reminder of what happened, but is also a way for students to celebrate the strength of the human spirit.

In Poland, march participants tour cities where there had been vibrant Jewish communities before World War II, including Warsaw, Krakow, and Lublin. After seeing communities where Jewish life flourished, the teens are taken to the death camps where these lives were destroyed. On Holocaust Memorial Day, the same day that Members of Congress gather in the Capitol Rotunda to honor the memory of those murdered in this genocide, the teens participate in a march from Auschwitz to Birkenau. I believe that this March of the Living—young people retracing the steps of countless innocent victims who marched to their deaths—is one of the most creative and meaningful Holocaust remembrance programs ever enacted.

After witnessing the horrors of the Holocaust, the teenagers travel to Israel, where they visit the magnificent and vibrant Jewish homeland. Created out of the ashes of the Holocaust, the State of Israel stands as a great triumph, not only for the Jewish people, but for the cherished ideals of democracy, compassion, and enlightenment.

The March of the Living has proven to be an effective way of teaching our next generation of leaders lessons of the past. The students return profoundly changed, prompting further work in Jewish related areas.

It is these students who will keep the memory of this tragedy alive, and prevent such an event from ever happening again. I hope that this program will continue to thrive and to commemorate the suffering and eventual triumph of the Israeli people.

I would also like to applaud the Austrian Government for becoming involved in this program by allowing March of Living participants to visit the country on May 19 of this year. Austria's efforts to assist in teaching the lessons of the Holocaust is a beautiful way to combat former Austrian President Kurt Waldheim's tragic denial of his participation in war crimes.

With an aging Holocaust survivor population, we need to educate our young people about what happened to millions of Jews during World War II. The great philosopher George Santayana taught us that ''those who do not remember the past are condemned to repeat it.'' I commend the March of the Living on its important work.

Mr. Ernest Goldblum, a philanthropist, who served in the United States Navy, and whose parents perished in the Holocaust, developed the program with the Austrian Government with the assistance of the Austrian president, Dr. Thomas Klestil, and the former Federal Chancellor, Frank Vranitzky, as well as Dr. Desiree Schweitzer, diplomat, and Helmuth Tuerk, Austrian ambassador, and Dr. Leon Zelman of the Jewish Welcome Service, Vienna, who organized the entire program for the 60 participants who were invited by the Austrian Government.

And it is hoped, Mr. Speaker, that the Austrian Government will continue this effort on a larger scale next year for Yom Hashoah, Holocaust Remembrance Day.

PERSONAL EXPLANATION

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SANFORD. Mr. Speaker, my plane was unavoidably detained and I missed rollcall votes Nos. 246 and 247 on Tuesday afternoon. Had I been here for the vote, I would have supported both bills.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SHERMAN. Mr. Speaker, on rollcall votes Nos. 246, 247, 248, and 249 on July 8, I was unavoidably detained due to airplane mechanical difficulties. Had I been present I would have voted ''aye'' on these votes.

TRIBUTE TO MAJ. GEN. JAMES L. HOBSON, JR.

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has dedicated 32 years of his life to protecting the people of this great Nation and ensuring the American way of life. This gentleman has distinguished himself as a community leader, a dedicated family man, and a decorated officer in the U.S. Air Force. The man I speak about today is Maj. Gen. James L. Hobson, Jr., commander of the Air Force Special Operations Command at Hurlburt Field, FL.

I could praise General Hobson for his numerous missions he flew over South Vietnam in his MC–130 aircraft at the height of the Vietnam war. I could mention the numerous students that General Hobson turned into expert pilots. Or I could applaud his decorations including the Distinguished Service Medal and the Mackay Trophy or his meritorious flight during Operation Urgent Fury over the island of Grenada. But I'm sure General Hobson would say that those accomplishments were just part of his duty.

Mr. Speaker, these accomplishments only begin to describe the caliber of a man like General Hobson. Ralph Waldo Emerson once said that what people say about you behind your back is the true measure of your character. The words said about General Hobson behind his back include: honest, loyal, dedicated, courageous, honorable, hard working, and a true gentleman. From the time he entered officer training school at Lackland AFB in 1965 until today, when he retires as a distinguished major general, James Hobson has shown a standard of excellence and dedication to duty that made him stand out as a man of intellect, skill, and integrity.

General Hobson's dedication to his country serves as a model in the lives of the hundreds of Air Force officers and enlisted personnel he has trained, supervised, and encouraged. The legacy General Hobson leaves behind at AFSOC, Hurlburt Field, will remain an inspiration to the men and women that were fortunate enough to serve under his command.

Now, General Hobson will be retiring, returning to the wife and children that he loves, making up for the lost hours that a distinguished career in the Air Force requires of its best and brightest.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 10, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
Business meeting, to mark up proposed legislation making appropriations for the Departments of Commerce, Justice, State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1998.
S–146, Capitol

JULY 15

9:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
Business meeting, to mark up an original bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1998.
SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
Business meeting, to mark up an original bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1998.
SD–116

Banking, Housing, and Urban Affairs
Financial Institutions and Regulatory Relief Subcommittee
Housing Opportunity and Community Development Subcommittee
To resume hearings on problems surrounding the mortgage origination process and the implementation of the Real Estate Settlement Procedures Act and the Truth in Lending Act.
SD–538

Foreign Relations
To hold hearings on the nominations of A. Peter Burleigh, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, David J. Scheffer, of Virginia, to be Ambassador at Large for War Crimes Issues, Richard Sklar, of California, to be Representative of the United States to the United Nations for U.N. Management and Reform, with the Rank of Ambassador, and Linda Jane Zack Tarr Whelan, of Virginia, for the rank of Ambassador during her tenure of service as United States Representative to the Commission on the Status of Women of the Economic and Social Council of the United Nations.
SD–419

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of James Franklin Collins, of Illinois, to be Ambassador to the Russian Federation, Marc Grossman, of Virginia, to be Assistant Secretary of State for European and Canadian Affairs, John Christian Kornblum, of Michigan, to be Ambassador to the Federal Republic of Germany, and Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States.
SD–419

4:00 p.m.
Foreign Relations
To hold hearings on the nomination of Gordon D. Giffin, of Georgia, to be Ambassador to Canada.
SD–419

JULY 16

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the importance of alternative fuels in addressing future national security concerns, focusing on agriculture's vulnerability to energy price volatility, the contribution of home-grown renewable alternative fuels, and the role of new technologies in making agriculture more energy efficient while increasing yields.
SR–332

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

9:30 a.m.
Rules and Administration
To resume a briefing on the status of the investigation into the contested U.S. Senate election held in Louisiana in November 1996.
SR–301

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia Department of Corrections and the Metropolitan Police Department.
SD–192

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

Judiciary
To hold hearings to review the Global Tobacco settlement.
SH–216

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on S. 539, to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws.
SD–226

JULY 17

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Patrick A. Shea, of Utah, to be Director of the Bureau of Land Management, and Robert G. Stanton, of Virginia, to be Director of the National Park Service, both of the Department of the Interior, and Kneeland C. Youngblood, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation.
SD–366

10:00 a.m.
Environment and Public Works
To resume hearings to examine issues relating to climate change.
SD–406

Foreign Relations
Business meeting, to mark up S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United National Framework Convention on Climate Change, a proposed concurrent resolution expressing the sense of the Congress that the OAS–CIAV Mission in Nicaragua is to be congratulated for its defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua, and to consider the Agreement with Hong Kong for the Surrender of Fugitive Offenders (Treaty Doc. 105-3), and pending nominations.
SD–419

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

2:00 p.m.
Judiciary
Immigration Subcommittee
To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for national of Korea who are traveling in tour groups to the United States.
SD–226

Labor and Human Resources
To hold hearings to examine the quality of child care.
SD–430

JULY 22

9:00 a.m.
Energy and Natural Resources
To hold hearings to review the Department of the Interior's handling of the Ward Valley land conveyance, S. 964, proposed Ward Valley Land Transfer Act, and related matters.
SD–366

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

Labor and Human Resources
To hold hearings to examine women's health issues.
SD–430

JULY 23

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

JULY 24

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

2:00 p.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.
SD–430

JULY 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the properrole of the Federal government to manage volatility and protect the integrity of agricultural markets.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

JULY 30

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

JULY 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.
SR–332

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

Daily Digest

HIGHLIGHTS

The House passed H.R. 858, Quincy Library Group Forest Recovery and Economic Stability Act.

The House passed H.R. 1775, FY 1998 Intelligence Authorization Act.

House Committee ordered reported the following appropriations for fiscal year 1998: Agricultural, Rural Development, Food and Drug Administration, and Related Agencies; and the Foreign Operations, Export Financing and Related Programs.

Senate

Chamber Action

Routine Proceedings, pages S7035–S7130

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 998–999 and S. Res. 106–107. **Page S7116–17**

Measures Passed:

Federal Surplus Property Transfer: Senate passed H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families, after agreeing to the following amendment proposed thereto: **Pages S7128–29**

Brownback (for Thompson/Glenn) Amendment No. 788, to provide that the Administrator of General Services shall ensure that nonprofit organizations shall consider the mental or physical disability of individuals for purposes of self-help requirements. **Page S7129**

National Gambling Impact Study Commission Protection: Senate passed H.R. 1901, to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission, clearing the measure for the President. **Page S7129**

Records Production Authorization: Senate agreed to S. Res. 107, to authorize the production of records by Senator Robert C. Byrd and Senator John D. Rockefeller IV. **Page S7129**

DOD Authorizations: Senate continued consideration of S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows: **Pages S7042–52, S7054–S7113**

Adopted:

By a unanimous vote of 98 yeas (Vote No. 164), Dodd/McCain Amendment No. 765, to express the sense of the Congress in commending Mexico and the citizens of Mexico on the conduct of free and fair elections. **Pages S7050–51, S7088**

By 66 yeas to 33 nays (Vote No. 165), Dorgan Amendment No. 771 (to Amendment No. 705), to require a report on the actual costs and savings attributable to previous base closure rounds and on the need for additional base closure rounds. **Pages S7069–84, S7088–90**

McCain Modified Amendment No. 705, to grant authority to carry out base closure or realignment of military installations after 1997, as amended. **Pages S7056–84, S7088–90**

Warner (for Kempthorne) Amendment No. 644, to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. **Page S7104**

Levin (for Leahy/Jeffords) Amendment No. 596, to authorize funds for the construction of a combined

support maintenance shop, Camp Johnson, Colchester, Vermont. **Page S7104**

Warner (for Bond) Amendment No. 781, to authorize funds for the construction of an Army National Guard readiness center at Macon, Missouri. **Pages S7104–05**

Levin (for Inouye) Amendment No. 610, to authorize funds for the addition and alteration of an administrative facility at Bellows Air Force Station, Hawaii. **Page S7105**

Warner (for Thurmond/Levin) Amendment No. 782, to make certain adjustments in the authorizations relating to military construction projects. **Page S7105**

Levin (for Bingaman/Domenici) Amendment No. 783, to authorize the Secretary of the Air Force to enter into an agreement for the use of a medical resource facility in Alamagordo, New Mexico. **Pages S7105–06**

Warner (for Specter) Amendment No. 784, to require a report on the policies and practices of the Department of Defense relating to the protection of members of the Armed Forces abroad from terrorist attack. **Page S7106**

Warner (for Santorum/Specter) Amendment No. 785, to express the sense of the Congress regarding the transfer of the ground communication-electronic workload from McClellan Air Force Base, California, to Tobyhanna Army Depot, Pennsylvania, in accordance with the schedule provided for the realignment of the performance of such workload; and to prohibit privatization of the performance of that workload in place. **Page S7106**

Warner (for Thurmond) Amendment No. 786, to make technical corrections. **Pages S7106–07**

Warner (for Chafee/Baucus) Amendment No. 706, to enhance fish and wildlife conservation and natural resources management programs under the Sikes Act. **Pages S7107–08**

Levin (for Robb) Modified Amendment No. 624, to require the Secretary of the Navy to carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. **Pages S7108–09**

Warner (for Craig) Amendment No. 631, to restore the garnishment and involuntary allotment provisions of title 5, United States Code, to the provisions as they were in effect before amendment by the National Defense Authorization Act for Fiscal Year 1996. **Page S7109**

Gorton Amendment No. 645, to provide for the implementation of designated provider agreements for uniformed services treatment facilities. **Page S7109**

Warner/Kennedy Amendment No. 787, to make technical corrections to section 123, relating to the cost limitation for the Seawolf submarine program. **Pages S7109–10**

Lugar Modified Amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs. **Pages S7042, S7110–11**

Rejected:

Wellstone Modified Amendment No. 670, to require the Secretary of Defense to transfer $5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program. (By 65 yeas to 33 nays (Vote No. 162), Senate tabled the amendment.) **Pages S7042, S7054–56, S7083–87**

By 46 yeas to 53 nays (Vote No. 163), Gorton/Murray/Feinstein Amendment No. 424, to reestablish a selection process for donation of the U.S.S. *Missouri*. **Pages S7042, S7085–88**

Pending:

Cochran/Durbin Amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second. **Pages S7042, S7098–S7103**

Grams Amendment No. 422 (to Amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers. **Page S7042**

Coverdell (for Inhofe/Coverdell/Cleland) Amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions. **Page S7042**

Wellstone Amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service. **Pages S7042, S7103**

Wellstone Modified Amendment No. 668, to require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes. **Page S7042**

Wellstone Modified Amendment No. 666, to provide for the transfer of funds for Federal Pell Grants. **Page S7042**

Murkowski Modified Amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department

of Defense for the disposal of chemical weapons and agents. **Page S7042**

Kyl Modified Amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons. **Pages S7042, S7103–04**

Kyl Amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile. **Page S7042**

Dodd Amendment No. 762, to establish a plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness. **Pages S7049–50**

Dodd Amendment No. 763, to express the sense of the Congress in gratitude to Governor Chris Patten for his efforts to develop democracy in Hong Kong. **Pages S7051–52**

Reid Amendment No. 772, to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies. **Pages S7091–92**

Levin Amendment No. 778, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies. **Pages S7093–97, S7111–13**

Senate will continue consideration of the bill on Thursday, July 10, 1997, with a cloture vote to occur thereon.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Extradition Treaty with France (Treaty Doc. 105–13);

Extradition Treaty with Poland (Treaty Doc. 105–14).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S7128**

Nominations Confirmed: Senate confirmed the following nominations:

1 Army nomination in the rank of general.

1 Marine Corps nomination in the rank of general. **Pages S7091, S7130**

Nominations Received: Senate received the following nominations:

Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service.

I. Miley Gonzales, of New Mexico, to be Under Secretary of Agriculture for Research, Education, and Economics.

Saul N. Ramirez, Jr., of Texas, to be an Assistant Secretary of Housing and Urban Development.

August Scumacher, Jr., of Massachusetts, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services. **Page S7130**

Messages From the House: **Pages S7114–15**

Measures Referred: **Page S7115**

Communications: **Page S7115**

Petitions: **Pages S7115–16**

Executive Reports of Committees: **Page S7116**

Statements on Introduced Bills: **Page S7117**

Additional Cosponsors: **Pages S7117–19**

Amendments Submitted: **Pages S7119–26**

Authority for Committees: **Pages S7126–27**

Additional Statements: **Pages S7127–28**

Record Votes: Four record votes were taken today. (Total–165) **Pages S7087–88, S7090**

Adjournment: Senate convened at 9:15 a.m., and adjourned at 9:07 p.m., until 9:30 a.m., on Thursday, July 10, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7129–30.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Gen. Wesley K. Clark, USA, to be Commander-in-Chief, United States European Command, and Lt. Gen. Anthony C. Zinni, USMC, to be Commander-in-Chief, United States Central Command.

Prior to this action, the committee concluded hearings in open and closed sessions on the aforementioned nominations, after the nominees testified and answered questions in their own behalf.

COMPREHENSIVE MORTGAGE REFORM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development held joint hearings to examine problems surrounding the mortgage origination process, the goals and objectives of the Real Estate Settlement Procedures Act and the Truth In Lending Act, and the need for comprehensive mortgage reform legislation, receiving testimony from Janice M. Hix, National Association of Mortgage Brokers, McLean, Virginia; Ron McCord, American Mortgage and Investment Company, Oklahoma City, Oklahoma, on behalf of the Mortgage Bankers Association of America; Russell K. Booth,

Salt Lake City, Utah, on behalf of the National Association of Realtors; Joseph M. Parker, Jr., Parker Title Insurance Agency, Inc., Winston Salem, North Carolina, on behalf of the American Land Title Association; and Margot Saunders, National Consumer Law Center, and Michelle Meier, Consumers Union, both of Washington, D.C.

Hearings continue on Tuesday, July 15.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee continued to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Richard Sullivan, Perkins Coie, Washington, D.C., former Deputy Finance and Finance Director, Democratic National Committee.

Hearings continue tomorrow.

ENCRYPTION TECHNOLOGY

Committee on the Judiciary: Committee concluded hearings to examine certain issues with regard to the use of encryption technology and its application in the information age, focusing on its impact on U.S. industries, privacy protection, and national security, including related measure S. 376 and related provisions of S. 909, after receiving testimony from Senator Kerrey; Louis J. Freeh, Director, Federal Bureau of Investigation, Department of Justice; William P. Crowell, Deputy Director, National Security Agency; Kenneth W. Dam, Chair, Committee to Study National Cryptography Policy, National Research Council; Michael MacKay, Novell, Inc., Orem, Utah, on behalf of the Business Software Alliance and the Software Publishers Association; Peter G. Neumann, SRI International, Menlo Park, California; and Raymond Ozzie, Iris Associates, Westford, Massachusetts, on behalf of the Business Software Alliance.

SENATE ELECTIONS

Committee on Rules and Administration: Committee met in open and closed sessions to receive a briefing on the status of the investigation concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996 from Thomas J. Jurkiewicz, Accounting and Information Management Division, and John J. Butler, Office of General Counsel, both detailed to the committee from the General Accounting Office; Robert F. Bauer, Perkins Coie, Washington, D.C.; and George P. Terwilliger III, McGuire Woods Battle & Boothe, Richmond, Virginia.

Committee will meet again on Wednesday, July 16.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 2119–2131; and 4 resolutions, H. Con. Res. 111–113, and H. Res. 182, were introduced. **Pages H5020–21**

Reports Filed: One report was filed as follows:

H. Res. 181, providing for consideration of H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–174). **Page H5020**

Quincy Library Group Forest Recovery Pilot Project: By a yea-and-nay vote of 429 yeas to 1 nay, Roll No. 251, the House passed H.R. 858, to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities. **Pages H4928–44**

Agreed to the Committee amendment in the nature of a substitute as amended. **Page H4944**

Agreed to the Young of Alaska amendment in the nature of a substitute, as modified, that clarifies the environmental impact statement requirement, California Spotted Owl conservation compliance standards, and riparian management guidelines. **Pages H4939–44**

The Clerk was authorized in the engrossment of the bill to make technical and conforming changes to reflect the actions of the House. **Page H4945**

H. Res. 180, the rule that provided for consideration of H.R. 858 was agreed to by a voice vote. Pursuant to the rule, an amendment in the nature

of a substitute, numbered 1 and printed in the Congressional Record, was considered as an original bill for the purpose of amendment. **Pages H4924–28**

Agreed by unanimous consent that the order of business in the rule, H. Res. 180, be modified to make in order an amendment offered by Young of Alaska in lieu of the Miller of California amendment, numbered 2 and printed in the Congressional Record. **Page H4938**

Intelligence Authorization Act: The House passed H.R. 1775, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Pages H4948–H5002**

Agreed to the Committee amendment in the nature of a substitute as amended. **Page H5002**

Agreed to:

The Traficant amendment that requires compliance with the ''Buy American Act''; expresses the sense of Congress that entities receiving assistance should purchase only American-made equipment and products; and prohibits contracts with any person who affixes fraudulent labels bearing a ''Made in America'' inscription to products sold in or shipped to the United States; **Pages H4959–60**

The McCollum amendment that requires, not later than 1 year after enactment and annually thereafter, a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States; **Pages H4960–61**

The Goss amendment to the Waters amendment that requires not later than August 15, 1999, a review of the presence of chemical weapons in the Persian Gulf theater by the Inspector General of the Central Intelligence Agency; and **Pages H4991–94**

The Waters amendment, as amended, that requires not later than August 15, 1999, a review of the presence of chemical weapons in the Persian Gulf theater by the Inspector General of the Central Intelligence Agency. **Pages H4990–94**

Rejected:

The Sanders amendment, as modified, that sought to reduce by 5 percent the total amount authorized to be appropriated and excepts the CIA Retirement and Disability Fund from this reduction (rejected by a recorded vote of 142 ayes to 289 noes Roll No. 253); **Pages H4961–70**

The Conyers amendment that sought to require that the President submit an annual unclassified statement of the aggregate amount of intelligence expenditures for the current and succeeding fiscal years beginning with the submission of the budget for FY 1999 (rejected by a recorded vote of 192 ayes to 237 noes, Roll No. 254); and **Pages H4970–85**

The Frank of Massachusetts amendment that sought to reduce by 0.7 percent the total amount authorized to be appropriated and excepts the CIA Retirement and Disability Fund from this reduction (rejected by a recorded vote of 182 ayes to 238 noes, Roll No. 255). **Pages H4986–90, H5001–02**

Withdrawn:

The Traficant amendment was offered but subsequently withdrawn that sought to establish a 3-Judge division of the United States Court of Appeals for the District of Columbia for determination of whether cases alleging breach of secret government contracts should be tried in court; and **Pages H4958–59**

The Waters amendment, as modified, was offered but subsequently withdrawn that sought to establish a clandestine drug study commission. **Pages H4994–99**

The Clerk was authorized in the engrossment of H.R. 1775 to make technical and conforming changes to reflect the actions of the House. **Pages H5002**

H. Res. 179, the rule that provided for consideration of H.R. 1775 was agreed to earlier by a yea-and-nay vote of 425 yeas to 2 nays, Roll No. 252. **Pages H4945–48**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5022–23.

Quorum Calls—Votes: Two yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H4944, H4948, H4969–70, H4984–85, and H5001–02. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 11:59 p.m.

Committee Meetings

AGRICULTURAL EXTENSION AND EDUCATION PROGRAMS

Committee on Agriculture: Subcommittee on Forestry, Resource Conservation, and Research held a hearing to review agricultural extension and education programs. Testimony was heard from Bob Robinson, Administrator, Cooperative State Research, Education and Extension Service, USDA; and public witnesses.

AGRICULTURAL, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES AND FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 1998: Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; and the Foreign Operations, Export Financing and Related Programs.

DEPARTMENT OF DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session and approved for full Committee action the Department of Defense appropriations for fiscal year 1998.

EXPORT-IMPORT BANK REAUTHORIZATION

Committee on Banking and Financial Services: Ordered reported amended H.R. 1370, to reauthorize the Export-Import Bank of the United States.

FEDERAL ROLE IN ELECTRONIC AUTHENTICATION

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on a Federal Role in Electronic Authentication. Testimony was heard from Dan Greenwood, Deputy General Counsel, Information Technology Division, State of Massachusetts; and public witnesses.

ELECTRICITY: PUBLIC POWER

Committee on Commerce: Subcommittee on Energy and Power held a hearing on Electricity: Public Power, TVA, BPA, and Competition. Testimony was heard from Joe Dickey, Chief Operating Officer, TVA; John S. Robertson, Deputy Administrator, Bonneville Power Administration, Department of Energy; and public witnesses.

WORKER PAYCHECK FAIRNESS ACT

Committee on Education and the Workforce: Held a hearing on H.R. 1625, Worker Paycheck Fairness Act. Testimony was heard from public witnesses.

OLDER AMERICANS ACT AUTHORIZATION

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on the Authorization of the Older Americans Act. Testimony was heard from William F. Benson, Acting Principal Deputy Assistant Secretary for Aging, Administration on Aging, Department of Health and Human Services; and public witnesses.

INTERNATIONAL DRUG CONTROL POLICY: COLOMBIA

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice held a hearing on International Drug Control Policy: Colombia. Testimony was heard from the following officials of the Department of State: Myles Frechette, Ambassador to Colombia; Jeffrey Davidow, Assistant Secretary, Bureau of Inter-American Affairs; Jane E. Becker, Acting Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs; and Jim Thessin, Deputy Legal Advisor; Robert Newberry, Principal Director, Drug Enforcement Affairs, Department of Defense; Donnie Marshall, Chief of Operations, DEA, Department of Justice; and Henry L. Hinton, Jr., Assistant Comptroller General, GAO.

FAST TRACK, NAFTA, MERCOSUR AND BEYOND

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Fast Track, NAFTA, Mercosur and Beyond: Does the Road Lead to a Future Free Trade Area of the Americas? Testimony was heard from public witnesses.

CIVIL RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.R. 1909, Civil Rights Act of 1997.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT FOR FY 1998

Committee on Rules: Granted, by a vote of 9 to 1, an open rule providing one hour of general debate on H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending Sept. 30, 1998, equally divided and controlled by the Chairman and ranking minority member of the Committee on Appropriations. The rule waives section 306 of the Budget Act (prohibiting matters within the jurisdiction of the Budget Committee in a measure not reported by it) against consideration of the bill. The rule also waives clause 2 (prohibiting unauthorized appropriations and legislative provisions) and clause 6 (prohibiting reappropriations in an appropriations bill) of Rule XXI against the bill except as follows: beginning with "*: Provided*" on page 46, line 25, through "part 121" on page 47, line 6 (Forest Service, timber purchaser road construction credits); and page 76, line 10, through line 13 (NEA). The rule makes in order those amendments printed in the Rules Committee report which shall be considered as read, shall be debatable for the time specified in the report equally divided between a proponent and opponent, and shall not be subject to amendment. All points of order against the amendments designated in the

Rules Committee report are waived. The rule accords priority in recognition to those Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule waives points of order against all amendments for failure to comply with clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation). Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Regula, Forbes, Young of Alaska, Tauzin, Roukema, Dan Schaefer of Colorado, Houghton, Morella, Ehlers, Horn, Foley, Weldon of Florida, Yates, Pelosi, Obey, Dingell, Lewis of Georgia, Slaughter, Nadler, Harman, Stupak, Farr of California, Gutierrez, and Jackson-Lee of Texas.

OCEAN AND COASTAL ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Ocean and Coastal Issues. Testimony was heard from Representatives Forbes and Romero-Barceló; the following officials of the Department of Defense: Michael L. Davis, Deputy Assistant Secretary (Civil Works), Department of the Army; and Rear Adm. Louis M. Smith, USN, Director, Facilities and Engineering Command, Department of the Navy; Robert H. Wayland, III, Director, Office of Wetlands, Oceans and Watersheds, EPA; Jeffrey Benoit, Director, Office of Ocean and Coastal Resources Management, NOAA, Department of Commerce; Alexander F. Treadwell, Secretary, Department of State, State of New York; Jane K. Stahl, Assistant Director, Office of Long Island Sound Programs, Department of Environmental Protection, State of Connecticut; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Held a hearing on the following bills: S. 923, to deny veterans benefits to persons convicted of Federal capital offenses; and H.R. 2040, to amend title 38, United States Code, to deny burial in a federally funded cemetery to persons convicted of certain capital crimes. Testimony was heard from Representatives Bachus, Skelton and Knollenberg; Jerry W. Bowen, Director, National Cemetery System, Department of Veterans Affairs; Johnny H. Killian, Legislative Attorney, American Law Division, Congressional Research Service, Library of Congress; and a representative of veterans organizations.

Joint Meetings

TRADABLE EMISSIONS

Joint Economic Committee: Committee concluded hearings to examine the concept of tradable emissions (also known as tradable credits or allowances) which provide policy makers an opportunity to employ the power of markets to ease the burden of environmental regulations, focusing on the sulfur dioxide allowances trading program created by the Clean Air Act Amendments of 1990 to control acid rain, after receiving testimony from Peter Guerrero, Director of Environmental Protection Issues, General Accounting Office; Mary Nichols, Assistant Administrator for Air and Radiation, Environmental Protection Agency; Mary Gade, Illinois Environmental Protection Agency, Springfield; Daniel Dudek, Environmental Defense Fund, and Carlton Bartels, Cantor Fitzgerald Environmental Brokerage Services, both of New York, New York; and Daniel Chartier, Wisconsin Electric Power Company, Milwaukee.

TONGASS LAND MANAGEMENT

Joint Hearing: Senate Committee on Energy and Natural Resources held joint oversight hearings with the House Committee on Resources to examine certain issues with regard to the Tongass National Forest Land and Resource Management Plan, issued by the United States Forest Service on May 23, 1997, receiving testimony from Robert P. Murphy, General Counsel, General Accounting Office; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; and Phil Janik, Alaska Regional Forester, Forest Service, Department of Agriculture, who was accompanied by several of his associates.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, JULY 10, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Treasury, Postal Service, and General Government, business meeting, to mark up proposed legislation making appropriations for the Department of the Treasury, Postal Service, and general government for the fiscal year ending September 30, 1998, 9 a.m., SD–116.

Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 1998 for the government of the District of Columbia, 10 a.m., SD–192.

Full Committee, business meeting, to mark up proposed legislation making appropriations for the Department of Defense and energy and water development programs for the fiscal year ending September 30, 1998, 2:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Services and Technology, to hold oversight hearings on financial institutions in the year 2000, 10 a.m., SD–538.

Committee on Energy and Natural Resources, to continue joint hearings with the House Resources Committee to review the final draft of the Tongass Land Management Plan, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park, 2 p.m., SD–366.

Committee on Environment and Public Works, to hold hearings to examine issues relating to climate change, 9:30 a.m., SD–406.

Committee on Foreign Relations, to hold hearings on the nominations of Ralph Frank, of Washington, to be Ambassador to the Kingdom of Nepal, John C. Holzman, of Hawaii, to be Ambassador to the People's Republic of Bangladesh, and Karl Frederick Inderfurth, of North Carolina, to be Assistant Secretary of State for South Asian Affairs, 10 a.m., SD–419.

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, business meeting, to mark up S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, and S. 53, to require the general application of the antitrust laws to major league baseball, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Employment and Training, to hold hearings on proposed legislation authorizing funds for vocational education programs, 9:30 a.m., SD–430.

Subcommittee on Public Health and Safety, to hold oversight hearings on the Occupational Safety and Health Administration, 2 p.m., SD–430.

Committee on Indian Affairs, to hold oversight hearings on the Administration's proposal to restructure Indian gaming fee assessments, 10:30 a.m., SD–562.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1384–85 in today's Record.

House

Committee on Appropriations, to markup the Legislative Appropriations for fiscal year 1998, 9:30 a.m., 2359 Rayburn.

Subcommittee on Commerce, Justice, State, and Judiciary, to markup Commerce, Justice, State, and Judiciary appropriations for fiscal year 1998, 2:30 p.m., H–140 Capitol.

Committee on Banking and Financial Services, Subcommittee on General Oversight and Investigations, hearing to review Treasury Department efforts to combat counterfeiting and its compliance with the international counterfeiting provisions of the Antiterrorism and Effective Death Penalty Act of 1996, 10:00 a.m., 2128 Rayburn.

Committee on Education and the Workforce, hearing on Literacy: Why Children Can't Read, 10:00 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources, to continue oversight hearings on Fraud and Abuse in Nursing Home Services Billed to Medicare and Medicaid, Part 2, 10:00 a.m., 2247 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 1663, to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law; and H.R. 1944, Warner Canyon Ski Hill Land Exchange Act of 1997, 10:00 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, oversight hearing on Federal vs. State management of parks, 10:00 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology and the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform and Oversight, joint hearing on Will Federal Government Computers Be Ready for the Year 2000? 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Paperwork Reduction, hearing on the need to implement the Congressional Review Act, and how doing so can benefit small business, 10:00 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the status of the Investigation of the Crash of the TWA 800 and the proposal concerning the death on the High Seas Act; 9:30 a.m., and to markup the following bills: H.R. 2036, Aviation Insurance Reauthorization Act of 1997, and H.R. 2005, to amend title 49, United States Code, to clarify the application of the act popularly known as the Death on the High Seas Act to aviation incidents, 2 p.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing on the Reauthorization of the Economic Development Administration and the Appalachian Regional Commission, 9:00 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing to examine the Department of Veterans Affairs medical programs, to include consideration of pending proposals, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, to continue hearings on The Future of Social Security for this Generation and the Next, 1:00 p.m., B–318 Rayburn.

Joint Meetings

Conferees, on H.R. 2015, to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998, 1:30 p.m., S–5, Capitol.

Joint Hearing, Senate Committee on Energy and Natural Resources, to continue joint hearings with the House Resources Committee to review the final draft of the Tongass Land Management Plan, 9:30 a.m., SD–366.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 10

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 936, DOD Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 10

House Chamber

Program for Thursday: Consideration of motions to go to Conference on H.R. 2015, The Balanced Budget Act and H.R. 2014, The Taxpayer Relief Act; and

Consideration of H.R. 2107, Interior Appropriations Act for FY 98 (Open rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E1377
Clyburn, James E., S.C., E1377, E1378
Davis, Thomas M., Va., E1378
DeGette, Diana, Colo., E1378
Emerson, Jo Ann, Mo., E1380
Gallegly, Elton, Calif., E1380
Gejdenson, Sam, Conn., E1380, E1382
Gillmor, Paul E., Ohio, E1378
Hamilton, Lee H., Ind., E1379, E1381
Klug, Scott L., Wisc., E1380
Kucinich, Dennis J., Ohio, E1377, E1379
Maloney, Carolyn B., N.Y., E1383
Ney, Robert W., Ohio, E1377, E1379
Ros-Lehtinen, Ileana, Fla., E1380
Sanford, Marshall ''Mark '', S.C., E1383
Scarborough, Joe, Fla., E1383
Sherman, Brad, Calif., E1383
Smith, Lamar S., Tex., E1381
Visclosky, Peter J., Ind., E1382

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.