SENATE—*Monday, July 25, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thou art worthy, O Lord, to receive glory and honour and power: for thou hast created all things, for thy pleasure they are and were created.—Revelation 4:11.

Gracious God, the Founders of our Republic understood this fundamental truth and, upon it, based their conviction of human equality, human rights, and a government whose purpose was to secure these rights and whose authority was derived from the people. Grant us to see, O God, that as we forsake the foundation of our Government, we jeopardize the superstructure which was built upon it. As we forsake the root of our national uniqueness, we forfeit the fruit.

Help us to comprehend, dear God, that this is one explanation for the futility which besets our best efforts. We are struggling to preserve the benefits of a belief we no longer hold to be true. We have abandoned the foundation and are striving to prevent the superstructure from collapsing.

Deliver us from secularism, the antisupernationalism which has replaced the faith in a Creator God which inspired and guided our Founding Fathers. Restore unto us their beliefs that we may recover the riches of the legacy they transmitted to us before it is too late.

We pray in the name of Jesus who is truth. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Oregon is recognized for 5 minutes.

Mr. PACKWOOD. I thank the Chair.

ATTORNEY GENERAL'S AWARD FOR DISTINGUISHED SERVICE

Mr. PACKWOOD. Mr. President, I rise today to congratulate Reid M. Figel, the deputy chief of the securities and commodities fraud task force, U.S. Attorney's Office in the Southern District of New York, for being awarded the 42d annual Attorney General's Award for Distinguished Service.

Reid was selected by Attorney General Janet Reno to receive this award as a result of his excellent work in prosecuting the Banco National del Lavoro—BNL—case in Atlanta, GA, last year. Attorney General Reno will present Reid with the award at a ceremony in Washington, DC, on Thursday, July 28.

I also want to mention that Reid is a graduate of New York University School of Law, an excellent law school which also happens to be my alma mater.

Reid is a great lawyer, and he exemplifies the hard work and dedication which exists in U.S. attorney offices throughout the country. I applaud Attorney General Reno on her selection and want to congratulate Reid on his distinguished service award and for a job well done. I thank the Chair.

The PRESIDENT pro tempore. Under the previous order, the Senator from Vermont [Mr. JEFFORDS] is recognized to speak for up to 30 minutes and the time for morning business will be extended accordingly. The Senator from Vermont.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Colleen Tynan, a fellow of the Health Care Financing Administration, be allowed to assist me on the floor during the period of my presentation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. JEFFORDS. Mr. President, I am here today to address my colleagues on the issue of health care. As we all know, we have difficult weeks ahead.

First of all, I wish to praise President Clinton for his leadership in this area. Without him, I do not believe we would be in the position where we can hope for constructive improvement in our health care system. I am the sole Member of this side of the aisle who has signed on to his bill, and I did so because I believe it is a constructive step forward in providing us with a chance for universal coverage and meaningful health care reform. I am still a supporter of his goals.

I also am a supporter of the Kennedy mark because, in my opinion, it makes significant, if not substantial, improvements in the Clinton health care bill. I also will continue to work with others in order to reach the goal of universal coverage within a reasonable length of time. In addition, I will work with others to redesign the delivery system to ensure good health care reform.

I would also like to praise Senator DOLE, for he has stepped forward and provided a plan for those who feel it would be better to let time pass so that the system can correct itself. I do not agree with this approach, but I do believe it was important for him to step forward. He has done an admirable job in allowing those—some 40 Members—to have a position they can support to help them as we move forward in the health care area.

I would also like to commend Senator CHAFEE. I have attended faithfully his Republican health care task force meetings for a considerable length of time. He is working hard with the mainstream group of Democrats and Republicans trying to bring about health care reform. Finally, I am looking toward Senator MITCHELL and his mastery to be able to provide the Senate with a package that will gain the necessary 51 votes. I worked with him on the Clean Air Act and so I have confidence he can do that. It is a difficult time to find a consensus, especially on the financing issue of this debate. I intend to spend most of my time talking about how that can be done.

There is a likely consensus that significant if not substantial changes can and will be made in the delivery system, so that we can take advantage of the concepts of managed competition and insurance reform. We find though that when we try to do that, we get into serious problems because of the difficulties we are having with the present system which relies primarily upon the fee-for-service system. Thus, we have been moving—and it appears we will be successful—toward a system that encourages wellness rather than one that merely treats illness. This is important because presently, especially with the dual role of the Federal Government and the States, as well as the private sector, we have found that the present system provides for gaming. The current system has resulted in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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cost shifting. The fact that we have so many who are uncovered, their costs get shifted to those of us who do pay for our health care system. This results in the private sector paying an additional 40 percent of the cost, making up the difference from Medicare or Medicaid or from those who are not covered in the private sector.

I will be suggesting a plan that will take care of this inequitable situation. But we are going to have to look very carefully at anything we do because if we do not take care of the cost shifting, the cost to the Federal Government to fund employer and individual subsidies within any health care plan can skyrocket into hundreds of billions of dollars if we are not careful how we reform the system.

It also appears at this time, because of cost shifting of Medicare and Medicaid, it is highly unlikely we can get financing in order to cover all Americans at reasonable rates but also to get over the concepts of mandates, et cetera, which prevent us at this point from moving forward on any kind of consensus building to finance a health care plan.

However, there does seem to be a consensus—and a main point of my discussion here this morning—is that we should allow State flexibility. States should have options to try themselves to find the financing answers. There are answers in my mind which can allow us to reach the goal of universal coverage far before the year 2002, some 8 years from now. I am sure, purely coincidentally, that it happens to be 2 years after the reelection of any of our present Members. I remain hopeful, and I believe that we can bring about universal coverage long before that time. This will only come about if we set that goal, and if we allow the States the flexibility to move forward. Right now we have between 8 and 14 States who are presently trying to redesign their health care system in order for us to be able to see how this can be done.

I come from the State of Vermont. The State of Vermont almost made it this year. But my State failed not for effort, but because it could not finance it with its own tax structure and because of the inflexibility built into the present Federal tax structure. I will be suggesting a plan which is very close to that which was suggested in Vermont, which, if allowed to proceed forward, will bring us out of this financing dilemma. Right now, the problem with the present bills is that they provide only waiver authority with respect to the States with respect to Medicare and Medicaid. But without the utilization of the Federal Tax Code, States would not be allowed to move forward.

We need to establish clear goals of what we will allow the States to do and what the Federal Government should do.

First of all, the Federal Government should provide the support and the authority for an innovative financing system. We should provide, as the present bills do, for waiver guidance for innovative use of Medicare and Medicaid funds in hopes that we can utilize that kind of flexibility to create a "seamless system." This is a word of art with respect to health care reform, but if we had everyone covered under one umbrella system, all the costs of cost shifting due to age, ability to pay, and sickness would go away.

Also, we could and should provide guidance to ensure uniformity in the delivery system. State reform must be consistent with respect to what we are trying to accomplish in the national bill that we will pass. We must assure that multi-State regional formation and cooperation are included in any State flexibility.

Further, we must provide guidance to obtain tax equity, and this is extremely important. The present system is filled with tax inequity. We should provide tax equity, and that can be done.

Finally, we should provide assistance for the calculation of what the potential Federal cost would be, as suggested by any progress within these areas. We must, of course, be consistent with the goals of the final bill.

Now, let me just go through the goals that should be looked at from the total perspective of a Federal system.

First of all, universal coverage. There are very difficult problems, Mr. President, with obtaining universal coverage. They are potentially daunting problems. On the other hand, every industrialized nation, other than this Nation, has been able to provide universal coverage with a per capita cost, as a percentage of their GDP, about half of what this Nation presently spends. In other words, we spend twice as much per capita as other nations do. Yet, we have nothing to show for it other than extending life expectancy with sophisticated medical practice for weeks or months or years. This indicates to me a strong probability that we had some systemic changes that are necessary in order for us to reach our goals.

Second—this is important to remember—that few people in this country go without acute care. But the costs of the uninsured are shifted to those that presently have insurance. This creates a problem as to how to increase insurance coverage with the present cost shifting in place. We have added to our present costs, the cost of acute care, which hospitals look to individuals to pay for. If we start dumping money in, if we add financing and subsidies to this system, what happens, until it finally works itself out with managed competition, is that the system becomes bloated for the providers. It will not only have cost shifting under the present system with established costs, but it will have new money to take care of those that they may no longer have to cover. That is a very difficult problem, it seems to me, to get around. However, the system I will talk about shortly can do that.

Another problem we have is how do you cover the uninsured? Do you mandate the employers to cover all employees? Do you buy them all a plan and contribute toward a premium? On the other hand, the Vermont Retail Association suggested this year, to have an income-sensitive approach, which would take into consideration the ability of people to pay. They determined that employers can cover employees with nothing more than a small increase in the minimum wage for those small businesses that have low-wage employees.

Mr. President, I believe very strongly that we can reach universal coverage and universal responsibility. That is, if everyone is going to get health care, they should also contribute to the cost of it according to their ability to pay. We need universal responsibility, where all individuals and businesses contribute to the cost of financing health care.

We also must reduce the Federal deficit that is due to spiraling health care costs. This is critical to the Nation. I will go into that in more depth. But I will just say at this point, this plan that I recommend could get total health care costs under control in about 2 years and save up to $1.5 trillion over the next decade.

Tax equity, flexibility, and consistency. We need to have tax equity for everyone. We have been dancing around that issue with all the various bills. But the one I recommend will show how it can be done so everybody gets a chance to pay with present tax income. State flexibility as I have discussed, and the delivery system reform as I have discussed.

Mr. President, I would like to suggest that what we need to do is just to take a look and say, What will happen if we start over now? We have a tendency in this body when we look at things to take a look at the present system and say, "Wow, we have to fiddle with this and fiddle with that." In my mind, we suffer from Tax Code constipation. We are so involved in this situation that we cannot think beyond it. What would happen if we said, "Let us not do that. Let us take a look at what we could do if we started over; take a look at a good, basic tax philosophy; take a look at good health care philosophy."

First of all, we must remove all the cost shifting. Second, we should have everyone pay according to their ability to pay by a flat rate. It gets to the conservative approach of taxation, which they have advocated for years. For instance, they have said if we have a flat rate on the income tax, we would raise the same amount of revenue with about a 12-percent tax and do away

with all the complexities of the present Tax Code. We have had serious problems with implementing this approach in the past. With the problems of obtaining tax fairness among different individuals and employers. But for health care, if we are trying to get to universal responsibility, would it not make sense to find a system that would allow everyone to pay in accordance with their ability to pay? A flat rate would do just that.

Also, the big cry is do not burden the private sector; do not burden businesses. Suppose we were to have a plan that raised no more additional funds from the private sector than the private sector presently contributes. Would not that sound pretty good?

Let me now turn to the mechanism that can do it. I am doing this just to show that one State or any State, if they get a chance, can show how this can be done. And I point out that, if a simple financing mechanism, which I suggest Vermont would like to do, I believe, from looking at what they did—of course, we will have a new legislature next year, and I cannot guarantee anything. But I can say that the system that I am suggesting was endorsed by the Vermont Retail Association. That is, 20 percent of our work force in Vermont is mostly a low-income work force, minimum wage, et cetera. They endorse this effective approach.

Also, I would say, just to give you a little bit of confidence in what I am going to do, that the Wharton Business Group at the University of Pennsylvania, which is studying health care reform, wrote this about my plan:

> As I mentioned, until last week I was unfamiliar with your plan. However, I read it with increasing interest and enthusiasm. It is, in my opinion, the best plan that I have seen currently being discussed in Washington. The finance system is admirably transparent, designed to bring together all present resources in the system and allocate additional burdens equitably.

Mr. President, I will just say to take a look at my plan. All I am really asking is to give the State of Vermont and any other State the flexibility they need in order to bring about a health care reform system which can help all of us define what needs to be done.

It makes some assumptions which, as I indicated, seem to be correct. Current expenditures now are enough to cover everybody for all necessary health care. There is no indication that we have any significant number of people who receive no health care. The problem is that you have to go bankrupt oftentimes in order to get Federal or State assistance. Plus there are other presumptions that you can make, I think, reasonably.

There are studies which indicate that 50 percent of the health care that is presently delivered in this country is either nonproductive or counterproductive. That indicates that we ought to have a lot of flexibility in being able to meet our goals using current spending. That does not even take into consideration all of the other aspects of excessive paperwork, malpractice reform, and all of the things that add excessive costs to our system.

So I am confident that the amount of money raised by this system would be enough to help reform the system. Suppose we were to have a system of using a flat 6 percent of adjusted gross income in order to bring about the money to do this. This would be financed mostly through the present employer/employee system. Employees would pay 2 percent and the employer 4 percent of earned wages, but we would allow individuals to deduct from their taxes for what they paid.

In other words, you will be paying with pretax income. The idiosyncrasies which have come to us since World War II left us with a very inequitable tax system, because employees, due to the fact that during World War II, in order to keep the wages under control, we kept them under control; but to allow businesses to help their employees and attract employees, we allowed them to give them a benefit by having their health care premiums considered as pretax income, and it would not be income to the employee. It would treat everybody the same. The figures we got from Joint Tax indicate that that will raise the necessary revenue to cover the cost.

We just took, again, the 6 percent, which is half of the flat rate utilized to raise all the revenue. In other words, 6 percent will raise about half of it. Again, I point out, the Vermont Retail Association endorsed this concept. Presently, if you have a $10,000 employee and you have to provide a $4,000 or $5,000 plan, this would be a 40 or 50 percent increase in your payroll cost. That, obviously, is unacceptable.

So what are we trying to do under the current plans? We are trying to subsidize business so they can afford the additional costs. But when you get into subsidies, you get into all sorts of administrative problems. What about the two-worker family? What about the worker with two jobs? What about part-time employees? How do you handle those situations? If you implement this system, we finance reform as a percentage of current AGI, and all of the administrative problems are eliminated.

Is it equitable to distribute the financial burden? If it is distributed in accordance with the ability to pay, and if you phase it out for those at the low-income level, then you have a system which will provide an equitable method of distributing the financial burden.

Let me give you an example of the impact upon individuals, because that is obviously what we are all interested in. First of all, take a poor family making $13,000. Their present yearly cost, if they try to purchase a plan, would be something like $4,000. If you go with the system where you phase them out for being low-income, then you find that the total comes from what they would have to pay, and they may not have to do this during Medicaid. If they had to pay for copayments or coinsurance, or if they had out-of-pocket expenses, it would go from $4,000 to $1,400.

If you take a family up in the $52,000-a-year category, again, under the present system, their costs are about $4,034 a year. Under the shared-responsibility plan, their cost would be only $1,835 a year.

You may say, how can that be? I know that before the Finance Committee, some of the Members said, "That is just impossible; it is too good to be true." Well, my figures come from Joint Tax, from CBO, and from HCFA. That goes to show how much cost shifting there is and how many people there are that should be contributing to the system and are not doing it.

Let us look at a self-employed family of four under the present system. Right now, they have a $6,000 cost, and it would go down to about $2,800. Let us look at businesses very briefly. A small business of under 20 employees, under the present plan, would pay about $55,000. Under the shared responsibility plan, it would pay about $13,000. A company with about 500 employees would pay almost half of what they presently pay. The same for other companies of different size.

I think what I have proven is that we can do it. These are the figures which have been verified by Joint Tax, CBO and HCFA. I urge anybody that is interested, as I am, in finding a system which will help us get to universal coverage in a fair and equitable way, to look at my plan. Not only do we raise enough to cover all of the costs presently being spent in the health care system, but we may even have a surplus. What this means is that we can finance health care reform.

It is necessary for us to get the health care cost in the Federal Government under control. By creating a seamless system and merging everybody, including Medicare and Medicaid, into a single private system would do the job. We would cap Federal spending at current levels, plus adjustment for growth. We would give a block grant back to the States. The Medicare and Medicaid funds they have now will be increased by improvements and increases in the GDP, and the States would have the burden of keeping things under control.

With all of these excess costs presently in the system, which I talked about earlier, my State says they can do it. I asked Blue Cross and Blue Shield, "If we give you this much money, could you take care of Vermont?" They said, "Yes." My plan is flexible. It can accommodate the single

payer or managed competition approach to reform.

Mr. President, this ought to be interesting. If my proposal is implemented, we could save the Federal Government, over 10 years, $1.4 trillion. That is half of the present Federal deficit. If we can do that, then the deficit that now seems to be impossible to balance can be brought under control.

Finally, I want to review the goals that we said should be established and point out that this plan accomplishes them all. It will provide universal coverage; it will spread the costs fairly; it will keep Federal health care costs under control; it will give you tax equity. Everybody pays with pretax income. States will be given an option in the ability of what they want to do—managed competition, single payer, or other approaches. The delivery system would be reformed in a way that will keep our costs under control.

Mr. President, I am hopeful that as we move forward, we remember that an important goal for us to reach the kind of health care reform we need is to allow those States who are out front now to have the capacity to do what they can do well, take care of their own financial problems, and to give us a delivery system which will result in equity and fairness to all and allow this Federal Government to finally get its deficit under control.

A SUGGESTED PLAN TO ADDRESS THE PROBLEMS OF UNIVERSAL COVERAGE, EMPLOYER MANDATES, TAX EQUITY, THE FEDERAL DEFICIT, AND STATE FLEXIBILITY—THE SHARED RESPONSIBILITY 6 PERCENT SOLUTION

The problems of going to universal coverage are daunting. The following is a suggested method of solving these problems as well as others associated with health care reform. It may look too good to be true. But computations from Joint Tax, CBO, and HCFA give it validity.

Other industrialized nations have universal coverage and yet their costs as a percentage of GDP are about half of ours, with little statistical proof that we have a better health system, other than extending our lives a few months or years when acutely ill. This raises the possibility that we have systemic difficulties.

Few people in the United States go without acute care, but the costs of the uninsured are shifted to those that presently have insurance. This creates a problem as to how to increase insurance coverage with all the cost-shifting presently in place, without creating windfalls by providing universal payment for all services rendered. That is, if your present fees have been adjusted up to include cost-shifting and the fees remain the same, when you get paid for all care, your income will jump. Further, total national health care costs will jump substantially. Eventually, if there is competition, premiums should go down. However, the system described below will take care of this problem immediately.

How you do cover the uninsured? Do you mandate employers to cover all employees? Or do you require individuals to get their own coverage and pay for it? If by this you mean that each employer or employee must buy a conventional policy, substantial political and economic problems exist. How do you enforce it? How do you subsidize employers or employees that need financial help? How do you take care of part-time workers? Workers with two jobs? Families with two or three workers?

What does the term "mandate" mean? Does it mean only that a "plan" must be purchased? But if a plan were designed that each individual contributed a general premium based on ability to pay, a percentage of income, these daunting problems are substantially alleviated or removed. I would note that the Vermont Retail Association endorsed such a plan this year when Vermont was facing this issue. The "mandate" issue was not raised. To them it was a solution, not an obnoxious "mandate." They noted that businesses with low-income employees can better afford a small percentage hourly increase than a $4,000 mandated plan. The latter would be a 40-percent increase in compensation, the former a small increase in the minimum wage.

If you have a premium based on 6 percent of adjusted gross income of individuals, paid with pretax income, and phased out for low-income people, you can raise all the money presently being spent by the private sector in health care, after deleting unnecessary care and 15 percent for deductibles or copayments. If the employer picks up two-thirds of the 6 percent then it's a pretty good deal for everyone. Furthermore, 4 percent—employer share—or 6 percent—total cost—is about one-third of what most employers are paying now. As the attached charts show, most everyone, except high-income people, would pay less. Even the bulk of Medicare people will pay less; thus, you can phase in Medicare and create a seamless system with no need for subsidies or age adjustments.

By phasing in Medicare and Medicaid, you can cap Federal costs and bring the health care portion of the deficit to a screeching halt. Funds would be distributed through block grants to each State, which would include premium contributions collected by the Federal Government from State and Federal Medicare and Medicaid payments from the previous year—adjusted for inflation and GDP growth. This block grant, added to what the State and local governments are presently paying, will give the State all that was paid out for health care in the previous year. These funds could finance a managed competition plan or a single payer system.

Several explanatory sheets and charts are attached. Also attached is a letter from the Wharton School of Business group that examined each of the plans introduced in Congress and noted that this one was the best.

The figures used came from HCFA, CBO, and Joint Tax. Copies of the Joint Tax letters are attached.

A plan that meets all our goals is worth reviewing.

THE SHARED RESPONSIBILITY 6 PERCENT SOLUTION

TAX EQUITY

Due to anachronisms from the days of wage controls during and after World War II, the cost of health care benefits are treated differently among various groups. Employees' costs are treated as tax-free income. Others pay mostly with after-tax income. The shared responsibility [SR] plan allows everyone to pay for basic benefits with pretax income. Tax equity is established.

FEDERAL GOVERNMENT COSTS

A major reason for health care reform is to bring Federal health care expenditures under control. Unless this happens, balancing the budget is virtually impossible. CBO estimates that if we do not cap expenses, the debt will grow by $1.5 trillion by the beginning of the next century due to health care costs alone. The SR plan will bring Federal costs under control almost immediately by bringing Medicare and Medicaid into a seamless system. Federal costs will be increased only by the rate of inflation and GDP growth. The budget problems are solved, billions are saved.

HEALTH CARE COSTS, IMPACT ON PENSIONS, EARLY RETIREES

One serious impact of increasing health care costs is the decrease in employer contributions to pension benefit plans. This fact combined with the increase in life expectancy resulting from better health care raises serious quality of life standards for our aging population. The chart attached demonstrates well the impact. In 1980 health and pensions were split 50–50. Now it is 79 percent health and 21 percent pensions. Employers only have a limited amount of money for benefits. If we can control health care costs and decrease the employer share by getting rid of shifted costs, a better quality of life can be obtained. Few want to extend their life a few years if it means living on a shoestring in a shack. Reducing payroll costs to 4 or 6 percent would free up substantial funds for pensions and other employee benefits.

Another difficult problem encountered with health care reform is how to handle early retirees. Some are covered by contracts guaranteeing them coverage until they are entitled to Medicare. Others are left uncovered and find they cannot obtain coverage because of preexisting conditions, and/or the cost of a plan at their age is too high to afford on their fixed incomes.

The SR plan reduces the health premium to 6 percent of income, making room available for increasing pension benefit levels to early retirees to cover this 6 percent premium cost to the retiree. Businesses who have current early retiree health care lability would be relieved of their responsibility since this class would be covered by the new program. Furthermore, since billions would be saved by those businesses, a recoupment of some share of that windfall should be appropriate.

At a hearing before the Labor and Human Resources Committee, unions, businesses and individual retirees endorsed the SR plan in a slightly different form.

STATE FLEXIBILITY

For many reasons, it is better to get the States more involved in the health care delivery system.

The closer the overseer of expenditures is to the receiver and giver of health care, the more likely the money will be spent wisely. This is especially true with a fee-for-service system. Medicare cost increases demonstrate that when the payer is a deep pocket in Washington, there is a tendency to want to keep hospital beds full, and to provide additional services. Control of service costs without utilization control allows gaming. This is especially true when Medicare and Medicaid cut reimbursements below cost.

Fourteen or more States are considering their own reforms. They want choices for how their system will be structured. If they want a single payer system with Federal guidelines, they should have that option. If they wish to use a managed competition system with Federal guidelines, they should have that option.

Variations in health care spending and overall cost of living among States make it necessary to provide options subject to Federal guidelines. The SR 6-percent solution provides these options. We must remain sensitive to the large multistate employers' needs for uniformity; therefore, an opt-out from a pure single payer system should be considered.

RISK SCREENING AND AGE ADJUSTMENTS

Any fair reform system must address the problems of risk screening. With increasing health care costs, there are incentives for employers to hire only healthy young people. This tends to shift the cost of the older, sicker workers to themselves, other employers, or society. On the other hand, community rating, requiring all to pay the same rate, makes insurance for young individuals much more expensive. Under the present system, this results in fewer individuals buying policies and higher costs must be absorbed by the remaining purchasers. Thus, a variation or age adjustment has been used to phase in the cost increases to the young and healthy in States like New York when a community rate is used.

Under the Clinton and Kennedy plans, this risk screening problem was handled by creating large purchasing pools to make the universe reasonably well-balanced. This would be more effectively accomplished by creating one seamless system with universal coverage and funding under the SR 6-percent solution.

MEDICARE IN THE SEAMLESS SYSTEM

Medicare has been a very successful program for providing good health care to our senior citizens. However, it has proven extremely expensive and inefficient from a cost control perspective. Because the aging population is going to grow due to age groups such as the baby boomers, and increasing life expectancies, changes are needed if Federal budget costs are to be brought under control. Cost-shifting from Medicare and Medicaid has resulted in an increase of some 20 percent in the premiums of those presently buying policies in the private sector.

However, if we were to merge Medicare into one seamless, universal system, the costs of all individuals would be lowered. With universal participation, the additional payers not presently paying would reduce the average costs. Another 20 percent of present premiums is estimated to be caused by uncompensated care. The SR 6-percent cures these problems.

The creation of a seamless, universal system is critical as we move into the future with an aging population.

TOTAL PRIVATE SECTOR COSTS

An analysis of the total present private sector health care costs clearly indicates that if a seamless, universal system is created, health care becomes much more affordable. As can be seen by the attached schedules, total private sector health care costs, after deducting nonessential care and 15 percent for deductibles and copayments equals approximately $260 billion. This is approximately half of what the often talked about flat tax rate of 12 percent of personal income would raise, $534 billion. As shown on the attached schedules, this 6-percent premium, combined with deductibles and copayments, would raise enough funds to cover private sector health care costs. Thus, although a substantial sum is raised by the 6-percent premium, there is no significant additional money spent by the private sector. The burden is shared more equitably.

The result also reduces premiums for most individuals, even senior citizens. These figures assume individual's portion of the premium, which is 2 percent of the 6-percent contribution, is capped on high incomes and phased out for low-income persons. Furthermore, it would result in a reduction of 40 percent or more for most employers' health care costs. For small employers with minimum wage employees, the cost would be similar to a small increase in the minimum wage.

The ability to obtain these reductions is largely due to the elimination of cost-shifting, which will occur with universal payer participation. This system also eliminates the costly administrative problems and subsidies required by other plans.

PROBLEMS WITH ALTERNATIVE PROPOSED FINANCING SYSTEMS

Other plans try to rely on the existing premium system, but requiring employers to buy an entire plan for a worker creates many problems. The emotional adverse reaction to "a payroll tax" and a "Federal" mandate has made it politically dangerous to talk in these terms. But if you gets over that barrier and sees the advantages of such an approach, my experience indicates the plan gets serious favorable consideration.

Alternative plans have to talk in terms of subsidies to employers and individuals, social taxes to cover the uncovered, et cetera. In addition, the administration burden created by part-time workers, two-worker families, and workers with two jobs creates many other problems not associated with a universal premium and coverage as in the SR plan.

Most importantly, the cost to small employers with low-wage employees is staggering. In the case of minimum wage employees, it is a 50 percent increase in pay against a 20 to 30 cents an hour increase, less than a small minimum wage increase.

Finally, this is basically an extension of the way employers presently pay for Medicare. The 6 percent is accomplished by increasing the present Medicare tax.

THE SHARED RESPONSIBILITY, UNIVERSAL 6 PERCENT PREMIUM SOLUTION

The financing system is relatively simple. Every individual that has taxable income would participate, but it is phased out for low-income persons and capped for higher income individuals. This would be paid for with pretax income. Each business would pay a 6-percent payroll tax, 4 percent by the employer and 2 percent by the employee. The total 6 percent premium would be available as a tax deduction to the employee. Thus, in most cases an individual would have no additional cost. As noted below, this system allows the participation by the self-insured through having a tax deduction against the payroll premium for most of the cost of the self-insured plan. Also, for most of the self-employed, a tax deduction for the 6 percent could be used for the purchase of a major medical program and a medisave system. This feature should broaden supprt. The premiums would be collected by the Federal Government, and they would be distributed back to the States where they were collected.

STATE BLOCK GRANT PROGRAM

Above, we set forth the amount paid for the private sector. This amount

would be collected by the Federal Government and placed in a trust fund. The amount collected from each State would be set aside. A comparison of the revenue that would be collected and the per capita costs of health care in each State shows a close correlation. To that amount would be added the Federal share paid to the State in the previous year for Medicare and Medicaid, adjusted for economic growth. After setting aside a small percentage for reinsurance and administration at the Federal level, the balance would be paid to the State as a block grant.

The block grant would be supplemented by the current health care expenditures by State and local governments. Through vouchers or a similar means, these funds would be transferred through cooperatives to health care providers. Any shortfall would have to be made up by the States from the withheld funds or their own funds. This block grant would work within either a managed competition system or a single payer system.

MANAGED COMPETITION AND THE SR 6-PERCENT SOLUTION

Since managed competition relies on a capitated system, it will work well with the SR 6-percent solution. Each State would have available the funds in a block grant to pay for coverage by a capitated system. Federal expenditures would be the same amount that was spent in the State the previous year. The State would receive the money collected under the 6 percent AGI premium from its citizens. The State will have its own contributions as well as those of present local programs. In addition the State has the option to provide additional subsidies if it desires but would have to fund these subsidies.

Private plans would compete for business from cooperatives or employers by offering better services, by including additional benefits, or by reducing deductibles or copayments—subject to Federal limits. Further, a cash rebate could be allowed but only if it was used for a qualified employee pension fund.

Plans would set premium rates. The value of the vouchers or tax credits—as, noted below—could be set by the marketplace. The average premium in the market would dictate the value of any individual's voucher. Individuals, such as self employed or independently wealthy would remain price sensitive because if they purchase a plan that is less than the average they would receive a tax credit of tax-free income. But if they purchased a plan greater than the average cost they would have to pay the additional cost with after-tax income.

Purchasing cooperatives could either be multiple and competing or the State could certify one per region and negotiate with plans, similar to the way California has set up its small employer cooperative.

SELF-INSURED EMPLOYERS AND THE 6 PERCENT SOLUTION

In order to allow self-insured companies to continue to be active purchasers in the marketplace, a credit would be allowed for the money paid for services in the State from a provider up to the amount of the 6 percent premium, or slightly less, in order that these plans contribute to costs that should be allocated throughout the State. If costs exceed the credit they would be tax deductible. Any amount owed for the system allocation fund would be owed however.

Mr. President, I ask unanimous consent to print in the RECORD the letter from the Wharton school and the letter from the Joint Tax Committee, indicating the figures verifying our revenue, and excerpts from the retailers of Vermont as endorsing a similar type plan, in order to allow people to understand the validity of the concepts which I have discussed here today.

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

THE WHARTON SCHOOL OF THE UNIVERSITY OF PENNSYLVANIA,
Philadelphia, PA, March 10, 1994.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: I would like to reiterate my pleasure in sitting down with you Tuesday to discuss health care reform. It was a pleasure to find one so involved in the reform debate yet so willing to stop beyond the usual stereotypes and labels to examine creative solutions to our problems.

As I mentioned, until last week I was unfamiliar with the Medicore plan. However, I read it with increasing interest and enthusiasm. It is, in my opinion, the best of the plans I have seen currently being discussed in Washington. The financing system is admirably transparent, designed to bring together all the present resources in the system and allocate additional burdens equitably.

In fact, I believe it is quite compatible with the key concepts of a reform model developed through the systems analysis by the Institute for Interactive Management (INTERACT), with which I am associated. We share, for example, the idea of periodically adjusting the benefit package to reflect the revenue stream available.

The INTERACT proposal is built on an extensive series of incentives with which, based on our conversation, I believe you agree, and many of which are already reflected in Medicore. In particular, numerous facets of its design could be adapted to the Medicore plan to flesh out its health care delivery side. I would welcome the opportunity to work together with you to merge into the Medicore plan the vision and incentives of the INTERACT approach.

I look forward to continuing the discussion with you and your staff.

Sincerely yours,

SHELDON ROVIN, D.D.S., M.S.,
Professor, Healthcare Systems.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, February 9, 1993.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: This letter is in response to your request for revenue estimates of two proposals related to your MediCORE project.* The estimates have been updated to reflect revised Congressional Budget Office forecasts.

The first proposal would impose a payroll tax of 4 percent on employers and 2 percent on employees for compensation up to $100,000 (indexed) per year. An additional payroll tax of 4 percent of compensation greater than $100,000 would be imposed on employers only. Self-employed individuals are treated as both an employer and employee. These taxes would apply only to the compensation of employees under the age of 65.

The value of employer-provided health insurance benefits would be included in the gross income of the employee. This amount would be subject to individual income tax as well as the payroll tax described above.

In addition, a surtax would be imposed on the adjusted gross income (AGI) of taxpayers under the age of 65. The AGI surtax would be based on the following rate structure:

Tax rate (percentage)	Adjusted gross income	
	Joint return	Single and head-of-household returns
1	$10,001–$11,000	$7,001–$8,000
2	11,001–12,000	8,001–9,000
3	12,001–13,000	9,001–10,000
4	13,001–14,000	10,001–11,000
5	14,001–15,000	11,001–12,000
6	15,001–162,000	12,0001–109,000

The employee's share of the payroll tax would be deductible from the gross income of employees. The employer's share of the payroll tax on compensation up to $100,000 would be credited against the AGI surtax imposed on individuals up to the amount of the AGI surtax. The employer's payroll tax on compensation would not be deductible by the employer.

The second proposal is identical to the first, except that, in addition to the taxes described above, a tax of 6 percent would be imposed on all otherwise tax-exempt interest received by individuals.

The following estimates assume the proposed taxes are effective for compensation paid and taxable years beginning after December 31, 1993. Estimated changes in FICA receipts are shown separately.

Item	Fiscal years [billions of dollars]					
	1994	1995	1996	1997	1998	1994–98
Proposal 1:						
Income tax	200.8	323.5	345.9	369.2	394.1	1,633.5
FICA	21.9	33.6	37.1	40.8	44.9	178.1
Proposal 2:						
Income tax	202.7	326.9	349.5	373.1	398.3	1,650.6
FICA	21.9	33.6	37.1	40.8	44.9	178.1

Note.—Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

HARRY L. GUTMAN.

*This project has been renamed SHARED RESPONSIBILITY: The 6% Solution.

Mr. JEFFORDS. Mr. President, I yield whatever time I have back.

TRIBUTE TO A.W. "GUS" KUHN

Mr. HEFLIN. Mr. President, Mr. A.W. "Gus" Kuhn is retiring after serving 37 years as the executive director of the Bessemer, AL, Housing Authority. During his distinguished career, Gus was responsible for significantly reducing the percentage of substandard housing in Bessemer by developing almost 2,000 public housing units for the people of that community. As the first and only executive director of the Bessemer Housing Authority, he has set an extremely high standard of hard work and expertise in the realm of public service.

Gus's record of service extends far beyond his 44 years in public housing. During World War II, he served over 3 years in the Air Force. Later, he earned a bachelor of science degree in banking and finance and a master's degree in economics from the University of Alabama. Gus also contributed to the development of the business curriculum at the inception of the University of Alabama in Hunstville as the head of that department. From Huntsville, he moved on to Atlanta as a professionally appointed economist with the public housing administration, where he proved his ability to envision change and meet tough challenges.

In 1957, the newly formed Bessemer Housing Authority welcomed Gus and his expertise to their community. The housing situtation in Bessemer needed attention badly; at that time, Bessemer had a higher percentage of substandard housing than any other city in the southeast. Gus took up the challenge and began by planning and building housing under three urban renewal program projects. His efforts proved successful, and as a result, many struggling families were able to find affordable housing.

As director of community development, Gus developed a much needed citywide sanitary sewer system for the city of Bessemer. He also contributed to the building of a municipal golf course, the beautification of a central city park, and the opening of the Bessemer Hall of History. Gus has assisted in bringing in over $65 million to Bessemer for local development and has served as president of the Alabama Association of Redevelopment Authorities.

It is my hope that Gus remains active even in retirement. His vision, diligence, and commitment make him an outstanding example for his successor and for all citizens. Gus Kuhn has shown, through many aspects of his work and his life, that he represents the true spirit of public service.

THE SERB MILITANTS HAVE CHOSEN WAR

Mr. DECONCINI. Mr. President, in the face of the Serbian aggression and genocide in former Yugoslavia, if anything, we have been patient, the United States and Europe. We have been patient with the former Yugoslavian Republics, particularly Serbia. We have been patient with our European allies and NATO allies. And we have been patient with the Russians, Moscow.

Since 1991 when Yugoslavia's violent disintegration began, the international community tried to reason with Belgrade and its militant Serb puppets in Croatia and Bosnia and Herzegovina. We regularly postponed or opposed action deemed "confrontational," action that might "jeopardize" mediation efforts, action that would have, in fact, stopped the militants, in my judgment.

Now the international community has proposed a plan that awards those who have instigated conflict with half of a country that did not need to be divided in the first place. Imagine, a proposal has been made by the international community to divide a sovereign country and to permit 49 or 50 percent of it to be part of Serbia, or an independent Serbia and Bosnia and Herzegovina.

That plan was offered on a take-it-or-leave-it basis by the United States, Russia, and the European countries. The Bosnians took it, surprisingly, and they have everything to lose and perhaps something to gain if it would stop the genocide and the murder.

The Serbs, however, refused. This is the result of the ill-advised patience of the United States. This is outrageous and unacceptable.

As former United States Ambassador to Yugoslavia Warren Zimmermann recently put it, the Serb militants surely know our weaknesses; it is now time that they know some of our strengths. Clearly, these are people with whom you cannot reason, at least not until they are made aware that they must face the consequences of their actions.

These consequences are increased NATO involvement and action in Bosnia and Herzegovina; lifting the arms embargo on the Bosnians. Can you imagine a sovereign nation not being able to defend themselves? We have had votes and discussions on that, and I will not rehash that, but it is hopeful that now that the Serbs have thumbed their nose at the world, now taken 50 percent of a country in a legal treaty or division sanctioned by the international community, that the Bosnians could be able to defend themselves without an arms embargo against them.

The Serbs were informed of these consequences, and to make them empty threats means the complete destruction of international credibility, not to mention additional Bosnian lives.

The Serbs expect our threats of resolute action yet again to be meaningless, yet again to be thwarted by objections from our ally, our friend, Moscow, and yet again to be sacrificed along with the principles we and our allies nevertheless espouse.

They not only reject a proposed settlement giving them more than they deserve, in my judgment, but they mock us by shooting at the relief flights coming into Sarajevo and by renewed ethnic cleansing in areas under their control.

Are we going to confirm their expectations yet again? Are we going to cower in the face of their mockery?

We must immediately, Mr. President, launch NATO airstrikes against Serb supply lines and bases, including their homebase of Pale, which would incapacitate the Serb militants. The Bosnians should immediately be enabled to arm themselves so that they can defend their people and, if need be, liberate territory the Serbs are required to give up under the agreement. And, of course, the sanctions on Serbia must stay.

Finally, Mr. President, to Russia I must also say that our patience is wearing thin. Moscow called what everyone else clearly recognized as a poorly camouflaged Serb rejection of the peace plan as, in fact, a positive response. This is ridiculous. Every effort is made to include Russia in the peace process as a partner, and I compliment the President and our Western allies for including Russia.

We went along with the plan; now Moscow must go along with the consequences of the Serbs' rejection of that plan. Russia must make up its mind whether it is with the democratic West and the principles it represents or yet, again, against them. Moscow cannot have it both ways. Either we are going to have a world based on commonly held principles, or we are going to have a world based on force. If the people of Bosnia and Herzegovina are not finally protected, then our own values and our own credibility are at risk, also. We cannot, Mr. President, let this aggression stand.

TRIBUTE TO REV. GEORGE "ED" RIDDICK

Ms. MOSELEY-BRAUN. Mr. President, it is with great sadness that I note the death of a friend and crusader for human causes, Rev. George Edward Riddick.

Reverend Riddick was known as the voice of Operation PUSH for the past 21 years. He was the host announcer for their Saturday Morning Forum. He also worked closely with the Reverend Jesse Jackson, as well as a vast list of other religious and social leaders in the city of Chicago, who helped encourage Reverend Riddick's ministry to enhance mankind through education, labor, and human services. Over the years, Reverend Riddick served as vice president, vice president at large, and senior vice president for Operation PUSH.

Reverend Riddick was a humanitarian and a spiritual leader, as well as a civil rights activist. Born in Denver, CO, Reverend Riddick attended the University of Wisconsin and then graduated from the University of Chicago Divinity School. He went on to serve as the pastor of Blackwell Memorial AME Church in Chicago.

Reverend Riddick received numerous accolates in his lifetime, including the Wisconsin Scholars Award and the Baptist Student Center's Belle Kinney Wright Award for his work in human relations. "Reverend Riddick was known for doing so many great things in the Black Community," Chaplain Franklin F.W. Williams said in a testimonial to him. Others knew him as "the Dean of Digits" for his command of facts and figures. He was an integral player in the 1960's in Selma, AL, during the racial unrest there and worked closely with the Reverend Martin Luther King, Jr., while in Chicago. Among the many causes he championed were finding jobs for minorities, the Head Start Program, and attacking discrimination in real estate.

Reverend Riddick was part of a committee of ministers who helped successfully resolve the A&P supermarket chain boycott and negotiated covenants with A&P and other food retailers to foster more minority hiring business development, philanthropic gifts and grants and policy development. From 1961 to 1964, he worked for the Cook County Department of Public Aid and later for the Church Federation of Greater Chicago.

Reverend Riddick's concern for humankind stretched from concrete streets to corporate suites, earning him recognition, and praise among the downtrodden as well as the strong-willed across the city and Nation. He will be sorely missed.

TRIBUTE TO ABRAHAM PATTERSON JACKSON

Ms. MOSELEY-BRAUN. Mr. President, it is with great sadness that I note the death of Abraham Patterson Jackson, one of Chicago's most respected religious leaders.

Reverend Jackson may be most missed at Liberty Baptist Church in Chicago, but we are all deprived of his leadership, his humanity, and his service to all people.

Reverend Jackson was born in Batesville, MS, and came to Chicago during his adolescent years. He attended DuSable High School in 1937, went on to graduate from Morehouse College and later Garret Evangelical Theological Seminary in 1945. Following in his father's footsteps, Jackson became pastor of Liberty Baptist Church in 1951. During his tenure as pastor, Jackson was actively involved with such organizations as the National Association for the Advancement of Colored People, Operation PUSH, Morehouse College Alumni Association, and the Morehouse College Board of Preachers.

Reverend Jackson was instrumental in the building of Liberty Commons, a senior citizen and handicapped facility next to Liberty Baptist Church in 1991. Throughout his life, Jackson received several awards for his accomplishments in the community. He was honored by the Freeman Chapel CME Church in Hopkinsville, KY, the DuSable High School Hall of Fame, the Adoption Information Services of Chicago, the Mahogany Foundation, the Boy Scouts of America, and Morehouse College.

Reverend A.P. Jackson will be truly missed. His voice carried weight, as well as wisdom, in many venues, and his absence leaves more than just silence.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Friday, July 22, the Federal debt stood at $4,629,650,492,223.25. This means that on a per capita basis, every man, woman, and child in America owes $17,757.79 as his or her share of that debt.

FOR BOBBY MUELLER, OF WASHINGTON STATE

Mr. GORTON. Mr. President, when tragedy strikes our own life or the life of a loved one, it brings excruciating pain and sorrow. Recently a young man from my home State of Washington was tragically injured in a car accident. Today my heartfelt thoughts are with Bobby Mueller, his family, and friends.

Bobby Mueller, 23, grew up in Bothell, WA, and attended Westhill Elementary and Bothell High School. He went on to attend the University of Washington, where he graduated recently. Bobby's strong foundation of home—of family and friends and support—are what he wanted to provide to others: Bobby sought out teaching as his noble profession. But, tragically, his dream is a little farther away.

Mr. President, Bobby Mueller was visiting family recently in Indiana when he was tragically injured in a car accident after returning home from a Pittsburg Pirates baseball game. Bobby now lies in the Neuro-Critical Care Unit of Methodist Hospital, in Indianapolis, IN.

Bobby wanted to become a school teacher and to help make a difference in the lives of others. His positive attitude and presence continue to affect many lives. My thoughts and prayers go out to Bobby for a speedy recovery, and to his family, friends, and community, who will provide strength and stand by his side throughout this struggle.

(Later the following occurred. It appears at this point by unanimous consent.)

THE HANDIWORK OF GOD

Mr. BYRD. Madam President, recent images shown on television nationally have moved me to some reflection.

One of those images was related to the observance of the 25th anniversary of the landing on the Moon in 1969 of American astronauts.

That particular image was of the booted footprint of a man, planted deep in the soft dust that reportedly covers the barren, mostly monotonous surface of the Moon. That footprint was perhaps of a size 10 or size 11 human foot—the footprint of one of the first Americans—indeed, one of the only human beings ever—to set foot on our nearest celestial neighbor.

How properly proud we were as we sat in our living room, dens, and kitchens on that July 1969 evening, fascinated to be following American astronauts as the supposed vanguard of Earth travelers to other celestial bodies, smug perhaps that we had fulfilled President John F. Kennedy's pledge to land a man on the Moon before the end of the decade of the 1960's. I do not intend by my reflections to denigrate that achievement.

I was in the House of Representatives on the day he spoke and I listened to President Kennedy issue that challenge and state that pledge. What a marvel it was of fulfilling a dream as old as mankind himself. For centuries man has stood on this planet and gazed lovingly at the Moon. And America put men on the Moon and brought them back to Earth safely again. That was mankind's dream and it was America's dream.

De Tocqueville, when he was in our country a century and a-half ago, said that the incredible American, "the incredible American believes that if something has not yet been accomplished it is because he has not yet attempted it."

That dream, of a man's actually setting foot on that gleaming, shimmering globe that has added for thousands of years to our species' experience of nightime; that shimmering ball that has lighted lovers in their romance; that mass of "green cheese" that has delighted children in their nursery tales and that has inspired fantasy writers, both profound and silly—that was a centuries-old dream.

But compare the image of that revisited footprint with the other celestial images that have played across our television screens and consumed space in our newspapers during the past few days—the images of fragments of Comet Shoemaker-Levy 9 splashing against the amorphous surface of the planet Jupiter—Jupiter, the largest-body-save-one in our solar system.

We are informed that Jupiter is, in mass, 318 times the mass of our Earth.

We are informed that Jupiter is, in total volume, 1,324 times the volume of earth.

We are informed that Jupiter is, in diameter, 11½ times the diameter of earth.

We are informed that Jupiter is currently 480 million miles away from Earth.

We are informed that Jupiter is carrying through space 18 satellites—moons, if you will—to keep it company as it spins its vast course around our Sun, around Mars, around Venus, and around Earth herself.

Currently, according to astronomers, mountain-sized fragments of Comet Shoemaker-Levy 9 are hurling into Jupiter at a speed of 130,000 miles per hour, that the contact explosions were reaching 600 miles into space above Jupiter, and that the circles of impact on the surface of Jupiter were estimated by Spanish and Chilean astronomers to be equivalent to those of an impact fireball 1,200 miles wide.

Compare all of those statistics, Madam President, with a human footprint of an American astronaut made by a size 10 or 11 boot on the dusty surface of that silvery orb, the Moon.

Perhaps we can now better comprehend the words of the Psalmist:

When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained;

What is man, that thou art mindful of him? and the son of man, that thou visitest him?—Psalm 8: 3-4.

What, indeed?

Compare, Madam President, the immense size of Jupiter with the size of a man boasting a size 11 foot.

Compare, Madam President, the immense size of Jupiter to a planet but a fragment of its size—the Earth.

Compare, Madam President, the current distance of Jupiter from Earth—roughly 480 million miles—with the total distance east-to-west of the United States.

From here in Washington, DC, to the State of Washington, from which the current Presiding Officer comes—and who presides over this great body with a degree of dignity, ability, and skill that is so rare as a day in June, I might add—it is roughly 3,000 miles from east to west, from the Atlantic to the Pacific.

Indeed, what is man, that God should be mindful of him?

I have often wondered how it would be to stand on the Moon and look at this tiny speck, this globe, and then to imagine man on this tiny globe. What an infinitesimal piece of creation is man!

What is man, that God should be mindful of him?

But, indeed, what kind of God Who could create the planet Jupiter might be mindful of a creature capable of leaving a pitiful size 10 or 11 footprint on the surface of the Moon?

We heard it said, by way of questions perhaps: What if Jupiter should come hurtling towards the Earth? Or what if the comet should hit the Earth in this area; how it would destroy Baltimore, Washington, DC, the Nation's Capital, and everything in between. What if the Moon should suddenly—suddenly—start hurtling towards the Earth? What if the Sun itself should somehow be moved from its place and, if we can imagine, rush toward the Earth?

Those words from Shakespeare come to mind:

* * * The great globe itself,
Yea, all which it inherit, shall dissolve
And, like this insubstantial pageant faded,
Leave not a rack behind.
We are such stuff
As dreams are made on, and
Our little life is rounded with a sleep.

Some years ago, a trick survey randomly asked whether the subjects of the survey believed that God would understand space travel.

We human beings can be rather silly, can we not?

An overwhelming number answered no; God would not understand space travel.

What kind of idea did those respondents have of a deity?

The Judaeo-Christian concept of the formation of the Universe is rendered in Latin *creatio ex nihilo*—that is, the Creation is formed out of Nothingness, *creatio ex nihilo*. According to Judaeo-Christian thought, before the beginning of Creation, Nothing existed—no space, no matter, no vacuum, no blackness, no distance, no electrons, no neutrons, no protons, no dark, no light, no thought, no imagination, no mind—not even an empty void into which created things might be placed. More profoundly, the Creator Himself did not "exist," for that would have subjected the Creator to the Creation, an utter impossibility. Indeed, in Judaeo-Christian thought, to say that "God exists" is to utter an ignorant blasphemy. In Judeao-Christian thought, "God" is beyond "existence." In Judeao-Christian thought God creates existence; He can in no way be conditioned by existence. In Judaeo-Christian thought, God is not subject to the limits of the Universe, of the galaxies, of "black holes," of quasars, or of any feature of reality with which we might be familiar, now or ever. "Creation out of Nothing" means that absolutely Nothing was before Creation began, and that from beyond all existence, God initiated existence.

In order to begin to fathom even a particle of the reality that we have witnessed on the surface of Jupiter in recent days, we must fathom the absolute unfathomability of the One Who creates comets, planets, Jupiter, the Moon, Earth, and man.

I am not one of those who believe that man is an animal. We are taught that in schools. But, I do not believe it. We are told in Genesis that God created man in his own image out of the dust of the ground, and breathed into his nostrils the breath of life. God had already created the beasts of the field. The beasts of the field are animals—but not man. Man is not an animal. We must fathom that God the Creator is more immense, more profound, more incomprehensible by our little creature minds than any—than *any*—entity that our little minds and imaginations might conjure up.

Indeed, how can the mind of the creature—how can the mind of tiny man, ever grasp the mind of the creator?

I have been reading Darwin's works recently.

Darwin, in "The Origin of Species," asks the same question, "Have we any right to assume that the Creator works by intellectual powers like those of man?" That is Darwin.

But the omniscient mind of the Creator has not left himself without witness, as the events in recent days occurring on the surface of planet Jupiter testify. Once again, let us return to the Psalmist, as he muses on Man:

For thou hast made him a little lower than the angels, and hast crowned him with glory and honour.

Thou madest him to have dominion over the works of the hands: thou hast put all things under his feet * * *

Not under an animal's feet, under man's feet.

* * * thou hast put all things under his feet: All sheep and the oxen, yea, and the beasts of the field * * *

These are animals.

The fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas.

O Lord our Lord, how excellent is thy name in all the earth!—Psalm 8: 5-9.

Madam President, those are words from the King James Bible, the 8th Psalm.

And if the events taking place on Jupiter in recent days signify anything, they signify that the Creator has not completed His Creation—that our Universe is still being molded, that the Destiny of the Creation is not set, and that we as a species are being borne on toward higher purposes than even the most prescient of our kind can comprehend.

At this point, reason fails.

At this point, sense fails.

At this point, even imagination itself fails.

Which leaves us, perhaps, with faith alone—faith that the One Who set Jupiter in its place, and faith that the One Who has hurled Comet Shoemaker-Levy 9 toward the countenance of the most massive body in our solar system—that the One Who is doing all of these things is, indeed, "mindful" of Humanity.

Permit me to close with a poet's affirmation of faith:

THE PILGRIM

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.
Far roads have felt his feet, forgotten wells
Have glassed his beauty bending down to drink.
At alter-fires anterior to Earth
His soul was lighted, and it will burn on
After the suns have wasted on the void.
His feet have felt the pressure of old worlds,
And are to tread on others yet unnamed—
Worlds sleeping yet in some new dream of God.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, the hour of 10 a.m. having arrived, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 4602, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[$596,349,000]** *$599,230,000,* to remain available until expended, including $1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)): *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $21,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than **[$596,349,000]** *$599,230,000*: *Provided further,* That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

FIRE PROTECTION

For necessary expenses for fire use and management, and fire preparedness by the Department of the Interior, $114,968,000, to remain available until expended.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation, severity presuppression, and wildfire operations of the Department of the Interior, $121,176,000, to remain available until expended: *Provided,* That such funds also are available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That only amounts for emergency rehabilitation and wildfire operations that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $13,435,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[$3,836,000]** *$12,186,000,* to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $104,108,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, **[$17,060,000]** *$12,055,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[$100,860,000]** *$97,383,000,* to remain available until expended: *Provided,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,350,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact

lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to **[**$250,000**]** *$100,000* for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, **[**$514,650,000**]** *$502,936,000*, of which $11,732,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which **[**$3,000,000**]** *$2,500,000* shall be provided to the National Fish and Wildlife Foundation for endangered species activities: *Provided*, That the amount provided to the National Fish and Wildlife Foundation shall be matched by at least an equal amount by the National Fish and Wildlife Foundation: *Provided further*, That sums may be made available to the States of Washington, Oregon, and California to conduct monitoring activities related to the President's Forest Plan.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; **[**$25,264,000**]** *$45,525,000*, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); $6,700,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337) for damage assessment activities: *Provided further*, That sums provided by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98-244 to be carried out by the National Fish and Wildlife Foundation, **[**$62,300,000**]** *$63,700,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, $9,000,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $12,000,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $1,169,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $12,000,000.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $1,000,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 127 passenger motor vehicles, of which 106 are for replacement only (including 44 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

For authorized expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; and for the general administration of the National Biological Survey, **[**$167,209,000**]** *$166,358,000*, of which **[**$166,909,000**]** *$166,058,000* shall remain available until September 30, 1996, and of which $300,000 shall remain available until expended for construction: *Provided*, That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,599,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408,

[$1,083,973,000] *$1,061,276,000*, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $79,900,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That should any increase in fees be enacted after enactment of this Act but prior to September 30, 1995, that would be available for the programs under this heading, the Secretary of the Interior shall make available under this heading an amount equal to the amount collected by such fee increase to the [resource stewardship program] *"Operation of the National Park System" account for purposes approved by the Secretary and subject to the reprogramming guidelines of the House and Senate Committees on Appropriations: Provided further, That these funds shall be used for one-time, non-recurring purposes only.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, [$36,946,000] *$43,228,000*.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$41,000,000] *$40,000,000*, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1996.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, [$171,417,000] *$170,503,000*, to remain available until expended: *Provided*, That not to exceed $4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989*[: Provided further*, That $256,000 for rehabilitation of the William McKinley Tomb shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a]*: Provided further, That $3,000,000 for the Metropolitan Museum of Art, New York and $1,000,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the vessel exhibit at Salem Maritime National Historic Site may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.*

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501-2514), [$10,000,000] *$5,000,000*, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1995 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$88,596,000] *$82,259,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended, *of which $4,800,000 is provided for Federal assistance to the State of Florida pursuant to Public Law 103-219, and* of which [$29,500,000] *$28,000,000* is for the State assistance program including $3,250,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $415,000 shall be available in 1995 for administrative expenses of the State grant program.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 467 passenger motor vehicles, of which 338 shall be for replacement only, including not to exceed 360 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the first proviso under this head in Public Law 102-381 [(106 Stat. 1386)] *(106 Stat. 1384)* is amended by inserting ", not to exceed [$500,000] *$250,000*," after the word "funds" *and by inserting ": Provided further, That any exercise of this authority must be replenished by a supplemental appropriation which must be requested as promptly as possible" after the word "System"*.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$576,775,000] *$565,316,000*, of which $62,130,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That of the offsetting collections credited to this account $546,000 are permanently canceled.

WORKING CAPITAL FUND

The first paragraph under this head in Public Law 101-512 is amended as follows: in the second sentence after "work," insert "facilities,"; and in the third sentence after "include" insert "laboratory modernization and equipment replacement,", after ["operations," insert "maintenance,",] *"operations" insert ", maintenance,"*, and after "replacement of computer," insert "publications, scientific instrumentation,".

The second paragraph under this head in Public Law 101-512 is amended as follows: in the second proviso after "depreciation of equipment" insert "and facilities,".

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$190,206,000] *$189,034,000*, of which not less than [$68,434,000] *$67,934,000* shall be available for royalty management activities; and an amount not to exceed [$7,400,000] *$8,800,000* for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1996: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That the Secretary shall take

appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases: *Provided further*, That the fifth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 101-512 (104 Stat. 1926) is amended by striking the words "or payment of civil penalty" after the words "result of the forfeiture of a bond or other security" and striking the words "or imposition of the civil penalty" after the words "rendered necessary by the action or inaction that led to the forfeiture": *Provided further*, That where the account title "Leasing and Royalty Management" appears in any public law, the words "Leasing and Royalty Management" beginning in fiscal year 1995 and thereafter shall be construed to mean "Royalty and Offshore Minerals Management".

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,452,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$152,269,000] *$152,389,000*, of which [$99,365,000] *$100,265,000*, shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to The University of Alabama; and in Rolla, Missouri, to the University of Missouri-Rolla.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; [$110,206,000] *$109,773,000*, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1995: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1995 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, [$172,404,000] *$193,831,000* to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That grants to minimum program States will be [$1,000,000] *$2,000,000* per State in fiscal year 1995: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for [Federal] emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, [$1,527,786,000] *$1,523,399,000*, of which $199,000 shall be for cyclical maintenance of tribally owned fish hatcheries and related facilities; and of which $297,000 shall be for a grant to the Close Up Foundation; *and of which not to exceed $103,323,000 shall be for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended*; and of which not to exceed $330,111,000 shall be for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1995, and shall remain available for obligation until September 30, 1996; and of which not to exceed [$72,680,000] *$72,580,000* shall be for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), which shall remain available for obligation until September 30, 1996; and of which [$75,902,000] *$75,735,000* shall remain available until expended, including $16,206,000 for trust funds management, $19,083,000 for housing improvement, [$30,169,000] *$30,002,000* for road maintenance, $2,332,000 for attorney fees, $1,983,000 for litigation support, $4,934,000 for self-governance tribal compacts, and $1,195,000 for the Navajo-Hopi Settlement Program: *Provided*, That payments of funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1995 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds

from which the beneficiary can determine whether there has been a loss: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any such change must be part of a comprehensive tribal plan for reducing the long-term need for general assistance payments: *Provided further*, That any such tribal plan must incorporate, to the greatest extent feasible, currently existing social service, educational training, and employment assistance resources prior to changing general assistance eligibility or payment standards which would have the effect of increasing the cost of general assistance: *Provided further*, That any net increase in costs to the Federal government which result solely from tribally increased payment levels and which are not part of such a comprehensive tribal plan shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1995, may be transferred during fiscal year 1996 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1996: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1995: *Provided further*, That within the funds contained in this Act, only the following new schools may receive initial funding pursuant to the provisions of 25 U.S.C. 2001(k) or 2505(a)(1)(C) and (D): Trenton and Sault Ste. Marie: *Provided further, That except for these initially funded new schools, for which current enrollment data shall be used, the amount made available for the Indian school equalization program may be allocated based on the number of weighted student units for the previous school year, with adjustments as approved by the Secretary: Provided further, That funds made available, in this Act and hereafter, for schools funded by the Bureau of Indian Affairs shall only be available to the 187 schools which will be in the Bureau of Indian Affairs school system as of September 1, 1995.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, **[$131,030,000]** *$123,230,000*, to remain available until expended: *Provided*, That $1,500,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That not to exceed $6,000,000 of contract authority and liquidating cash available in fiscal year 1995 from the Federal Highway Trust Fund may be used for the acquisition of road construction equipment: *Provided further, That funds currently obligated for rehabilitation and construction on the Gila River Indian Reservation may be used to purchase and pump water during fiscal year 1995: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR Part 12 as regulatory guidance, including but not limited to the provisions relating to the application and payment procedures, to implement new construction or facilities improvement project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended: Provided further, That the Secretary shall evaluate applications to determine whether there is sufficient organizational management, engineering and financial management capabilities to assure that the construction project will conform to appropriate Federal, tribal, State and local building standards and requirements including 25 USC 2005(a): Provided further, That the costs will be fair and reasonable: Provided further, That where these capabilities are determined by the Secretary to be insufficient, the Secretary may provide technical assistance subject to the availability of appropriations, or will follow the procedures in Public Law 93-638, as amended, in Section 105(a): Provided further, That the Secretary is to insure that personnel authorized to award and administer new construction or facilities improvement project grants in excess of $100,000 under Public Law 100-297 are properly trained and qualified.*

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, **[$82,896,000]** *$77,096,000*, to remain available until expended; of which **[$78,851,000]** *$73,051,000* shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87-483, 97-293, 101-618, 102-374, 102-441, 102-575, and 103-116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which $1,045,000 shall be available pursuant to Public Laws 98-500, 99-264, and 100-580; and of which $3,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, $2,466,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,970,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,484,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $10,890,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,784,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $46,900,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 255 passenger carrying motor vehicles, of which not to exceed 210 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, **[$83,139,000]** *$77,339,000* of which (1) **[$78,962,000]** *$72,962,000* shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, drug interdiction and abuse prevention, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by

law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) [$4,177,000] *$4,377,000* shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, [shall] *may* be audited by the General Accounting Office, *at its discretion*, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99–396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$2,900,000] *$900,000*, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, [shall] *may* be audited by the General Accounting Office, *at its discretion*, in accordance with chapter 35 of title 31, United States Code.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, [$25,102,000] *$20,602,000*, to remain available until expended, as authorized by Public Law 99–239; and in addition, for special assistance as authorized by Public Law 101–219, and for economic assistance and necessary expenses for the Republic of Palau as provided for in Sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $7,556,000, to remain available until expended, as authorized by Public Law 99–658.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $62,599,000 of which not to exceed $7,500 may be for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, $1,184,000 are permanently canceled.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$35,374,000] *$32,548,000*.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,985,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,000,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members

only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 111. None of the funds in this Act may be used to publish a National final rule defining the term "valid existing rights" for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or to publish a final rule disapproving any existing State definition of valid existing rights.

[SEC. 112. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.]

SEC. 114. Of the offsetting collections credited to public enterprise fund numbered 14–4053 in fiscal year 1995, $38,000 is permanently cancelled as a result of procurement cost savings.

[SEC. 115. None of the funds available to the National Park Service in this Act may be used to process permits necessary for construction of a bridge to Ellis Island.]

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$201,780,000] *$198,076,000*, to remain available until September 30, 1996.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, [$158,664,000] *$161,511,000*, to remain available until expended, as authorized by law.

EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $17,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available in fiscal year 1995 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL FORESTRY

For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $7,000,000, to remain available until September 30, 1996.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", and "Land Acquisition" [$1,348,162,000] *$1,322,857,000*, to remain available for obligation until September 30, 1996, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1994, shall be merged with and made a part of the fiscal year 1995 National Forest System appropriation, and shall remain available for obligation until September 30, 1996: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further*, That funds in the amount of $12,000,000 provided under this head in prior years' appropriations Acts for fire management are rescinded: *Provided further, That timber volume authorized or scheduled for sale during fiscal year 1994, but which remains unsold at the end of fiscal year 1994, shall be offered for sale during fiscal year 1995 in addition to the fiscal year 1995 timber sale volume to the extent possible.*

FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, [$160,590,000] *$156,908,000*, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $226,200,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$191,740,000] *$219,234,000*, to remain available until expended, of which [$70,341,000] *$68,893,000* is for construction and acquisition of buildings and other facilities; and [$121,399,000] *$150,341,000* is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1994 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$61,131,000] *$60,541,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,252,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which

not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $89,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 156 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 148 shall be for replacement only; acquisition of 79 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 14 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advanced approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this Act.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

[None of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.]

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, except for sales that are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes.

Pursuant to section 405(b), and section 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

The Secretary of Agriculture, acting through the Forest Service, shall reimburse the Agricultural Stabilization and Conservation Service for administrative costs incurred under the Stewardship Incentive Program for the actual cost of services provided by the Agricultural Stabilization and Conservation Service, except that the total costs shall not exceed 10 percent of the total annual appropriation for the program.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101-512, as amended, is further amended by striking the phrase "$100,000,000 on October 1, 1994, and $50,000,000 on October 1, 1995" and inserting "$18,000,000 on October 1, 1994, $100,000,000 on October 1, 1995, and $32,000,000 on October 1, 1996"; and by striking the phrase "$275,000,000 on October 1, 1994, and $100,000,000 on October 1, 1995" and inserting "$19,121,000 on October 1, 1994, $100,000,000 on October 1, 1995, and $255,879,000 on October 1, 1996": *Provided*, That not to exceed $18,000,000 available in fiscal year 1995 may be used for administrative oversight of the Clean Coal Technology program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$445,544,000] *$436,451,000*, to remain available until expended, of which $17,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account": *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1994, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [$193,956,000] *$189,956,000*, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply in fiscal year 1995.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$824,585,000] *$743,741,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1995 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That [$283,199,000] *$265,024,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: [$230,800,000] *$212,800,000* for the weatherization assistance program, [$23,339,000] *$23,164,000* for the State energy conservation program, and $29,060,000 for the institutional conservation program, *which shall be reduced by their proportionate share of the general reduction to be applied on a pro rata basis against every program, project, and activity within this account: Provided further, That funds provided in this Act for the weatherization assistance program in excess of $206,800,000 shall be distributed only according to a new formula developed pursuant to Public Law 101-440.*

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $12,437,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,249,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $244,011,000, to remain available until expended, of which $90,764,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account": *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1995 resulting from the use of funds in this account shall not exceed $9,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$84,728,000] *$84,507,000*, to remain available until expended: *Provided*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to the Indian Health Service, [$1,706,102,000] *$1,715,052,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $351,258,000 for contract medical care shall remain available for obligation until September 30, 1996: *Provided further*, That of the funds provided, not less than $11,603,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1996: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, [$253,892,000] *$253,767,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or

tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of the Fort Belknap, Montana health center and satellite clinic and a single procurement for construction of the White Earth, Minnesota health center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations: *Provided further*, That in fiscal year 1995 and thereafter (a) the Secretary may enter into personal services contracts with entities, either individuals or organizations, for the provision of services in facilities owned, operated or constructed under the jurisdiction of the Indian Health Service; (b) the Secretary may exempt such a contract from competitive contracting requirements upon adequate notice of contracting opportunities to individuals and organizations residing in the geographic vicinity of the health facility; (c) consideration of individuals and organizations shall be based solely on the qualifications established for the contract and the proposed contract price; and (d) individuals providing health care services pursuant to these contracts are covered by the Federal Tort Claims Act: *Provided further, That notwithstanding any other provision of law, the Indian Health Service clinic in Stilwell, Oklahoma shall be known and designated as the "Wilma P. Mankiller Indian Health Clinic": Provided further, That any reference in a law, regulation, document, record, map, or other paper of the United States to the clinic referenced in the preceding proviso shall be deemed to be a reference to the "Wilma P. Mankiller Indian Health Clinic"*.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, [as amended by the Improving America's Schools Act as passed by the House of Representatives on March 24, 1994,] $83,500,000: *Provided*, That $1,735,000 available pursuant to section 6203 of the Act shall remain available for obligation until September 30, 1996.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, [$26,936,000] *$24,936,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, Part A), [$12,713,000] *$9,812,000*: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$314,454,000] *$312,755,000*, of which not to exceed $32,000,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$5,000,000] *$3,050,000*, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian

Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, [$30,000,000] *$29,300,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian Cultural Resources Center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $53,003,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $4,431,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,343,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,878,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, [$141,950,000] *$133,903,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1996.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$29,150,000] *$27,693,000*, to remain available until September 30, 1996, to the National Endowment for the Arts, of which [$12,750,000] *$12,113,000* shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[REDUCTION OF FUNDING

Each amount appropriated or otherwise made available by this title for "National Endowment for the Arts" is hereby reduced by 2.0 percent.]

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $151,420,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1996.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $25,963,000, to remain available until September 30, 1996, of which $14,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $28,770,000.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, [$7,500,000] *$6,648,000*.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, [$2,967,000] *$2,947,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,655,000: *Provided*, That all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $48,000, to remain available until September 30, 1996.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,738,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, $4,084,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, [$26,660,000] *$21,679,000*.[; of which $2,700,000 shall be for repair and rehabilitation projects and shall remain available until expended.]

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds 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").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a 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 is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in 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.

SEC. 308. The Forest Service and Bureau of Land Management may offer for sale salvageable timber in the Pacific Northwest in fiscal year 1995: *Provided*, That for public lands known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further*, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.

SEC. 309. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1994.

SEC. 310. None of the funds appropriated in this Act may be used to implement any increase in government housing rental rates in excess of 10 per centum more than the rental rates which were in effect on September 1, 1994, for such housing.

SEC. 311. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1995".

(Mrs. MURRAY assumed the chair.)

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, I bring before the Senate today the fiscal year 1995 Department of the Interior and related agencies appropriations bill. The comanager of the bill, Senator NICKLES, will not be on the floor until around noon or 12:30. I spoke with him about this matter last Friday, at which time he told me that he would not be able to be here until around noon. But it is with his approval that I proceed now to the open the discussion on the bill.

I should call attention to the fact that the able ranking member of the Appropriations Committee, a member also of the Interior Appropriations Subcommittee, Senator HATFIELD, is on the floor and available if any questions arise or if a need presents itself. And I thank him for his presence.

RECOGNITION OF FEDERAL FIREFIGHTERS

Before proceeding with the specifics of this appropriations bill, I think it appropriate for the Senate to take a moment to reflect upon the extraordinary dedication and commitment of the men and women who comprise the Federal firefighting force, a function which is funded largely out of this appropriations bill. In recent weeks, we have been reminded all too tragically of the dangers associated with the efforts these crews undertake in order to protect the lives and property of others.

I wish to read into the RECORD the names and duty stations of the brave men and women who died in recent days while on duty with fire crews of either the Forest Service or Bureau of Land Management. Fourteen of these men and women perished on Wednesday, July 6, as they sought to fight a raging firestorm that had engulfed a portion of Storm King Mountain near Glenwood Springs, CO. Three more individuals—two firefighters and a pilot under contract—died on July 12 in a helicopter crash while being transported between two different fires near Silver City, NM. They deserve our thanks, our respect, and their families deserve our commiseration and sympathy and our thanks:

Kathi Beck; Prineville, Oregon.

Tami Bickett; Prineville, Oregon.

Scott Blegha; Prineville, Oregon.

Robert Boomer; Van Nuys, California.

Levi Brinkley; Prineville, Oregon.

Robert Browning; Grand Junction, Colorado.

Doug Dunbar; Prineville, Oregon.

Anthony Sean Gutierrez; Silver City, New Mexico.

Terri Hagen; Prineville, Oregon.

Bonnie Holtby; Prineville, Oregon.

Rob Johnson; Prineville, Oregon.

John Kelso; Prineville, Oregon.

Don Mackey; Missoula, Montana.

Roger Roth; McCall, Idaho.

Samuel Smith; Las Cruces, New Mexico.

James Thrash; McCall, Idaho.

Richard Tyler; Grand Junction, Colorado.

Madam President, I think we often take for granted the sacrifices that men and women make on our behalf as they perform their public duties. As we begin consideration of this bill, I feel it appropriate for us to recognize the contribution that these men and women made on the people's behalf and to honor their deeds. To the families and loved ones left behind by these brave firefighters may I express on behalf of the Senate our profound sorrow for your loss and our gratitude that these individuals chose to serve so selflessly on our behalf. Their efforts will not be forgotten.

INTERIOR BILL SUMMARY

Madam President, I will now turn to the specifics of the legislation before us today.

This bill, as reported by the Appropriations Committee, totals $13,391,647,000 in discretionary budget authority, which is $133,353,000 below the subcommittee's 602(b) allocation.

The outlay scoring totals $13,866,825,000, which is just $175,000 below the 602(b) allocation. When compared to the President's budget, the recommendations represent a decrease of $322,500,000 in budget authority and $207,030,000 in outlays.

The amounts of budget authority recommended in the fiscal year 1995 Interior bill represent a decrease of some

$336 million below last year's enacted level for these same programs. So while there may be many programs that individual Senators would like to see funded at a higher level, I remind Senators of the constraints under which this bill was formulated. The reductions are very real—very real. It is in appropriations bills, such as this one, that specific decisions have to be made about funding for competing interests within a limited allowance.

Let me stress that. We operate on the Appropriations Committee within a limited allowance. We do not "bust," to use a familiar term, budgets on the Appropriations Committee. We have a level of allocation. That level comes within the budget mandate that Congress passes, and we do not exceed the limit. The Appropriations Committee does not exceed the caps.

Any amendments to increase spending in one area of this bill must be offset by reductions elsewhere for the bill to remain within the 602(b) allocation.

Total funding for some of the large agencies funded in this bill, such as the Fish and Wildlife Service, the National Park Service, the Geological Survey, the Bureau of Mines, the Bureau of Indian Affairs, the Forest Service, and the Department of Energy is below last year's level. Let me repeat, nearly every major agency funded in this appropriations bill will have less money to spend in fiscal year 1995 than they had in fiscal year 1994.

As a matter of fact, it was formulated in a nonpartisan manner, which is nothing new for the Appropriations Committee. On the Appropriations Committee, we do not know any difference between Republicans and Democrats. It does not make any difference. We do not talk politics. We do not get into politics. We do not resolve any political matters. We do not hem and haw and argue and fuss around about politics. There is no partisanship in the Appropriations Committee. And I thank my colleagues on that committee, both Democrats and Republicans, for observing that axiom. It is an axiom we take for granted and we hew to the line in that respect.

I thank my colleague, Senator HATFIELD, who for several years was chairman of the Appropriations Committee. I thank him and his colleagues on his side of the table for their unfailing cooperation, courtesy, and consideration and assistance. There is teamwork on that committee and on the subcommittees.

I thank Senator NICKLES and his staff for their cooperation in drafting the bill. It was no easy task. The subcommittee received over 1,600 requests for projects of interest to the Senate. We had a good many requests from Members of the other body, the House of Representatives. Nearly all of these requests presumed enactment of the amounts proposed in the President's budget and then proposed to add above that. Simple math precludes this from happening.

Madam President, may we have order in the gallery.

The PRESIDING OFFICER. The gallery will be in order.

There will be order in the gallery.

Mr. BYRD. Madam President, slide rules and logarithms and old math or new math, take it all.

Simple math precludes this from happening, since the allocation is below the President's budget. So, even without considering a single item brought to our attention by interested parties, we had to make reductions from the amounts requested in the budget.

Madam President, some Senators may be less than satisfied with the funding allocations in this bill, either in general or as it relates to a specific project or program of interest to them. I would remind those Senators, we have now reached the point where the rhetoric must become the reality. When we vote for $13 billion in outlay reductions for discretionary spending, as was done with this year's budget resolution, we have to be prepared to accept the consequences. This year's share of that reduction was $500 million. And a good many Senators have already had calls to reflect on their actions in supporting that cut which took place in the Budget Committee. And as President Reagan used to say, "You ain't seen nothing yet." Wait until next year.

The situation will be even worse next year when the Appropriations Committee will have $5.4 billion less—not $500 million, not a half billion less, but $5.4 billion less—to allocate than would have been available within the caps set in the reconciliation bill last year.

Madam President, I would like to highlight some of the items of interest in the Interior bill.

The subcommittee has attempted to protect the operational base of the agencies funded in the bill. When adjusting for one-time transfers and current year reprogrammings, the National Park Service operating account is increased by $44 million over last year. Many parks are struggling with the consequences of the Federal work force reductions, and these funds will help to maintain critical programs that serve the visitors to our 368 national park units.

Total funding in the bill for Federal land acquisition and State outdoor recreation grants is $219 million. This amount is $35.7 million below both the fiscal year 1994 level and the President's request for fiscal year 1995. The subcommittee received requests for increases totaling $423 million above the amounts contained in the budget request for land acquisition.

Total funding for construction in the land management agencies amounts to nearly $447.4 million. This total is about $91.1 million, or 17 percent, below the fiscal year 1994 appropriation for these same construction accounts. It should be noted that budget constraints have contributed to a reduction in Park Service construction funding of $100 million since fiscal year 1992.

Let me say that again. It should be noted that budget constraints have contributed to a reduction in Park Service construction funding of $100 million since fiscal year 1992. The request from Senators for increases above the budget for construction totaled $558 million—just for 1995, just for fiscal year 1995. So the requests from Senators for increases over the budget for construction totaled $558 million.

Funding for energy conservation programs grows by $53.4 million, or 8 percent, over the fiscal year 1994 enacted level. This includes $36.5 million to fund the highest priority climate change initiatives requested by the administration to begin implementing the President's Climate Change Action Plan.

Indian programs are funded at a total of $3.8 billion, which includes significant increases for education, health care, and contract support. The committee has attempted to restore funds to maintain existing program levels and to address the impact of opening new facilities.

The bill includes $161.6 million for the National Endowment for the Arts, a reduction of 5 percent from the budget request.

And, the bill includes approximately $146 million in funding for the President's plan for the Pacific Northwest, and $42.5 million for the South Florida/Everglades initiative.

Madam President, I ask unanimous consent that I include in the RECORD at this point a statement clarifying several provisions in the committee report, Senate Report 103-294, accompanying this legislation.

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

S. REPORT 103-294 CLARIFICATION

On page 113 in the section dealing with Indian education, the amount shown in the table for grants to local education agencies should be $60,300,000 rather than $59,800,000. Also on page 113 in the same table, the amount shown for special programs for Indian children should be $8,500,000 rather than $9,000,000. The accompanying text is correct.

On page 30 of the report, there is language under the National Biological Survey regarding ongoing funding for the Hawaii biodiversity joint venture project. This reference applies to the Fish and Wildlife Service, not the NBS.

On page 65, under Administration of Territories, the reference to American Samoa high school should be to Tafuna High School, in American Samoa.

With respect to funds provided to the Indian Health Service for facilities and environmental health support, because of the

fluctuating nature of the workload in this program, the funds should be distributed in accordance with a methodology which addresses overall workload annually and maintains parity among the areas and tribes as the workload shifts.

The funds referenced on page 39 for the Chesapeake and Ohio Canal NHP are to be applied to the preliminary engineering requirements since the project will be furthered with that technical data at the earliest possible date.

Mr. BYRD. Madam President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. First, I wish to thank and compliment my friend, the chairman of the committee, Senator BYRD, for his leadership and also for his cooperation; as well as his staff, Sue Masica, who has worked very well with me; and, also, on my staff, Cherie Cooper.

Mr. President, we bring before the Senate today the Department of the Interior and related agencies appropriations for fiscal year 1995.

I might just mention at the outset, Mr. President, this has not been an easy appropriations bill. We have managed a few over the years, but this one has a significant reduction from the previous year—$324 million less than what we had last year and a 2.4-percent reduction in budget authority compared to last year.

So we have a lot of agencies, as a matter of fact the strong majority of agencies, that we fund in this budget receiving less money than they had last year.

I just mention this to my colleagues because it is not easy, when you are trying to do this, when you have a lot of demands, a lot of requests, some very legitimate requests that we are simply not able to fund.

Let me just summarize this. I know Senator BYRD did this in his excellent presentation, but I just want to touch on a few things so our colleagues have some kind of idea of the scope of the decisions that have been made in the bill.

The Bureau of Land Management is increased by 3 percent; the Fish and Wildlife Service is decreased 3.8 percent; the National Biological Survey, a slight reduction, about a half percent; the National Park Service, a 3.1-percent reduction; the Geological Survey, a reduction of 3.3 percent.

Madam President, these are all in relation to the actual figures that we are looking at for fiscal year 1994, so it is comparing 1994 to 1995, not compared to the administration's request because, by and large, many of these requests are far below that proposed by the administration.

The Bureau of Indian Affairs, a 2.1-percent reduction; the Office of Surface Mining Reclamation, a 10-percent reduction. The total of all for the Department of the Interior is a 2.2-percent reduction.

Related agencies: The Forest Service has a six-tenths of 1 percent reduction; the Department of Energy, a total of 13.7 percent reduction; naval petroleum and oil shale reserves, down 11.6 percent; the strategic petroleum reserve down 25.9 percent, Indian Health Services, an increase of only 1.3 percent.

I might mention, Madam President—I know the Chair is familiar with this in the State of Nebraska—the Indian Health Service is not doing a very good job. Certainly it needs more money and 1.3 percent does not remedy all the problems or even come close to remedying the problems we have in the Indian Health Service.

Indian education, no increase whatsoever. The Institute of American Indian and Alaska Native Culture had a reduction of 21.9 percent.

I will just mention a couple of others. The National Endowment for the Arts, a 5-percent reduction. I could go on. The National Capital Arts and Cultural Affairs Council, 11.4 percent reduction. The Holocaust Memorial Council received the same amount as last year, $21.7 million.

The total of all the related agencies, funds from the Forest Service, Department of Energy, Indian Health and many other related agencies, a 2.7-percent reduction. If you add it all together, it is a net 2.4-percent reduction from 1994 levels, a total of $326 million less than what we had authorized in the 1994 level.

I mention that just from the outset to let our colleagues know I know there are some thoughts from many people in this body who are saying we need more money for a lot of different agencies, for a lot of different programs. I will just say we did the best job that we could and we did come up with a slight reduction, I think a fair reduction.

Finally, I encourage my colleagues to bring their amendments to the floor. I know it is scheduled, we are supposed to have what we commonly called—or is referred to as—a bed-check vote, a live quorum vote, at 1 o'clock. But I encourage my colleagues, if they have amendments, to bring them to the floor, let us dispose of those amendments and finish this bill as soon as possible.

Madam President, to reiterate, I am pleased to support the chairman's remarks, and his introduction of the committee recommendations for the fiscal year 1995 Interior appropriations bill. I also want to recognize the dedication of the 17 individuals who lost their lives while performing firefighting activities in Colorado and New Mexico earlier this month, and to express our sympathy to their families and friends. It is through the commitment and expertise of the firefighters, who are funded primarily out of this appropriations bill, that we are able to minimize the resource damage and protect private properties when wildfires sweep through our Nation forests and rangelands.

I want to thank the chairman for his efforts in bringing the Interior bill to the Senate floor. I compliment the Senator from West Virginia for the excellent work he has done in compiling this bill and appreciate the bipartisan manner in which this bill was assembled.

Madam Chairman, the Interior bill is a complex bill to put together. This bill provides funding for a variety of agencies with very diverse programs including land management activities, Indian programs, energy research and development, arts, and museums. The Interior bill receives a great deal of Member attention, with 1,600 Member requests coming to us for consideration. Many difficult choices are reflected in this bill. To add to the complexity of the bill, we are grappling with the reality of work force reductions. The Interior bill reflects our efforts to maintain agency operations activities.

The subcommittee has kept within the 602(b) discretionary allocations of $13,525 billion for budget authority and $13.867 billion for outlays. The Interior appropriations bill outlay allocation is $76 million under the House allocation. It is evident that the chairman and his staff have done an excellent job of meshing the competing demands. The committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

The Interior appropriations bill for fiscal year 1995 discretionary funds is $336 million below—2 percent—the fiscal year 1994 enacted level. To name a few of the 41 agencies funded by the Interior bill: the Bureau of Land Management is increased by 3 percent, primarily due to the new central hazardous material fund and the Pacific Northwest forest plan; the Fish and Wildlife Service is decreased by 4 percent due to large decreases in construction and land acquisition; the National Park Service is decreased by 3 percent, due to construction and land acquisition; the Bureau of Indian Affairs is decreased by 2 percent; the Forest Service is decreased by 1 percent; fossil energy is decreased by 3 percent; Indian Health Service is increased by 1 percent; and energy conservation is increased by 8 percent, the largest increase of the major agencies funded in the bill. Only 6 of the 41 agencies are provided increases over the fiscal year 1994 levels. The other agencies are either at last year's levels or at decreased levels.

The totals for construction and for land acquisition are below the fiscal year 1994 enacted levels. Both of these items contribute to substantial future funding requirements. As lands are

added to the Federal land base and as new facilities are constructed, managers are faced with making decisions on shortening park hours, closing campgrounds, enforcing road restrictions, and adjusting organizations to meet the new operations and maintenance needs. The construction accounts for the land management agencies total $447.4 million, which is a decrease of $91.1 million, −17 percent, from the fiscal year 1994 enacted level of $538.6 million. The land acquisition accounts for these same agencies total $218.6 million, which is a decrease of $35.7 million, −14 percent, from the fiscal year 1994 enacted level of $254.3 million.

The Indian activities, which are funded under the Interior bill, require 29 percent of our allocation resources, while still not meeting the needs of the Indian population. The demands for Indian activities continue to increase yearly using more of the Interior bill's limited resources. We are increasing the Bureau of Indian Affairs operating account by 2 percent and the Indian Health Service operating account by 4 percent, restoring on-going programs.

The timber sale program is an area of great concern to many Members of the Senate. The timber sale program, which because of House action was reduced to a 2.8–3.2 billion board foot program, is restored to 4.3 billion board foot program and fits without our allocations.

The funding for the National Endowment for the Arts is $161.6 million which is a 5-percent decrease from the fiscal year 1994 enacted level.

Madam President, again I wish to thank the Chairman.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. Madam President, as the chairman of the Senate Appropriations Committee, the Senator from West Virginia, has indicated, Senator NICKLES, the ranking member of this committee, is detained for about an hour. So he cannot be here on the floor at the present time to make his opening statement until he gets out of the committee.

Madam President, at this moment, I would like to rise to thank the chairman of the committee, Senator BYRD, for his tribute he paid to the firefighters who lost their lives in the terrible forest fires in Colorado. As he enumerated those names—he listed them one by one, both men and women who were part of this team—9 of the 14 were from a little community in Oregon by the name of Prineville. Of course, as you know, in a small community that is 5,625 members or citizens, when you have a tragedy that strikes one family, it is felt throughout the community. You can imagine what the impact was when such a tragedy was impacted on 9 families in this town of a little over 5,000.

Madam President, I have entered in the RECORD before on occasion to speak on behalf of our appreciation and deep gratitude to those who sacrificed their lives, all 14 of them, and particularly the 9 from my State.

I just want to again take this opportunity to make a few extemporaneous remarks about the sacrifice made by these young men and young women. For any way you look at this action, it was a true act of heroism. These young men and young women are true heroes and heroines in any sense of the word.

Oftentimes, we tend to forget those who put their lives on the line daily in their professions and in their work—our policemen, our firefighters, and many others in the civilian area of life. We think mostly of the military who, like all who are serving their country, put their lives on the line when they are in areas of turmoil, hostility, and military action. But surely, as well, these who fight forest fires and who train in that very, very dangerous work daily put their lives on the line when they are called into action.

Madam President, coming from the State of Washington, my neighboring State, you, like many of us, have witnessed forest fires. There is really nothing I can think of that creates more of that sense of horror and sense of weakness and futility than the light of such a forest fire. I have seen them skip along the tops of these magnificent forests, burning the tops of these trees as the wind blows and blows the flames. I have heard them explode, literally explode, because you can imagine in a heavy forest with the flammable material of a fresh tree that is full of sap, and all of the other flammables, that they literally at times will explode like a cannon as this fire is moving through these forests.

When you put men and women into the pathway of such an awesome power as a forest fire, and they are given the assignment to stop the fire, they use all sorts of techniques. I will not go into all of them. Sometimes they make a back fire to create a swath of burnt land so that the fire will not move over it because the material has been removed.

But again, I refer back to the fact that these are so dangerous because no one knows about the drafts that they create in the heat of that fire. It can be dead still as far as the wind is concerned out from the fire, but there can be tremendous gusts of wind created by drafts and updrafts in the heat mixing with the colder air.

So the fire may be moving one direction and you think that you can get behind it. But, on the other hand, sometimes very instantaneously, the fire will shift and move right into your own position, and you are caught or you are endangered in some very serious way.

So it is that these young people—and they were in their twenties, the women and the men who responded voluntarily—responded to go to Colorado and help fight that fire.

(Mr. KERREY assumed the Chair.)

Mr. HATFIELD. So, again, I want to issue my personal—and I am sure on behalf of all of my colleagues—sympathy to those families who suffered that loss, and my sympathy to the community which found a great void in their community life because these young people were all part of that community. And, again, I recognize the tremendous sacrifice they made and the willingness to give of their lives in their positions, in that type of job, that type of profession, to give of their lives if circumstances happened in which lives are taken. I pray that those circumstances will not happen in the future. But we never can control that or know about it.

So I thank Senator BYRD for his opening presentation of the Interior Subcommittee appropriations, for his thoughtfulness and his sensitivity in paying tribute to these young people, all 14 of them, and their families. I merely want to affirm the same tribute and the same sympathy on my behalf.

Mr. President, I would like to just make one or two brief comments about the bill itself. I am on this particular subcommittee serving with Senator BYRD and Senator NICKLES as our leaders on the subcommittee. I, too, can state that these committees that are bringing the bills to the floor in this particular session are under tremendous pressure, under tremendous focus of providing money for important programs on a diminishing basis; that is, the resources are diminishing rapidly, and the needs are increasing, in many instances.

We have just taken action this session on the California desert bill, just to give you an illustration. I cosponsored the bill, supported the bill, voted for the bill. Yet, it is merely an authorization. Someone once said that an authorization is but "a hunting license for an appropriation." We on the Appropriations Committee and this subcommittee will be called upon, once this bill passes the conference committee and is then signed into law by the President, to fund the actual existence of the California desert. But you see the California desert bill is merely lining up—there is a long line out there of projects that we have authorized that have not been funded within just this one account of our Interior appropriations bill.

We have added two national parks. We have added two other such set-asides that are important for the public, but unfunded. We know from studies that some of our national parks are

dangerous. They have had to close certain areas of our national parks because we have not been able to maintain the safety of those parks. The operation and maintenance accounts of those national parks have been diminishing. Yet, there is a greater use, greater demand for national parks all the time. The public's demand is expanding; the resources to maintain them are diminishing. So that is within the existing commitments. So here we are adding more commitments, which I think are important; but I want to use that as one illustration of the difficulty this committee functions under. So I think that all of us could say it is not what we would like, but it is certainly, I must say, the best I think that can be achieved under these circumstances.

Senator BYRD also mentioned about the bipartisan character of the committee, and I want to affirm that from the Republican side of the aisle. I not only have sensed this as a unique characteristic of this committee, not that all authorizing committees are partisan, but there are those moments and those issues that divide the parties, divide honest differences of philosophy.

In fact, I cannot remember it happening in the Appropriations Committee. Senator BYRD, our chairman, referred to the time when I was chairman for 6 years and we had 15 Republicans and 14 Democrats at that time. I must say, as I have previously, that we had some of the most conservative and some of the most liberal from both parties on that committee. There was not a controversial issue that committee faced in those 6 years that we did not have to craft a coalition of Democrats and Republicans to make a decision. It was constantly a matter of crafting coalition between Democrats and Republicans to achieve the work of that committee.

We continue to see that reflected in our work. But it also is reflected through the staff and this again is, I think, somewhat unique, in my time of the Senate, to the Appropriations Committee. I must say I have never seen staff on any committee I have served on that has not been responsive to any request that I as a minority member and as a majority member—I have been in both situations, and I prefer the majority status. Nevertheless, I must say that from my illustration I have never noted any distinction from my personal experience and requests made to the staff of either side of any committee, where I have been turned down or treated shabbily in any way or in a partisan way. I must say, I believe that in creating and crafting these bills, the staffs of the Appropriations Committee from the majority and minority sides work more intimately, more collaboratively in their efforts to represent the product of the committee than any committee I serve on.

In part, it is because we do not shift staffs in the shift of power. I recall vividly when we faced a situation of finding ourselves in the majority, much to my surprise—and I think most of the pundits were somewhat surprised in the 1980 election—as I recall, we had five new members on our committee on the majority side, four of which had never served a day in the Congress, and all of a sudden four of those five were subcommittee chairmen. It was a very great responsibility to take on those positions of subcommittee chairmen.

We, in our collective judgment, at my urging, said let us not deny ourselves of the continuity and expertise of those staff persons who had been on those subcommittees for many years, hired by then the majority. And we continued them on, and through attrition, as they saw fit in their decisions to leave the committee, we replaced them. Some of those replacements now are still on the committee, acting on behalf of the majority side. So our staffs do not reflect changes of majority and minority status of that committee, and they serve the full committee. That is the way in which I feel our committee is somewhat unique.

So I pay tribute to the staffs for helping to create this product, as difficult as it was, as well as the leadership of the Subcommittee on Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia, the President pro tempore, is recognized.

Mr. BYRD. I thank the Chair. I thank the distinguished Senator from Oregon for his timely and appropriate remarks. They are always incisive, to the point, and useful.

This request has been cleared with the Senator from Oregon.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request, and that the following committee amendments be excepted from this en bloc request:

Page 48, line 16 through page 49 line 7; page 49, lines 12 through 14; page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6.

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

So the committee amendments were agreed to en bloc, except the following:

Page 48, line 16 through page 49 line 7; page 49, lines 12 through 14; page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6.

Mr. BYRD. 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. GORTON. 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. GORTON. Mr. President, today we begin the discussion of this significant appropriations bill for the Department of the Interior and related agencies. As we do so I realize that there will be a number of amendments and votes on controversial issues. I also realize, however, that there will be one issue falling within the jurisdiction of this subcommittee on which apparently there will not be a debate or a vote. I wish to speak to that briefly for the moment.

On a number of occasions, this appropriations bill has been the vehicle for a discussion of harvest levels in the national forests of the Pacific Northwest. In fact, specific amendments providing temporary relief were passed as part of the bill in 1989 for the 1990 appropriations bill.

Since then, while there has been controversy, there have been no further votes on such proposals. During that course of time, harvest levels in the forests of region 6 of the Pacific Northwest has declined from something like 5 billion board feet a year almost to zero.

During the course of his campaign in 1992, then candidate Bill Clinton promised the people of the Northwest a timber summit in the first year of his Presidency and an equitable and fair solution to the controversy over harvest levels and preservation. That timber summit was held in Portland in the spring of 1993 and, after an extensive delay, resulted in what the President denominated option 9. This option called for an average of 1.2 to 1.3 billion board feet of harvest in those forests.

From the perspective of this Senator and his colleague, the distinguished senior Senator from Oregon, and others in the Pacific Northwest, this was an utterly inadequate and unfair compromise. The harvest levels in the President's plan represented a cut which was itself below the rate at which the forests regenerated themselves. Nevertheless, it did appear to many in the Pacific Northwest to be better than nothing.

Another year elapsed and option 9 became option 9 minus, down to an average of 1.1 billion board feet per year, each step announced with great fanfare. But it now becomes increasingly evident the harvest levels under option 9 itself will never be realized. The administration now talks about 2 or 3 or 4 years from now before these meager harvest levels are reached.

But litigation not only with respect to the forests in general but with respect to every individual proposed timber sale seems absolutely endless. And so even the utterly inadequate promise of the administration for the forest

communities of the Pacific Northwest is simply not going to take place.

Occasionally, an individual in this administration, realizing this fact, now begins to mutter that at some point or another perhaps a legislative solution would be important. In fact, in a hearing before the subcommittee, the Secretary of the Interior said that at some future time legislative action might be recommended by the administration. But with the passage of this bill, any opportunity to have effect during the course of the next year will have passed by.

Another year of unnecessary suffering on the part of timber communities in the Pacific Northwest will be, for all practical purposes, guaranteed, simply because the administration cannot get its act together, cannot operate with a sufficient degree of courage to recommend to the Congress that its own promises actually be kept.

Once again, I need to emphasize that I do not believe that those promises are adequate by any stretch of the imagination, but they are clearly better than the situation in those rural areas at the present time. So the administration, lacking that courage, sentences our people in timber communities to at least another full year of suffering. It is, of course, pointless for those who champion their cause to put up amendments which would be fought by the administration and by the majority and almost certainly defeated in a Congress like this without the encouragement and support of the administration.

But I could not let this opportunity go by without expressing my extreme disappointment in an administration which not only cannot come up with an adequate and fair answer to the problem, but lacks the courage to enforce the solution that it does advocate and refuses even to ask for the degree of congressional relief which would allow it to keep those inadequate promises.

I have every hope that, long before this time next year, with the new Congress and different attitudes on the part of the administration, it may reverse itself and carry out the promises which President Clinton made when he was candidate Clinton.

STATEMENT ON THE FISCAL YEAR 1995 INTERIOR APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4602, the Interior appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $133 million and under its 602(b) outlay allocation by $175 thousand.

I compliment the distinguished manager of the bill, Senator BYRD and the distinguished ranking member of the Interior Subcommittee, Senator NICKLES on all their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Interior appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point. There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4602, FISCAL YEAR 1995 INTERIOR APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	13,017	8,803
Outlays from prior years appropriations		5,058
Permanent/advance appropriations	375	0
Supplementals	0	6
Subtotal, discretionary spending	13,392	13,867
Mandatory totals	61	54
Bill total	13,453	13,921
Senate 602(b) allocation	13,586	13,921
Difference	−133	−(*)
Discretionary totals above (+) or below (N):		
President's request	−323	−207
House-passed bill	−123	−72
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	13,392	13,867

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

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

The Senator from West Virginia, the President pro tempore of the Senate, is recognized.

Mr. BYRD. Mr. President, the following request has been cleared on the other side. Senator NICKLES is here and may or may not wish to speak to it.

I ask unanimous consent that at an appropriate time, Senator BUMPERS be recognized to offer an amendment, regarding mining patent moratoria, to the committee amendment on page 48, line 16 through page 49, line 7; that there be a 1-hour time limit for debate on the amendment with the time equally divided and controlled in the usual form; that upon the use or the yielding back of the time, Senator BUMPERS be recognized to withdraw his amendment and without intervening action the committee amendment be agreed to.

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

Mr. BYRD. Mr. President, while I have the floor, the staffs have put together a list of amendments of which we have been notified by the proposed sponsors, and it is my hope that Senator NICKLES and I, through our respective staffs, may be able to go through these amendments and determine which of them might be agreeable on both sides so that we may proceed by unanimous consent or otherwise to get Senate action on them.

This is an important bill. I believe this is the 10th appropriations bill to be acted upon by the Senate in addition to any supplemental or supplementals. As Juliet said to Romeo, ". . . in a minute there are many days." And it is to be hoped that we might use our minutes profitably. There will be a vote today at 1 p.m. It will be a procedural vote. But in the meantime, Mr. NICKLES and I would hope to encourage Senators who have amendments to come to the floor and call them up so that we may have action on them by voice vote or, if a rollcall is required, stack them for action this afternoon.

Tomorrow will be a day in which, because of the joint meeting with the House of Representatives, we will see an interruption of the action on this bill if we are still on it. I hope that we can dispose of most or all amendments today. I am also advised that there may be an important meeting at the White House this evening at 7 o'clock.

I am not apprised as yet as to how many Senators may be attending those meetings. I presume the Senate leadership, the elected leadership of the Senate, will be in the meeting. Therefore it is important that we use the time upon our hands as conveniently and profitably as possible.

"We burn daylight." On Mondays especially, the average citizen, I suppose, like Menenius in "Coriolanus," is "one that converses more with the buttock of the night than with the forehead of the morning." Senators are probably not much different in this respect, but there are Senators who are in town. I urge them to come to the floor. We have a list of amendments, as I have already indicated.

They can use the time now to their advantage if they will just come and call up the amendments.

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

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

AMENDMENTS NOS. 2382–2393

(Purpose: To adjust the amounts provided for construction)

AMENDMENT NO. 2394

(Purpose: To allow Alaska Native Claims Settlement Act villages to be eligible to participate in the Indian Health Service sanitation facilities program)

Mr. BYRD. Mr. President, certain amendments have been discussed with the other side, Senator NICKLES. The two sides have agreed on the following:

Senator BYRD, technical correction amendment; Senator BYRD, technical correction amendment; Senator BYRD,

technical correction amendment; Senator BYRD, title III general provision, language regarding research work orders and ongoing funding for cooperative research units; Senator BYRD, title I, section 6, Senator BURNS' psychology program, Indian Health Service; Senator BYRD, territorial and international affairs; Senator BYRD, territorial and international affairs; Senator DECONCINI, Indian Health Service, to allow the use of funds collected from food service to be retained at the facility where the service is provided; Senator DORGAN, BIA child abuse; Senator KASSEBAUM, National Park Service, historic Kansas forts; Senator MURRAY, with Senator GORTON as a cosponsor, to reallocate funds provided for Mount St. Helens between road and facility construction; Senator STEVENS, Indian Health Service, eligibility of a community in Alaska, Craig, AK, for Indian Health Service services.

I ask unanimous consent that these amendments be considered en bloc and agreed to en bloc and the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 2382 through 2394, en bloc.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed these amendments and we have no objection to them being considered en bloc and would urge their adoption.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the pending committee amendment be set aside for the consideration of the amendments en bloc and that appropriate statements be included in the RECORD in explanation of the various and sundry amendments.

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

So the amendments (Nos. 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, and 2394) were agreed to, as follows:

AMENDMENT NO. 2382

On page 51, line 5, strike "$1,322,857,000" and insert in lieu thereof "$1,334,857,000".

FOREST SERVICE TECHNICAL CORRECTION

Mr. BYRD. Mr. President, the purpose of this amendment is to correct the number in the National Forest System appropriation account to comport with the funding level recommended by the committee. In a technical error, the number currently printed on page 51, line 5 reflects the "net" appropriation after a rescission of $12,000,000. The correct number should be the "gross" number since the rescission is identified separately on page 51, lines 19–22.

AMENDMENT NO. 2383

On page 28, line 18, change the roman number from "$199,000" to "$208,000".

Mr. BYRD. Mr. President, the amendment corrects the amount provided for cyclical maintenance of tribally owned fish hatcheries and related facilities.

AMENDMENT NO. 2384

On page 29, line 29, strike "on July 1" and insert in lieu thereof "not later than July 31".

Mr. BYRD. Mr. President, the amendment corrects the date by which payments are to be made for grants to operate Bureau of Indian Affairs schools, pursuant to Public Law 100–197. The change is necessary because funds become available for obligation on July 1 and it is not possible to actually make payments on the same day. The amendment allows payments to be made as soon as possible, but not later than July 31.

AMENDMENT NO. 2385

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, in fiscal year 1995 and thereafter, appropriations made to the Department of the Interior in this Title may be used to fund incrementally research work orders for cooperative agreements with colleges and universities, state agencies, and non-profit organizations that overlap fiscal years: *Provided*, That such cooperative agreements shall contain a statement that "the obligation of funds for future incremental payments shall be subject to the availability of funds".

Mr. BYRD. Mr. President, the purpose of this amendment is to clarify that the Interior Department may fund research work orders incrementally, so long as the agreement makes clear that the obligation of funds for future incremental payments is subject to the availability of funds. The types of projects covered by these research work orders are usually multiyear efforts, and the funding is provided usually over the course of the project, rather than in total at the start of the project. Questions have surfaced in reviews by the Comptroller General about the use of these types of agreement, and the language will allow current methods of funding multiyear research to continue.

AMENDMENT NO. 2386

On page 47, line 7 linetype: "by the General Services Administration".

Mr. BYRD. Mr. President, this amendment will allow service and rental contracts to be executed for a 12-month period at any time during the fiscal year, and for the funds used for such purposes to be available for obligation over the course of the 12-month contract. Similar authority in the past had been limited to contracts with the General Services Administration. The language will also help to distribute the workload for the processing of contracts over the course of the fiscal year.

AMENDMENT NO. 2387

On page 69, line 12 after the colon add the following: "*Provided further*, That within the funds provided, $250,000 shall be available for the recruitment and training of American Indians for graduate training in the field of psychology, as authorized in section 217 of the Indian Health Care Improvement Act of 1992, Public Law 102–573."

Mr. BURNS. Mr. President, I thank the managers of the bill for the acceptance of the amendment that was sponsored by Senator DORGAN and Senator INOUYE and myself.

This amendment that we have proposed and was accepted by both sides will not add any money to the bill and it is for an authorized purpose. The amendment sets aside $250,000 from within available travel funds for the recruitment and training of Native Americans for graduate training in the field of psychology. The Indian Health Service already trains its own employees and recruits and trains health professionals for service on the reservations so this is not a new purpose. This activity is authorized by section 217 of the Indian Health Care Improvement Act so these funds would be spent for an authorized purpose.

Mr. President, the need for additional mental health services among the Native American population is well known and well documented. The suicide rate of young adult male American Indians on the reservation is three times the Nation's average. The death rate from injuries and alcoholism are both over two times the national average and both appear to be related to the high incidence of depression in Indian communities. Depression is often complicated by the use of alcohol and other substance abuse which contribute to a high incidence of violent behaviors, including child physical and sexual abuse, assault, and homicide.

Mr. President, Chairman BYRD and the committee have recognized these problems by adding $2,000,000 for mental health services within the Indian Health Service "to begin" and I quote from our report "implementing programs to address the significant needs in the areas of child sexual abuse and prevention." This is exactly the kind of problem my amendment will further address.

Psychologists are exactly the kind of health care professional that can intervene and prevent these behavioral problems. Native American psychologists can tailor make these services to be culturally appropriate. The non-Indian psychologists may not be aware of the cultural values, lifestyles, family practices, developmental progressions, and the needs of their American Indian clients.

Mr. President, there are only 27 American Indian psychologists in the clinical counseling area. My amendment would help address this shortage and help address the pervasive and devastating mental health needs of our Native Americans.

I appreciate the Chair's support in this and, of course, he knows how to address his problems in his home State.

Again, I thank the managers of this bill for the acceptance of this amendment and thank the Senator from West Virginia for his efforts and leadership in this area.

I yield the floor.

AMENDMENT NO. 2388

Linetype beginning on page 40, line 23 through page 41, line 11, and insert in lieu thereof the following:

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions, $19,838,000 to be available until expended, including $18,464,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1995, except for $692,000 for special programs, shall be credited as an off-set against fiscal year 1995 payments made pursuant to the Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1995: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

Mr. BYRD. Mr. President, the purpose of this amendment is to provide for ongoing operations of the Government of Palau in the event the Compact of Free Association for Palau is not implemented prior to the start of fiscal year 1995. The budget assumed that the Palau Compact would be implemented prior to fiscal year 1995, but delays to date suggest that this might not occur. The Congressional Budget Office and Office of Management and Budget have indicated that there will be no scoring implication if this language is adopted.

AMENDMENT NO. 2389

On page 41, line 18 before the semi-colon, insert the following: ": *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219".

And, on page 41, line 23 strike "$7,556,000" and insert "$1,490,000".

Mr. BYRD. Mr. President, the purpose of this amendment is to provide for ongoing operations of the Government of Palau in the event the Compact of Free Association for Palau is not implemented prior to the start of fiscal year 1995. The budget assumed that the Palau Compact would be implemented prior to fiscal year 1995, but delays to date suggest that this might not occur. This amendment reduces funding in the Compact account in order to provide funding in the Trust Territory appropriation. The Congressional Budget Office and Office of Management and Budget have indicated that there will be no scoring implication if this language is adopted.

AMENDMENT NO. 2390

On page 74, line 13, before the period insert the following: ": *Provided, further*, That money collected for meals served at Indian Health Service facilities will be credited to the appropriations from which the services were furnished and shall be credited to the appropriation when received".

Mr. DECONCINI. Mr. President, the Indian Health Service [IHS] cannot retain cash collected from occasional meals served at IHS facilities to offset the cost of food prepared because it's statutory authority to retain payments for meals is limited to payments made by employee payroll deductions. This amendment authorizes IHS to retain cash payments for meals on the same basis as payroll-deduction meal payments.

AMENDMENT NO. 2391

On page 28, line 18, add $2,000,000 to the italicized number.

On page 62, line 21, reduce the amount by $2,550,000.

Mr. DORGAN. Mr. President, the amendment increases funding for the operation on Indian programs by $2,000,000 and reduces funding for the naval petroleum and oil shale reserves by $2,550,000. Within the funding provided for the operation of Indian programs, the increase of $2,000,000 is included for the Indian Child Protection and Family Violence Prevention Act which is part of Human Services under other recurring programs. The reduction for the naval petroleum and oil shale reserves of $2,550,000 is to be derived from prior year unobligated balances for naval petroleum reserve No. 1.

AMENDMENT NO. 2392

On page 18, line 12, reduce the amount by $1,500,000.

On page 16, line 19, increase the amount by $900,000.

Mrs. KASSEBAUM. Mr. President, the purpose of the amendment is to reduce the amount provided for emergencies and hardships in the National Park Service land acquisition account to the same amount as included in the House bill. A portion of the reduced funds would then be transferred to the national recreation and preservation account for an initiative to establish an inter-connected network amongst a series of eight historic frontier military forts in Kansas. While the budget authority transferred is different, the outlays remain neutral and are offset fully.

AMENDMENT NO. 2393

On page 53, line 1, strike out "$68,893,000" and insert in lieu thereof "$70,367,000".

On page 53, line 3, strike out "150,341,000" and insert in lieu thereof "$148,867,000".

Mrs. MURRAY. Mr. President, this amendment shifts $1,474,000 from increased funding provided in the bill for road construction at the Mount St. Helens National Volcanic Monument to facility construction at the same location. This reallocation will contribute toward completion of the Johnston Ridge Observatory.

AMENDMENT NO. 2394

On page 74, line 13, before the period, insert the following: ": *Provided further*, That notwithstanding any other provision of law, any locality qualified to select land as a Native village under the Alaska Native Claims Settlement Act (Public Law 92-203 as amended) shall be eligible to participate in the sanitation facilities program: *Provided further*, That such villages shall apply consistent with the sanitation facilities priorities process: *Provided further*, That any funds provided pursuant to such authority shall not exceed the pro rata share of the cost of the project commensurate with the percentage of Alaska Natives in the population of the affected community".

Mr. STEVENS. Mr. President, the Public Health Service [PHS] in Alaska has recently adopted a policy of exclusion from its service programs of any Alaska Native Claims Settlement Act [ANCSA] village which does not presently have a majority of Natives as residents.

This amendment would require the PHS to consider as eligible, on a pro rata share commensurate with the percentage of Alaska Natives in the community, any village which was qualified as an ANCSA village. The combination of two ANCSA provisions, core township selection and ANCSA village tax exemption, essentially leave these villages without a tax base. This lack of a tax base occurs regardless of whether the Native population is in the majority or the minority.

The city of Craig is an example that has recently experienced non-Native population growth. The city is comprised of approximately 4,200 acres, of which the Native corporations own approximately 4,000 acres. The tax base, however, remains the approximately 200 acres not owned by the Native corporations within the municipality.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 48, LINE 16, THROUGH PAGE 49, LINE 7

The PRESIDING OFFICER. The question now recurs on the committee amendment on page 48, line 16.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending excepted committee amendment be set aside and I be permitted to call up an amendment for consideration.

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

AMENDMENT NO. 2395

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2395.

The amendment is as follows:

At the end of title III of the bill, insert the following new section:

SEC. . Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to the Department of the Interior or Forest Service, Department of Agriculture shall be available to reimburse the representative (as that term is defined by applicable law) of employees who die in the line of duty in the last quarter of fiscal year 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: *Provided*, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a).

Mr. BYRD. Mr. President, the purpose of this amendment, as we might understand from the reading thereof, is to provide authority to the Department of the Interior and the Department of Agriculture to pay the burial costs and related out-of-pocket expenses for employees who died in the line of duty.

The current limit of $800 for such expenses was established in 1960 and has not been raised subsequently.

The amendment will provide compensation to the families of the firefighters who have died in recent weeks.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment to provide compensation to the families of firefighters occur today at 3:30 p.m.

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

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments in the second degree be in order to the amendment dealing with firefighters compensation which amendment will be voted on shortly at 3:30 p.m. today.

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

Mr. BURNS. Mr. President, may I comment on the amendment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, if I may comment on the amendment for the firefighters, and I thank the chairman of the Appropriations Committee for recognizing what these families have to go through.

I want to just remind this body and this committee that when I first went West back in 1953, I was on a firefighting crew on the fire up in Houston, MT, at the 9-mile ranger station. We lost a firefighter on that fire. I have been on two or three of those things and have seen the devastation they can cause to the families of those lost.

There was a young man from Hamilton, MT, Mr. Mackey, who was lost in that fire.

Yes, there will be a lot of questions that will be asked and there will be a lot of questions that cannot be answered. But those men and women who take on the task in our national forests for not only fire prevention but fire suppression are all on the front lines today.

We have fires raging in northern California, in Oregon, and Washington. We are dry in Montana. We are just a tinderbox right now in Montana. If we have any really strong lightning, we are going to be in trouble in our State. In fact, we are drier now than we were in 1988, and I think the Chair and this body remembers the fires of 1988 across Montana.

So I thank the chairman for his thoughtfulness and his leadership on this. I congratulate those men and women who put their lives on the front line of these fires, which are going on now in the Western United States, for the protection of our forests.

I yield the floor and I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. The yeas and nays have been ordered.

VOTE

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the question occurs on agreeing to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

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

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—74

Akaka	Durenberger	Mathews
Baucus	Exon	Mikulski
Biden	Feingold	Mitchell
Bingaman	Feinstein	Moseley-Braun
Bond	Ford	Moynihan
Boren	Glenn	Murray
Bradley	Gorton	Nunn
Brown	Graham	Packwood
Bryan	Grassley	Pell
Bumpers	Gregg	Pryor
Burns	Hatfield	Reid
Byrd	Heflin	Riegle
Campbell	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Stevens
Dodd	Leahy	Warner
Dole	Levin	Wellstone
Domenici	Lieberman	Wofford
Dorgan	Lugar	

NAYS—13

Breaux	Lott	Pressler
Craig	Mack	Smith
Faircloth	McCain	Wallop
Gramm	Murkowski	
Helms	Nickles	

NOT VOTING—13

Bennett	Hatch	Metzenbaum
Boxer	Inouye	Specter
Chafee	Kempthorne	Thurmond
D'Amato	Kennedy	
Harkin	McConnell	

So the motion was agreed to.

The PRESIDING OFFICER. The pending business is H.R. 4602, the Interior appropriations bill. The pending question is a committee amendment on page 48 line 16.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this would be a good time for a Senator to call up an amendment. There will be a rollcall vote at 3:30 p.m. on an amendment. But there are several amendments on the list by Senators, and it is not inconceivable that if Senators would come over and call up their amendments, some of the amendments might be accepted. It is easily also very conceivable that a number of the amendments that are on the list may indeed not be called up.

So it is likewise easy to imagine that we might be able to finish this bill today by going into the evening. Tomorrow there are going to be some interruptions during the day, brought about by the visit of Mr. Rabin and King Hussein and a joint session of the House and the luncheon. It is, therefore, necessary that we make as much progress as we possibly can this afternoon. It is my understanding that the leader has no desire to go out early or

to provide a window. So as far as I am concerned, with my colleague, Mr. NICKLES, we could plow right on through and make as much progress today as we possibly can.

May I inquire of the distinguished Senator from North Carolina [Mr. HELMS] if he plans to call up an amendment momentarily?

Mr. HELMS. Mr. President, I say to my good friend from West Virginia that I do. I have an amendment to the committee amendment on page 81. Would the Senator like me to call it up?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Chair would indicate to the Senator from North Carolina that there are three committee amendments on page 81. Will the Senator please specify which particular amendment?

Mr. HELMS. I was busily adjusting my hearing aid. Would the Chair repeat that?

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2396 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 81 LINE 7

(Purpose: To prohibit the use of National Endowment for the Arts funds to provide financial assistance for projects or works involving the mutilation of living or dead human beings, or the drawing or letting of blood)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2396.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or

(b) the drawing or letting of blood.".

The PRESIDING OFFICER. The pending question is the Helms amendment to the committee amendment on page 81, line 7.

Mr. HELMS. Page 81, line 7 is correct, Mr. President.

Mr. President, I have tried, without success, to establish in my own mind when, if ever, the liberal news media of America have engaged in more distortions of the truth than in the public discussion of the National Endowment for the Arts. The media have, in fact, been obsessed for at least 5 years, to my knowledge. They have been obsessed with trying to prove that black is white and white is black, and that disgusting, insulting, revolting garbage produced by obviously sick minds is somehow art, and that this art is worthy of being subsidized and rewarded by and with grants of Federal funds—the taxpayers' money, mind you—distributed by the National Endowment for the Arts.

This has been going on, as I say, Mr. President, for at least 5 years, and longer, I am confident, than that.

The Washington Post and similarly oriented newspapers around the country all get their big guns to pulverize anybody who suggests that filth should not be subsidized and rewarded with the taxpayers' money. These newspapers have mocked and ridiculed Senators and Congressmen who have tried to restore some degree of reason to the NEA process. Salvos of accusations have proclaimed that these Members of Congress—and particularly JESSE HELMS—are engaged in nefarious censorship. But how self-righteous they are when they write about censorship. They accuse us of censorship at even the slightest suggestion that the Federal funds authorized and appropriated to and for the National Endowment for the Arts should not be spent on such things as photographs of a naked homosexual with a bull whip protruding from his rear end, or a naked woman on a stage, her body covered with chocolate, or photos of mutilated human corpses, or blood soaked towels dispatched on a pulley over the heads of an unsuspecting audience terrorized by such a surprising development.

This is art, say the media. The Washington Post insists that it is art, and so do newspapers all across the country, many in my own State of North Carolina. They publish sophomoric editorials and stamp their little feet. But, the public disagrees with the editors. The public disagrees with the National Endowment for the Arts.

Now I tried a little experiment back during the Mapplethorpe era. The editors at Greensboro, Winston-Salem, and Raleigh spoke with one voice in condemnation of JESSE HELMS because he did not understand art.

So I sent a little telegram to each of the editors at Charlotte, Winston-Salem, Greensboro, and Raleigh. I said, "I'll tell you what. Let me send to you by Federal Express—I'm not going to send them through the mail because you would complain about that—but let me send you some of Mapplethorpe's photographs and you put a little notice in your paper that people sincerely and genuinely interested are invited to come by your paper and take a look at the pictures—paid for by the taxpayer—of the homosexual with the bullwhip protruding from his rear end, for example."

The Greensboro Daily News editor said, "We're not an art gallery. We're a newspaper." What a pious—well, I shall not finish the sentence.

But this is the way the news media have operated. And they are not going to tell the truth about this debate today, either.

Much of the public has no specific idea of what is afoot, but I can tell you this: Thousands upon thousands of Americans, indeed, millions of them, I believe, have gotten enough of the message—despite the coverup by the news media and by some of the self-proclaimed experts in the art community.

The self-proclaimed art experts pretend that even if the art is gross and even if it is vulgar and offensive, it is art, and it ought to be financed and subsidized by the American taxpayer.

Every time I hear that, I think of Abraham Lincoln, who was asked one time: "Mr. Lincoln, if you count a cow's tail as a leg, how many legs does a cow have?"

And Mr. Lincoln replied: "The cow has four legs, because calling a cow's tail a leg, doesn't make it a leg."

And calling this art—which I am going to display an example or two of in just a minute—calling it art does not make it art.

So the news media's intellectual dishonesty in calling this perverse, filthy and revolting garbage, calling it art does not make it art. It is still filth; it is still perverse—and it is still unworthy of being subsidized with the American taxpayers' money.

And if you do not believe the American people agree with that, ask them a specific question.

Nobody in the Senate, nobody in the House of Representatives, has ever once suggested censorship of the National Endowment for the Arts. If homosexual or otherwise perverse mentalities want to produce such garbage, they are free to spend their own money and their own time doing it—then let them try to sell it in whatever marketplace they choose.

Now another ploy by the defenders of such filth is to contend—now just listen to them, they probably will in this debate, they probably will contend that, "Well, after all, only a few such grants have been made." And think of the thousands upon thousands of other grants. They prate on and on about thousands of grants being made for symphony orchestras, choral groups, public school art forms of all kind.

I remember one Senator in this Chamber a couple of years back, he rolled his eyes to the heavens and said, "not many controversial NEA grants have been made"—so what is the big deal?"

Not many? Well, then, Mr. President, how many are too many? And I guess that is the fundamental question.

Mr. President, in a friendly exchange with that delightful lady, Jane Alexander, I posed that very question. As I have stated many times to Mrs. Alexander, who, of course, is the Chairman of the National Endowment for the Arts, I have never heard one complaint, let alone made one myself, about any grant to a symphony orchestra or a choral group or a program to teach young people how to play instruments or sing songs and that sort of thing.

As a matter of fact, I was pretty active in a group, an opera group, before I came to the Senate.

Now, there have been complaints for years and years about filth and perversion being rewarded time and time again with sizable grants of the American taxpayers' money. And, yes, I have voiced some of those criticisms and complaints and I shall continue to do so as long as there is breath in me.

I asked NEA Chairman Jane Alexander if just one cockroach in a pot of soup would be enough, too many, or not enough. The dear lady sort of avoided that question. She responded that, as a matter of fact, she and her husband had, on one occasion, found a cockroach in their soup served in a restaurant, and that the manager of the restaurant had quickly not charged them for their meals, to make amends for the cockroach in their soup.

Now that is all very interesting, and one can assume that one cockroach in one soup is one cockroach too many. I feel the same way about the National Endowment for the Arts.

But how about those human cockroaches who have repeatedly bullied their way into the pocketbooks of American taxpayers who pay the taxes to provide the money for the National Endowment for the Arts to hand out? We are going to get specific here in just a moment.

You are darn right; if a poll could be taken, I suspect that the vast majority of America's taxpayers would be totally opposed to subsidizing that figurative human cockroach masquerading as an artist.

So, Mr. President, what can be done to remedy the situation, in light of the fact that Congress has been manipulated, year after year, into refusing to prohibit subsidies for obscenity defined in any broad sense? Maybe the amendment which I now have sent to the desk will enable the Senate to address at least one specific obscenity that the taxpayers have been forced to subsidize to the tune of $20,000.

Now let me, Mr. President, read the text of the pending amendment once more. This amendment, when it is voted upon, will establish precisely how each Senator feels about using tax funds to subsidize and reward an artist who used NEA funds to mutilate the cadavers of human beings.

The amendment at the desk provides:

Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings, dead or alive; or

(b) the drawing or letting of blood.

Mr. DODD. Will my colleague yield on that point?

Mr. HELMS. I would rather finish my statement, if the Senator will permit me to do so.

Now, as I said, Mr. President, when I first proposed some years ago that some standard of decency be required of the National Endowment for the Arts, the Senate was supplied some examples of the art that the American taxpayers were being forced to subsidize at that time. There was the bullwhip, which I mentioned earlier. There was the crucifix that another artist had submerged in a jar of his own urine and photographed and submitted to the NEA. And he got paid for it. There were other sickening, blasphemous and obscene so-called art.

These were supported and defended by newspaper editors. They have said, "Well, this is just one out of many. You should not be worried about just a few examples."

Well, why should the taxpayer not be worried? Why is there even one example?

Last year, there was the artistry of an NEA beneficiary named Joel-Peter Witken, who the NEA art experts knew at the time had a 20-year track record of mutilating, dissecting, and dismembering human corpses and then photographing them.

For one photograph he submitted while seeking tax funds Congress had appropriated for the NEA, Joel-Peter Witken had severed the head from a corpse, skinned it, and scooped out the brain and transformed that mutilated head into a flower vase.

And those watching on C-SPAN can view the flowers in that artistic flower pot.

He then photographed it and he submitted, as I say, the photograph to the NEA. His cash reward from the NEA for that was $20,000, taxpayers' money.

In another example of his unique artistry, Joel-Peter Witken twisted a human head off of a corpse in a way to assure that a jumble of veins and muscles protruded from the neck.

Maybe the C-SPAN cameras can focus on what developed after that. Mr. Witken then sawed the head of that cadaver in half, beginning at the top of the forehead, down, through the nose to the lip and the chin, and then he placed the two halves together in a fashion that made it appear that the cadaver was kissing himself. This is one-half of the guy's head, this is the other half. That is what you call beautiful art, and I am sure it was worth $20,000 to somebody, but I do not think you will find many American taxpayers who will agree that their money ought to be used to pay or reward the guy who did that.

By the way, Mr. Witken titled his award winning photograph "The Kiss."

Speaking of depravity, this past March brought reports of yet another NEA-subsidized performance by one of these artists, a man named Ron Athey. It is spelled A-t-h-e-y, but he insists that it be pronounced like "A-thee", Ron "A-thee," and I will try to remember to call him Ron "A-thee," as I refer.

That is his picture, a very handsome man, if you like that kind of man. But let us talk about it. He appeared as a part of the Minneapolis Walker Art Center's Celebration of the Fifth Annual Minneapolis Lesbian, Gay, Bisexual, and Transgender Film Festival. I do not need to identify it further, it was a homosexual film event which the NEA supports annually with your money.

Here is how Mr. Athey's performance went. He informed his audience that he has the AIDS virus. Then he begins his bloody performance, but he tells them nothing about the HIV status of the other performers whom he later slashes and slices on the stage. He keeps that a secret.

Mr. Athey himself described the NEA-supported performance in the Los Angeles Weekly—a homosexual newspaper. He described the three different sets of three parallel lines arranged in a stair-step fashion that he sliced onto, and into, another man's back, and then he carved a triangle, which he called, appropriately, "The Symbol of Queerness."

Just so the RECORD will be complete about the artistic talents of Mr. Athey, I think I should quote his own description of his performance, which was subsidized, do not forget, by whom? The National Endowment for the Arts.

Mr. Athey said of his own performance:

Bleeding is always heavy at first, but it slows down. Paper towels are pressed against the wound, making an imprint, then they are alternately passed to two assistants, who clip prints to the line and send them out over the audience. The prints are not touching any heads. They only come close to a couple of people, mostly over the aisles or completely stage right.

Then he continues to describe his act:

This act has been performed for at least 2,000 people: Three nights at Highways, one night at Los Angeles Theater Center, three club nights.

When the lines are full, the factory workers and three trained tech dykes strike the lines keeping them taut so they don't droop or brush anyone, although this happened once the first night at Highways.

Highways is a so-called performance arts venue in Santa Monica, CA. But that is Mr. Athey's own description of his great moment of artistry in a performance subsidized by the National Endowment for the Arts.

According to the Walker Art Center, at least two members of the audience in Minneapolis fainted. I do not doubt that. Another member of the audience was quoted as saying:

The bloody towels were most upsetting to the audience. It appeared that the towels were going to drip or fall apart because they appeared to be paper towels. People knocked over the chairs to get out from under the clothesline.

I know what some of the supporters of the NEA are going to say, "Oh, that report is false." To say that that report is false is false itself, and I will demonstrate that when the defenders of the NEA try to downplay the significance of this so-called artistry in Minneapolis.

There has been a concerted, unfair, and unfounded effort by the NEA and its obsessive defenders in the news media to discredit descriptions of the performance by a reporter in the Minneapolis Star-Tribune. But Mr. Athey is remarkably boastful about his performance. He said:

The individual chemical reactions people have toward demonstrations of pain, blood and mutilation are involuntary. One or two people usually faint.

Mr. Athey also acknowledges that one or two people usually leave each performance.

Of the Walker Art Center, the organization that used part of its NEA grant to support the Athey performance, he says:

They knew exactly what I did and wanted to present me.

But back to Mr. Athey's performance. After sending those bloody towels over the audience, he then proceeded to stick acupuncture needles and other sharp objects through the skin, the scalp, the cheeks, and other body areas on himself and his cohorts on stage.

The Washington Blade, another homosexual newspaper, described the performance this way:

Two assistants allow Athey to pierce their cheeks with slender barbs; he in turn stands immobile while they weave spinal tap needles through the skin of his shaved head and then wind them with wire to create a "crown of thorns."

Mr. President, during her confirmation hearings, Jane Alexander pledged that under her watch the National Endowment for the Arts would be guided by what she described as "a commitment to funding only the best art America has to offer."

And knowing Jane Alexander, I do not doubt her sincerity in this commitment. She frequently has stated good music and good theater and good painting elevate us all and, of course, nobody disagrees with that. And I told her so.

But something is seriously amiss, Mr. President. In a larger sense, the pending amendment reaches beyond the work of Mr. Athey and his admirers at the National Endowment for the Arts and around the editorial offices and the country.

The broader issue, if any, is the sober realization that for the past two decades, an unmistakable decadence has saturated American society. A furious assault on the traditional sensibilities of the American people has taken its toll. So many have become afraid to stand up and declare the difference between right and wrong, what is ugly and what is destructive and what is noble and what is degrading. No wonder—no wonder—Mr. President, there has been a cultural breakdown.

Is it not time for millions of Americans, the people more than one President has referred to as the great silent majority, to go on the offensive to regain control of their social and cultural institutions? Taking this small step to put those at the National Endowment for the Arts who have abused and ridiculed our most deeply held beliefs in their place, I think, is a good beginning.

British Prime Minister Margaret Thatcher and President Ronald Reagan said the same thing essentially. They said: If not us, then who? If not now, then when?

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. DODD. I will be glad to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote occur on or in relation to the amendment by Mr. HELMS immediately following the vote which will occur at 3:30 p.m. on an amendment, the vote which was ordered earlier today.

Mr. DODD. Reserving the right to object, I thought that vote was going to occur at 3? Was it 3:30?

Mr. BYRD. The other vote was to occur at 3:30.

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

Mr. BYRD. I thank all Senators and I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had not intended to become involved in a debate on this particular amendment because I had heard that it would be accepted and that it was a relatively harmless amendment that would do no significant damage to the National Endowment for the Arts. And therefore it seemed that Members might just accept it. I was prepared, frankly, to depart the Chamber. I have a conference committee meeting on the House side involving interstate banking and a number of other issues.

But I guess I made the mistake that we should not engage in too often around here. I read the amendment.

I want to read the amendment aloud because I want Members to pay close attention to exactly what this amendment says and recognize the implications, if this amendment were to be adopted, as innocuous as it may seem to some.

Nothwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or

(b) the drawing or letting of blood.

That is the amendment.

"Any activity or work involving human mutilation or invasive bodily procedures."

Mr. President, it does not take much imagination for anyone, even looking around this building to see where this would apply. I have just been casually going through a book here called "Art Of The United States Capitol." There are countless examples in this book of art in this very building which involve human mutilation or invasive bodily procedures—people being shot, people being knifed, the Battle of Lexington, the Battle of Concord, Daniel Boone, and the Indians. The standard incorporated in this amendment, would preclude that art from being supported by the National Endowment for the Arts.

Even the most casual observer of art will certainly recall some of the great paintings in religious art over the centuries. The crucifixion of Christ, done in even the simplest of ways, is the mutilation of a human being in an invasive procedure. A representation of the nailing of Jesus Christ to a cross would be prohibited under this amendment as I read it, from receiving funds from the National Endowment for the Arts. And this list would go on: The stoning of Mary Magdalen, Saint Sebastian, the decapitation of John the Baptist. I presume people here could add to the list of examples of great works of art that would be prohibited from receiving support under the language of this amendment.

All of us know, I think, what the Senator from North Carolina is driving at here. I think he goes beyond what most Members are interested in doing. What he wants to accomplish is the elimination of any funding for the National Endowment for the Arts. But for those who are interested in sending a reasoned message to the Endowment about the kinds of activities we would like to see supported and not supported, to adopt this amendment would be a mistake. It goes far beyond sending a signal about those particular examples that are highly offensive to

people—and the Senator from North Carolina has identified several—and far beyond, I think, what anyone of us here ought to be adopting as part of the law. "Any activity?" It is not just performance art in question here, it is painting, it is music. There is religious music, about the horrors of martyrdom in the history of various religions, that would be potentially an excluded activity.

So I urge my colleagues that, in an effort to deal with this issue, we work to be reasonable in our desire to deal with one set of problems, and not go way overboard. And, in my view, this particular amendment goes way overboard.

Let me cite some examples here in our own building of what we are talking about. Here is the Battle of Lexington. We have soldiers shooting, people lying on the ground being shot and killed. Below it is the Boston Massacre, which hangs in this building.

As I read this amendment, "any work," "any activity," "human mutilation"—certainly the killing of people in those great, heroic conflicts that gave birth to this Nation, I presume, would qualify under a strict reading of this amendment.

The great frieze which hanging in the Rotunda of this building depicts further examples of what people might call rather invasive art. The battle of Lexington again is here. The death of Tecumseh, at the battle of Thames in 1813 is rather graphic, I suppose. According to a strict reading of this amendment, one could argue that Brumidi would be prohibited from painting that frieze today with the support of the NEA.

This is how ridiculous it can get. I point out to my colleagues there are times, when budgeting, that we consider egregious examples of improper behavior or conduct. But to take a broadax to a problem is not the way we ought to deal with these issues.

So, there may be those who assume this is a rather innocuous proposal who would like to do something about sending a signal to the National Endowment about the kinds of art that is being funded. But this is not it.

I strongly urge Senators to read this amendment carefully and understand its implications. It is anything but innocuous. It is a very serious effort to restrict support for legitimate and worthwhile art endeavors, whether they be in music, in painting, performance art or whatever else. This goes far beyond what anyone would ever intend.

I have here a book on the history of art. I may leave this here for people to go through. You will find numerous examples of art I think a lot of us appreciate and that we would like to see more of, that we encourage and support—but art that certainly would not meet the standard invoked by the Senator from North Carolina with this proposed amendment.

So we will, perhaps, not have much of a debate on this. Maybe this is the only Senator who cares about this. But in our effort to deal with one problem it seems to me we are going to be creating a far greater one and doing damage to an institution, in my view, that deserves better support than it is getting with this proposal.

I understand there are some Members here who just would like to get rid of the Endowment altogether. I disagree with them, but at least I understand that. That is an argument. It is the point of view of those who believe there is no rationale whatsoever to have Federal funding to support the arts. It is a legitimate point of view. I disagree with it, but this is not ostensibly what we are talking about here. This amendment, however, is one way to achieve that goal, it seems to me, without facing the issue directly.

So I strongly urge the rejection of this amendment, and at an appropriate time I will either offer to table this amendment or urge my colleagues to reject it. This goes far too far. To me it is a dangerous—dangerous language that does not help in our efforts to deal with legitimate concerns some have raised about art that has received funding from the Endowment. That is a debate we may have a little later. But this language and this amendment, it seems to me, ought to be soundly rejected.

So, Mr. President, I will be a part of this debate. I strongly urge Members read the amendment and then think, if you would, about the examples of art in this building and elsewhere that would have been precluded from receiving any support from the National Endowment. Then decide whether or not that is a standard we would like applied to those who are trying legitimately to enrich our culture through their artistic endeavors, excluding many who are in no way interested in the kind of art that the Senator from North Carolina has talked about.

Regardless of how one feels about the National Endowment, particular artists or particular performance art, this amendment ought to be soundly rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Connecticut who expressed very articulately the thoughts that we share. As one who minored in art many years ago in college, I think back through all the paintings I studied. Many, many of those involved Jesus on the cross, Saint Sabastian, the Rape of the Sabines, various mythological or actual events that occurred. Many of these would have been prohibited under this amendment.

I think we all want to achieve very much the same objective. The question is merely how to get there. The way to achieve our objective of not having revolting paintings is by making sure the people who make the grants are well chosen and have good judgment. In this regard I think Mrs. Alexander has done very well in her choice of panels and we ought to give her a real chance to succeed.

On a broader scale, I would like to point out that the arts activities are an economic bounty for our Nation, worth many billions of dollars every year. The arts fostered by the National Endowment encourage national and international tourism, attract and maintain business in our communities, stimulate real estate development, and contribute to the tax base.

Studies have shown that for every dollar the endowment invests in the arts, it has created literally a tenfold return in jobs, services and contracts. San Antonio, TX, Greenville, MS, Oklahoma City, and Birmingham are among the cities whose impact studies have shown the enormous economic contribution of the arts.

In fiscal years 1992 and 1993, Arts Endowment grants of about $120 million each year drew matching grants of $1.1 to $1.4 billion, and an estimated 1.3 million full-time jobs.

Mr. President, the tiny proportion of the Federal budget set aside for supporting arts and culture in our society is one of the foremost examples of Federal investment in the U.S. economy. European nations understand this fact. I think if we adopt this amendment we must realize that we encourage other nations to do the same; we will then redo, overhaul the Sistine Chapel? No. Nor should portraits of Jesus on the cross be prohibited.

I hope that we will not vote that way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first let me ask the Senator from Rhode Island if he had concluded.

Mr. PELL. I had concluded.

Mr. WELLSTONE. The Senator had concluded.

Mr. President, I was listening with great interest to the remarks of my colleague from Connecticut. I have not even had a chance to look at this amendment very carefully, but, Mr. President, I come to the floor as a Senator from Minnesota to talk a little bit about the Walker Art Center, to try to provide some information to my colleagues because I think it is extremely important for me to defend a very, very important institution.

First, Mr. President, I am going to ask unanimous consent that a letter that I received from Kathy Halbreich, who is the director of the Walker Art Center; Tom Crosby, Jr., chairman of the board of directors of the Walker

Art Center; and Lawrence Perlman, president of the board of directors of the Walker Art Center, be printed in the RECORD.

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

WALKER ART CENTER,
Minneapolis, MN, June 21, 1994.

Hon. PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: The Walker Art Center is one of the nation's most esteemed museums of modern and contemporary art. Its programs in the visual, performing, and media arts are uniquely international, multidisciplinary, and diverse. Since 1879, the Walker has supported innovative artists ranging from painter Pablo Picasso to choreographer Merce Cunningham to film director Clint Eastwood. Several Walker-organized exhibitions are now touring worldwide.

Most recently, a retrospective of works by artist Bruce Nauman, who was called by Art in America "the best—the essential—American artist of the last quarter-century," was co-organized by the Walker and the Hirshhorn Museum and Sculpture Garden, Smithsonian Institution, Washington, D.C. It will be seen in Madrid, Minneapolis, Los Angeles, Washington, D.C., New York City, and Zurich.

This year, the Walker and the Minneapolis Sculpture Garden expect to serve nearly 700,000 people through exhibitions, films, performances, and educational programs. Each year the Walker brings more than 3,000 artists and scholars from across the globe to work and perform in Minnesota. Over 40,000 school children visited the Walker last year, and the Walker's new programs for teens are seen as a national model.

Tomorrow the U.S. House of Representatives begins floor debate on FY 1995 appropriations for the National Endowment for the Arts. Minnesota's Walker Art Center has become a focus in this discussion.

As reported in this morning's Washington Times, the Walker Art Center has come under scrutiny because of a single performance in early March 1994. Unfortunately, much of the media attention related to this performance has been inaccurate and highly sensationalized.

Because of the high level of misinformation, we wanted to make you aware of this situation which affects one of the nation's most respected museums. The facts are these:

1. On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey theater troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with the difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire, and challenge us as individuals, cultures, and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season, the Walker will present more than 150 performance events ranging from the classical to the experimental.

2. This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scrafication which involved the drawing of a small amount of blood.

3. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker by the Minnesota AIDS Project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this position again today in conversations with the Department of Health.

4. Some media reports suggest that "many" members of the audience "fled." This is not accurate. While approximately 10 of the 100 audience members left during the performance, we have personally heard from numerous members of the audience who said that they found the performance "affirming," "moving," and "enlightening." In fact, to our knowledge this entire situation was generated by a single complaint.

5. Approximately $150 of a $104,500 National Endowment for the Arts grant to the Walker Art Center for its seasonal programming was used to fund this performance.

The Walker Art Center is one of the most prestigious institutions in the country and has earned an international reputation. The NEA has played a crucial role in helping the Walker Art Center provide these services to Minnesota. Indeed, after New York and California, Minnesota arts and cultural organizations, both large and small, receive the largest amount of NEA funding. It is extremely disturbing that the NEA, which has made such enormous contributions to the educational and cultural vitality of our state, would be placed in jeopardy by a single event.

We urge you to support the Walker Art Center and the NEA. We encourage you to call us with your questions, comments or concerns.

Sincerely,

KATHY HALBREICH,
Director, Walker Art Center.

LAWRENCE PERLMAN,
President, Walker Art Center Board of Directors.

THOMAS M. CROSBY, Jr.,
Chairman, Walker Art Center Board of Directors.

Mr. WELLSTONE. In this letter—and I will just simply summarize it—there are a couple of relevant sections about what did and what did not happen at the Walker Art Center. This pertains in part to the amendment, but I intend to talk for a while about what happened in Minnesota and about this art center, which is a real treasure not just for people in Minnesota, but for people around the world.

I quote from this letter:

Facts: On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey Theater Troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire and challenge us as individual cultures and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season the Walker will present more than 150 performance events ranging from the classical to the experimental.

Just a couple of other facts:

This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scarification which involved the drawing of a small amount of blood. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the United States Centers for Disease Control and provided to the Walker by the Minnesota AIDS project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this again today in conversations with the Department of Health.

Just another fact:

Approximately $150 of the $104,500 National Endowment for the Arts grant to the Walker Center for its seasonal program were used to fund this performance.

Out of a total grant, Mr. President, of $104,500, $150 was used.

Some facts about the Walker, because I fear my colleague sometimes may decontexturalize—focusing on one example—from what the Walker Art Center is all about, and for that matter what the arts and humanities is all about.

The Walker is a uniquely multidisciplinary, diverse, and international museum with programs in visual programming and media arts that reach nearly 700,000 visitors each year. Several Walker-organized exhibitions currently are touring worldwide. In addition, during an 18-month period Walker exhibitions will be seen in New York at the Whitney Museum of American Art, the Zumwalt-Guggenheim Museum, and the Museum of Modern Art. Each year over 3,000 artists, scholars and critics from around the world visit the Walker to share their experience and work with a wide variety of audiences, young and old.

These facts do not come out: last year approximately 40,000 school children toured the Walker. Each summer the Walker sponsors a summer institute for elementary and secondary schoolteachers, helping them prepare for an Interdisciplinary approach to incorporate the arts in their curriculum.

And the Walker, Mr. President, has reached out in all sorts of wonderful ways to young people and communities of color in my State of Minnesota.

These are the facts about the Walker Art Center, but as Frank Rich said in his New York Times editorial of June 26, 1994, "Why let the facts stand in the way of a cause?"

I do not know what the cause is, but if the cause is to essentially go after the National Endowment for the Arts, to go after the arts community and the enormous enriching contributions that that community makes to our communities in Minnesota and South Dakota, urban and rural, white and African-American and Native American and Southeast Asian and Hispanic, I think we would be making a terrible mistake.

Mr. President, as many have said, a child who picks up a paintbrush, a pen, or clarinet—and these will be words dear to my colleague from Connecticut who cares so much about children—will be less likely to pick up a gun or a needle. A child who picks up a paintbrush, a pen or clarinet will be less likely to pick up a gun or a needle.

Before there was a National Endowment for the Arts, President KENNEDY

in a speech at Amherst College in 1963 said the following:

I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunity for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Mr. President, I have to tell you that whether it be this particular amendment or whether it be efforts to cut into this budget—cuts I really believe will end up with too broad a stroke of the brush, really being counterproductive and denying so many of our citizens what is so enriching about the arts—I have to be clear about what did happen and what did not happen in my State of Minnesota.

Most important of all, I am not here to debate the work of Mr. Athey. I am not even interested in the debate about the merits of his work. What I am interested in, Mr. President, is making sure that my colleagues understand the Walker Art Center, that my colleagues understand the enormous importance of the arts in my State of Minnesota and in this country. I am interested in making sure that my colleagues understand that in anger about one particular production—which many of us may not like or some of us may say is controversial but is part of what has to be done by way of generating discussion and thought—that is not the point. The point is this: let us not pass amendments which are way off the mark and let us not react in such a way that we undercut the very importance of the arts community.

I would also say that as I see what Jane Alexander is now doing—instituting reforms to increase accountability at the Endowment—I think it would be a huge mistake for us to rush forward in the Chamber of the Senate and pass amendments that are counterproductive, pass amendments that go against the very grain of what arts and community in our country are about.

Mr. President, let me be crystal clear. I do not want to let any Senator—whether I agree or disagree with that Senator on some of the specifics about this particular production—I do not want to let any Senator decontexturalize—and that is the right word—what the Walker Art Center does in my State of Minnesota, in our country and our world. I want Senators to understand the whole range of contributions of this institution. I want my colleagues to understand the full importance of what people at the Center have done and continue to do, and I want my colleagues to understand the full importance of the arts to the community.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, let me commend my colleague from Minnesota for his fine statement.

Just again going through some of the art here in the Capitol that in my view would be precluded from ever receiving any funding from the National Endowment for the Arts if the Helms amendment were to be adopted—the wonderful painting painted by one of the great Western artists in this country, Seth Eastman, called Death Whoop. Mr. President, I do not have charts, tables or graphs, but here is a picture of a native American with a bow and arrow in one hand, a knife in the other, and a scalp of a Western pioneer who faced that horrible death.

If I read the Helms amendment correctly, which says "any activity"—painting—"where human mutilation or invasive bodily procedures on human beings dead or alive; or the drawing or letting of blood"—certainly scalping—it is clear by this standard, Mr. President, if this amendment were applicable and Seth Eastman had sought some funding from the National Endowment for the Arts, that painting would not hang as it does today in the Longworth House Office Building. Nor would the magnificent bronze doors on the entrance to the House, one of the great treasures of the Capitol.

These doors, designed by Thomas Crawford, are composed of bronze panels. Two of those panels—the massacre at Wyoming, PA, a rather brutal portrayal of what happened in Wyoming, PA, on July 3, 1778; and the Battle of Lexington on April 19, 1775—are included as panels of the Crawford bronze doors. Again, bodily mutilation and invasive procedures, the drawing or letting of blood.

I think I understand what our colleague from North Carolina is driving at with his amendment when he talks about some of the more egregious examples. But in an effort to deal with those, the language encompasses more and you can very quickly become ensnared by your own words.

I think every Member has received a copy of "Art in the United States Capitol." I invite you to take a look at it before you come over here to vote. You will find examples, as I have, here on numerous pages where the language of the Helms amendment would apply, as I read it.

So I again urge my colleagues to read this amendment and consider the clear implications of what this amendment would provoke. As I said, again it removes all funds to any activity or work involving human mutilation or invasive bodily procedures on human beings, dead or alive, with the drawing or letting of blood. Clearly, there are some examples where people would think that standard would apply. I am sure most Members, as I said a while ago, can think of wonderful examples of some of the great art of the world that would have been denied support or funding if that language had been applicable at the time those masterpieces were created.

Others may find this to be harmless. I do not at all. I think this amendment is anything but harmless.

I hope at some point people will start having a sense of proportion when it comes to the National Endowment for the Arts. It is like any other agency. When it does something wrong, it ought to be criticized. And people can think of ways in which to express that criticism. But this goes way overboard in my view. This goes far too far in trying to deal with the problem. This kind of language would do irreparable damage to the Endowment.

So despite what my colleagues may feel about later amendments that may come from other Members of this body, this amendment ought not to be adopted, Mr. President.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, several times during his discussion the Senator from Connecticut has speculated about what I am driving at. There is no question about what I am driving at. The question is, when did he drive over the cliff in his assessment of what this amendment does? He says "Read the amendment." Let us do that. I take the Senator from Connecticut at his word. Let us read it because he apparently has not read it.

It says,

Notwithstanding any other provision of law, none of the funds made available under this act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward or award financial assistance to any activity or work involving—

And this is what he did on stage.

human mutilation or invasive bodily procedures on human beings, dead or alive; or the drawing or letting of blood.

The Senator from Connecticut is going far afield. He brought the crucifixion of Christ into it. Let me tell you something. If this amendment would have stopped the crucifixion of Jesus Christ, I would say let us vote for it twice. It is the same argument that you hear every time anybody suggests doing something to bring reason to the distribution of funds by the National Endowment for the Arts.

I have said many times on this floor, today and previously, that Jane Alexander is a fine lady. I think her intentions are good. But she has been overwhelmed. She has been overwhelmed.

Then the Senator from Minnesota was talking about how much he knows about the performance that went on in Minneapolis. However, the Minnesota Department of Health said,

We were contacted after the fact. Had we been called in prior to the performance to evaluate the methods and procedure, we would not have been in a position to endorse the performance. The bottom line is that you did have towels with blood on them, and applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome.

You bet it would be.

Mr. President, we have this kind of reaction every time an amendment comes up suggesting some reason be applied to the distribution of NEA funds. They say, "Oh, well, there are just a few of them."

How many cockroaches are too many, as I said, in a bowl of soup? The thing about getting rid of the cockroaches is to not put up with the cockroaches in the first place.

Instead of holding the NEA accountable, the newspapers around the country have been attacking the lady—Mary Abbe—who wrote the original story about Ron Athay's performance. She protested to the Chairman of the National Endowment for the Arts, Ms. Alexander. I think it is worthwhile for her side of the story to be put in the RECORD. I am not going to read it all, but I am going to read part of it.

Mary Abbe, who is an art critic and art news reporter for the Star Tribune of Minneapolis-St. Paul, wrote the following in a letter to NEA Chairman Alexander:

In a letter of 15 June 1994 to the members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and his assistants pierced his scalp with acupuncture needles."

Further down, she continues,

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or 'ritual scarification' and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Mr. President, the point is that if we do not do something to indicate to the NEA that we are not going to put up with this sort of thing, it is going to go on and on and on. You will have the kind of inane Senate debate that you had this afternoon about the crucifixion of Jesus, Custer's Last Stand, and so forth.

I want to go through that catalog that the Senator from Connecticut referred to earlier and have him show me which one got a grant from the National Endowment for the Arts. Not one of them, I'll bet. He raises all sorts of specters, and you will hear more of them. I see another good Senator from the Republican side, who always takes the position that we must not interpose the judgment of the U.S. Senate into the expenditures of the National Endowment for the Arts. Well, if we are not supposed to do that, what are we supposed to do?

That is the point of this amendment. Senators can vote for it or against it. I am amazed that time after time, this sort of thing happens, with all of the frivolous arguments that are made against an amendment designed—and designed correctly, I might add and insist—to do something about a situation that needs attention.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

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

STAR TRIBUNE,
Minneapolis-St. Paul, MN, June 21, 1994.

Chairman JANE ALEXANDER,
Office of the Chairman, National Endowment for the Arts, The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicate, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are taxpayers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in that context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE,
Art Critic/Art News Reporter.

Mr. BYRD. Mr. President, I will take a minute.

Might I ask the Senators if we could agree to, say, 10 minutes remaining on this amendment, and go to another amendment? The vote on this amendment will not occur until after the vote on the amendment which was previously ordered, and that will occur at 3:30. Then there will be a vote on or in relation to this amendment.

Could we close debate on this one so we can get on with another amendment?

Mr. WELLSTONE. Mr. President, I say to the Senator that I probably only need 2 minutes to respond. I am not even here so much to debate the amendment. I want to talk about what happened in Minnesota.

I will be pleased to have just 2 minutes.

Mr. HELMS. Mr. President, I do not intend to say anything further. The amendment speaks for itself.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that further debate on this amendment not exceed 5 minutes and that when the Senator from Minnesota completes his statement, the Senator from Vermont [Mr. JEFFORDS] be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Senator from West Virginia.

Mr. President, just for the record, I actually will have the article that the Senator from North Carolina referred to in the Star Tribune, and I will need to look at it to get the full context. But my understanding of that article, one more time, is that this was an interview with somebody from the Department of Public Health who speculated that had they known in advance of this performance, they might have advised the Walker not to go forward, or this particular person might not have.

Again, one more time, for the Record, I refer to the letter I have already included in the RECORD. The Walker Art Center took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker Center and the Minnesota AIDS project. And what I have here in my document is that the Minnesota Department of Health—I do not think this individual in the story was speaking for the whole Department of Health—concurred that appropriate precautions were taken.

Mr. President, one more time, I am not even arguing the merit of this particular performance. I wanted to make it crystal clear that this performance is a part of a much larger program that the Walker offers, and I wanted to talk about the importance of the Walker Art Center and the importance of the arts to the community, and I wanted to talk about the unique importance of the arts to young people. I wanted to make sure that in responding to a performance that many may not like, many may find repulsive—and each and every Senator can have their own view—that we do not slash budgets and go overboard and undercut the importance of the arts.

I want to be clear about what the RECORD shows in regard to what happened in Minnesota. I ask unanimous consent that the Star Tribune article be printed in the RECORD.

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

[From the Minneapolis Star Tribune, July 25, 1994]

WALKER SURVIVES DISPUTE, REMAINS ON NEA GRANT LIST

(By Mary Abbe)

The National Endowment for the Arts today announced $31.5 million in grants to organizations nationwide—with $80,000 going to Walker Art Center out of Minnesota's take of nearly $1.5 million.

The federal agency made clear in its announcement that the grants were intended, in part, to remind the public—and especially Congress—that the vast majority of its activities are not controversial. Agency Chairwoman Jane Alexander said that grants for arts education, public television, community museums, theaters and "underserved" rural and urban areas represented the NEA's real work. They are the kind of grants that "don't make headlines and are all-too-often overlooked in the debate over federal funding of the arts," she said in a statement.

Minnesota organizations received $1,476,300 in awards, including $475,000 in two grants to Twin Cities Public Television, $250,000 to the Guthrie Theater Foundation and $122,900 to Arts Midwest, a regional agency. The Minnesota State Arts Board received $80,200 and the Walker Art Center's film and video department got two grants totaling $80,000.

The NEA has been struggling since March to quell a national furor that erupted after the Walker used $150 of NEA money for a body-piercing and bondage event in which Los Angeles performer Ron Athey made 12 incisions into the scarred back of a colleague and suspended blood-stained paper towels over the audience on clotheslines.

The event became fodder for radio talk shows and the subject of newspaper editorials and articles across the country. A Boston Globe columnist said it was an "abomination" and called for the NEA to be shut down. The Los Angeles Times, however, dismissed it as a "minor scandal" that should not imperil the NEA's existence. Last week, Newsweek described Alexander as "clearly shaken by the agency's fragility in the face of the Athey tempest."

Alexander and the Walker have defended the performance, but Congress hasn't been mollified. In June, the House voted a 2 percent cut in the NEA's proposed $170.2 million budget. This week, the Senate is expected to vote on a proposed 5 percent cut targeted at specific programs that previously have caused trouble for the agency.

The Walker incident took a twist last week when the Minnesota Health Department said it would not have sanctioned the Athey performance if it had been notified that the public would be exposed to blood-stained towels. When the Star Tribune first reported the event in March, health officials said it did not appear that audience members were endangered. The Health Department's assessment was cited by NEA defenders during the June debate in the House. Alexander also has written to Sen. Robert Byrd, D-W.Va., who chairs the appropriations committee that proposed the 5 percent budget cut, insisting that the Walker had followed proper health and safety precautions.

In the Twin Cities Reader last week, however, Buddy Ferguson, public information officer for the Health Department, said, "had we been called in prior to the performance and evaluated the methods and procedures [for handling blood], we would not have been in a position to endorse the performance."

"The bottom line is that you did have towels with blood on them," Ferguson told the Reader. "And applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome."

The NEA apparently hopes that today's grant announcements will distract Congress' attention from such details.

Other Minnesota organizations and individuals getting NEA money include: Minnesota Public Radio ($30,000), Jerome Foundation ($45,000), the Minnesota Orchestral Association ($46,000), Theatre de la Jeune Lune ($47,500), Children's Theater Company and School ($45,000), Mixed Blood Theatre Company ($50,000), filmmaker Garret C. Williams ($35,000) and the Loft ($36,500).

Grants ranging between $5,000 and $20,000 also went to: Minnesota Composers Forum, Penumbra Theatre Company, Illusion Theater and School, Jungle Theater, Playwrights' Center, Cricket Theatre Corp., Heart of the Beast Theatre, Adaptions (theater), Red Eye Collaboration, American Public Radio, Intermedia Arts of Minnesota, the St. Francis Music Center in Little Falls and Angela L. Bies of Morris.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to modify the chairman's request, I ask unanimous consent to speak on this amendment for 3 minutes.

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

Mr. NICKLES. Mr. President, I rise in support of my colleague's amendment. I echo some of the concerns he has about some of the misinterpretations of the reading of the amendment. I have read it two or three times, and I think it is pretty plain.

I think the Senator from North Carolina is basically saying he wants to stop the type of art that he has exhibited on the floor, that has been referred to, and that has been very offensive. We are not talking about historic art or battlefields; we are talking about people mutilating their bodies and calling that art. I might include in the RECORD a copy of the letter that was written by the reporter from the Minneapolis newspaper, the Star Tribune, a letter dated June 21, 1994. It is written to Chairman Jane Alexander and also copied to Senator BYRD and myself. I will read three of the last paragraphs.

The organization's good works—

Talking about the NEA—

however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, the Walker Art Center, and this newspaper, are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human bloodletting and mutilation—or "ritual scarification" and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

I ask unanimous consent that the entire letter be printed in the RECORD.

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

STAR TRIBUNE,
Minneapolis-St. Paul, June 21, 1994.

Chairman JANE ALEXANDER,
Office of the Chairman, National Endowment for the Arts,
The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicated, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are tax payers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in the context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE,
Art Critic/Art News Reporter.

Mr. INOUYE. Mr. President, I rise in defense of the National Endowment for the Arts and its chairperson, Jane Alexander.

Though I feel that some discretion must be used in the grant awards process, I do not support the funding cuts for the NEA as reported out of the Committee on Appropriations. The performance to which many have objected, by performance artist Ron Athey at the Walker Art Center in Minneapolis, MN, was not directly funded by the NEA. Only $150 of NEA money awarded to the center before Ms. Alexander was confirmed as NEA chair was used for the performance in question.

Further, the NEA, under the leadership of Chairperson Alexander, is in the process of reforming its procedures so that institutions and individuals receiving grants are held accountable for the appropriate use of NEA funds. It is just not responsible governance to cut the NEA's funding at a time when it is already acting to respond to the concerns of those who question the artistic merits of some grant recipients.

Federal investment in the arts through the auspices of the NEA is invaluable to our Nation. A national institution such as the NEA is critical to encourage artistic development. I have always believed that every penny spent on the arts enriches our lives immeasurably.

Mr. President, I have every confidence in Chairperson Alexander's ability to lead the NEA in fostering and promoting artistic and cultural excellence. Let us not undercut her efforts. Let us instead allow her the latitude she needs in order to carry out her mission.

Ms. MOSELEY-BRAUN. Mr. President, art, its performance and appreciation, can change a life. It certainly can make your day. There is nothing like going to the museum or a concert. All of your worries melt right away. The music immediately calms you down. Walking through a room filled with beautiful paintings soothes your soul. And a theater performance takes you to another world.

Art is the emancipator of the spirit. It is the way that we propagate our culture from generation to generation. It reflects the development of our civilization, while anchoring us in the beauty and wisdom of the past. It is as essential to our well being as a people as it is to our personal enjoyment. It educates; it expands our horizons; it enhances us as individuals and as a community.

Here in Washington, we can walk right over to the Smithsonian and the Kennedy Center, and have access to world class exhibitions, the best American art in the country, and musicians from all over the world. Many other major metropolitan areas also attract the best names and exhibitions, giving their residents access to the world's artistic treasures.

But not everybody lives in a big city, Mr. President. And because of the National Endowment for the Arts, Americans do not have to live in big cities to have access to art, because the NEA

brings art and artists to small communities. It brings performances to places not on the international circuit. And these performances and exhibitions touch people who would otherwise often have no access.

The NEA brings art to children through countless program in schools across Illinois, at a time when school budgets are cutting art programs to save money. It brings art to disadvantaged communities—to people who live in Chicago, one of the centers of art in the United States, but who have never set foot in the great art institutions on Michigan Avenue.

I want to take a few minutes to tell you about how the NEA contributes to countless communities in Illinois.

The NEA grants money to the Quad City Arts, for example, for their visiting artist series. The Quad Cities is made up of four cities that straddle the Mississippi River in northern Illinois—two in Iowa and two in Illinois. The total population is about 400,000 people. It's a 3-hour drive from Chicago.

The visiting artist series brings nationally known artists to perform in the schools, hospitals, factories, malls, prisons, and mental health centers of the Quad Cities. They perform free public concerts, which draw 500 to 700 people each. One mother told the Quad City Arts how the visiting artist series had affected her son. A musician had performed in his school class using computers. Her son never knew that computers could make music. It was a turning point for him, and his grades have improved and his interest in school has increased.

Kids who saw artists perform at school ask their parents to take them to the free public concerts. Their parents are then also exposed to the performances. Most of these people don't often have the chance to drive the 3 hours to Chicago to go to a museum or a concert. But because of the NEA, they don't have to. Quad City Arts brings it to them.

Quad City Arts funded a mural project at a shelter for children who have been pulled out of their families due to abuse or other problems. There was a big common room at the shelter that was never used because the young people did not feel comfortable there. Quad City Arts came in with paints and brushes and the youngsters and staff started painting a mural in the common room. They made the room their own—at a time in their lives when they had just lost their home, their family, and their self-confidence. Now the kids are painting every room in the shelter, and when they've painted every room, they'll paint over the existing murals and start again. These youngsters are proud again. They have found a voice to express their hurt and frustration. And they feel at home.

Why is the NEA money so important? The Quad City Arts uses it to raise private money through matching grants. The NEA lends credibility to art institutions when they ask private foundations and corporations for funding. The NEA dollars multiply money for the arts exponentially.

I also want to talk about the Krannert Center in Urbana, in east-central Illinois. The Krannert Center is affiliated with the College of Fine and Applied Arts at the University of Illinois. Urbana is 2½ hours south of Chicago, 2 hours west of the Indianapolis, and 3 hours northeast of St. Louis. Communities around Urbana average 3,300 people. Every one in the region is underserved by virtue of the size of the communities and their location within the State. The Krannert Center provides access.

The NEA helps fund the Sunday salon series, which presents emerging artists and ensembles, who are national and international competition winners. The audience is given the opportunity to meet the artists, discuss the building of their careers, their experiences as musicians, and their performance. The series brings together the humanness of the artists, and the realness of the patrons on a very immediate level.

The Krannert's youth series is its most successful outreach program. Over 20,000 students—grades pre-K through 12—attend daytime performances of theater, modern dance, ethnic music and dance, puppetry, mask/mime, and classical music. The center also provides curriculum materials allowing teachers to integrate the performance into their lessons.

The popularity of this program led the center to establish the Krannert Caravan. It takes artists into area schools for 1 to 5 weeks, allowing even the smallest schools with the smallest resources the opportunity to experience the performing arts. The Krannert Caravan serves an additional 6,500 students in schools within 45 miles of Champaign-Urbana.

And finally, I'd like to talk about a program of the Old Town School of Folk Music in Chicago. With NEA's help, they sponsored the Festival of Lain Music at Orchestra Hall. The program brought people of all races and communities together to appreciate each others cultures. For the vast majority in attendance, it was the first time they had ever been in Orchestra Hall.

Mr. President, I mention this program because it is an example of art bringing people together and breaking down barriers. Chicagoans who might never wander into a Latino neighborhood were introduced to Latino culture and mingle with city residents they might not otherwise approach.

Mr. President, the rich will always have access to art. They can get on a plane to Rome and see Michelangelo's Sistine Chapel. The not-so-rich in big cities will also always have access to art. Private donations and ticket sales maintain fine art museums, orchestras, and theaters in major metropolitan areas all over the country. But the NEA reaches further. It gives small rural communities access; it gives children access; it gives disadvantaged communities access. It introduces immigrants to the arts of all of the cultures that make up this country, and makes them feel at home at a cultural event of their native land. Art brings people together across cultures, races, and politics. It fosters communication and understanding between communities. In short, the NEA is an example of a Government agency making an important difference in the lives of people. I support it, its leadership, and all of its good work.

Mr. BINGAMAN. Mr. President, I rise today to address the issue of funding for the National Endowment for the Arts. In the past several weeks, there has been a great deal of discussion about that funding, and the uses of that funding. Once again, this debate has focused on the very small percentage of funded projects that are objectionable to many of us here in Congress. However, in this debate, I believe that it is equally important to discuss the vast majority of projects funded by the NEA that are an overwhelming success. I therefore would like to spend a few minutes discussing a few of the many successful NEA efforts in my home State of New Mexico in the last few years.

One of the most successful efforts receiving funding in New Mexico is the Center for Contemporary Arts [CCA] in Santa Fe. Important activities funded by the NEA through CCA include the operation of the teen project in Santa Fe, the only arts facility initiated by an art museum and totally devoted to teens in the country. The teen project provides a safe environment for teens from all backgrounds to explore any or all forms of art. CCA also runs a variety of other programs, including the Deep West Program. This program, which receives both Lila Wallace-Readers Digest fund and NEA presenting and commissioning support, allows an average of five companies a year to establish residency projects in various Deep West sites, which include rural communities as well as Indian pueblos. The NEA funding has been instrumental in that it has enabled CCA to leverage private money for this project at a 6-to-1 ratio.

In addition to these activities, CCA also sponsors a variety visual arts exhibitions and lectures. For example, CCA sponsored Richard Long's "New Mexico and Colorado, 1993" exhibit, which included art highlighting his walking tour along the Rio Grande, as well as a lecture by Leo Castelli on the art of Roy Lichtenstein. Many of the projects sponsored by CCA bring to the

community prominent Hispanic American, South American, and native American artists. These projects are especially important in a community like Santa Fe, where people of diverse cultural backgrounds strive to live harmoniously in one community. In 1993, CCA received $80,000 in NEA visual arts and presenting and commissioning funding, which supported the full spectrum of CCA's activities.

Another organization receiving NEA funding for 1993 was the Western States Arts Federation, or WESTAF. WESTAF serves a total of 13 States in the West, including New Mexico. In New Mexico, NEA presenting and commissioning funding helped bring a variety of tours to our schools, many of which have had to scale back their own arts education activities. For instance, WESTAF teamed with the New Mexico Very Special Arts Program to fund a Dance on Tour Program in New Mexico. In places like Roswell, NM, elementary students were given a chance to explore dance as a forum of communication and art. Without programs like this, many students would have very limited access to art. Mr. President, it exactly this sort of programming that is jeopardized by the targeted cuts to NEA funding proposed in the committee-reported bill. WESTAF, for example, received $190,000 in presenting and commissioning grants to support programs like this one throughout the West in fiscal year 1993.

Mr. President, I chose to talk about these projects today not only because they represent a variety of excellent projects and individuals funded by the NEA. I also chose to discuss them because each of these grants would have been jeopardized by the targeted cuts proposed in the committee-reported Interior appropriations bill before us or by efforts to end individual grants.

In New Mexico, the targeted cuts would have been devastating. In all likelihood, some of the projects I just mentioned would not have been funded. It is impossible to tell. At best, however, if we assume that each of these projects's funding had been cut at the same level as the NEA program funding them, funding in New Mexico would have dropped by $159,325 dollars. In a State where our total NEA State formula funding was only $472,000, these cuts would have been disastrous.

I should mention, Mr. President, that although our NEA State formula grant is rather small, the New Mexico Arts Division works wonders with it. Grants from the National Endowment to the Arts Division have helped provide significant support for arts organizations, culturally diverse arts projects, and folk arts programs. The arts division has also funded local arts councils, rural and culturally underserved areas, folk arts apprenticeships, and training for presenters of dance companies in rural communities throughout New Mexico.

As I have said in the past, New Mexico is a State known for its arts. Without the NEA, however, art would not be accessible to many New Mexicans. Many would therefore not have access to the ideas communicated by art, to the education and community building facilitated by art, or to the simple pleasures derived from attending a dance performance, hearing a chamber orchestra, or viewing an art exhibit. In many ways, the true value of a society is judged by the diversity and quality of its art. I urge that we not turn our backs on our responsibility to ensure that art continues to flourish in our Nation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

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

AMENDMENT NO. 2397

(Purpose: To restore funding to the National Endowment for the Arts)

Mr. JEFFORDS. 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 Vermont [Mr. JEFFORDS], for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. DODD, proposes an amendment numbered 2397.

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

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

The amendment is as follows:

On page 81, line 7, strike "133,903,000" and insert "140,950,000".

On page 81, line 16, strike "27,693,000" and insert "29,150,000".

On page 81, line 18, strike "12,113,000" and insert "12,750,000".

On page 89, between lines 13 and 14, insert the following new section:

SEC. 312. Each amount appropriated under this Act is reduced by the uniform percentage necessary to offset the total appropriations under this Act by $8,505,000.

Mr. JEFFORDS. Mr. President, I am going to raise the issue with this amendment of exactly what is in the bill, No. 1, of which I have deep concern. However, I also am hopeful that the House version will eventually prevail. Second, it is related to the whole concept of problems that we are dealing with in those situations, as referred to by the Senator from North Carolina, that we have had and have with the Endowment over the years.

First of all, my amendment would, instead of the cuts of 40 percent to specific very important parts of the bill, it would restore funding to the NEA, and specifically to those programs which the bill cuts—those probably that are most important to the States—having to do with challenge grants and grants for theaters, for example. Cutting these programs grieves me deeply. In fact, programs in the NEA are the best programs we have for our schools and elsewhere.

I also want to relate it to the amendment by the Senator from North Carolina, because I think the misunderstanding of what has happened at the Endowment, and how you can come up with such situations as referred to by the Senator from North Carolina, make it important that we understand what we are dealing with. We have had these concerns over and over again, year after year.

I want to first put in perspective what we are talking about in terms of the years of the Endowment, many, many years now, 30 years or so. There have only been 10 instances out of 100,000 such grants where any question has been raised about the kind of problems that have been referred to by the Senator from North Carolina. That is less than about one-one-hundredth of 1 percent.

Take into consideration the tremendous good that has occurred because of the NEA and realize that it has such an excellent record. In fact, it is a record which is getting better all the time. That is No. 1.

Now, second, I want to go into this again—I am sure this has been done prior to my speaking today—about the particular instance with which we are involved here.

One way we always get the headlines is for someone to do something which raises the attention of the public by things which may be very disturbing and in some cases, disgusting to the general public. We then find there is this incredible imagination by some who attempt to attribute it to the National Endowment for the Arts.

Let me refer you to last year when the Senator from North Carolina was raising questions about art. When all was said and done, the particular photographs in that case to which he was referring, were not produced with an Endowment grant. Rather, the artist who created those photographs was a previous recipient of an NEA grant, and probably would be again.

So the stretch by the Senator from North Carolina was to say that those who were reviewing new grant applications should have known that the artist took those photographs and, therefore, should be denied a grant because he did something, not with NEA money, but he did something which some would consider offensive. Therefore, they should not give him another grant because he might somehow again do something considered offensive.

If one takes that particular approach to things, one can imagine that any time anybody did anything out of the ordinary in their life, they would not be allowed to get an Endowment grant.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. METZENBAUM. Mr. President, I strongly support this amendment to restore the funds for the National Endowment for the Arts which were cut by the Appropriations Committee.

The bill as reported by the committee would cut the endowment by 5 percent. This would reduce the NEA's budget to $161.6 million—a lower funding level than the agency received a decade ago in 1984.

Moreover, the cuts are focused on four endowment programs, apparently on the grounds that these programs have been the sources of so-called controversial grants.

One of these is the endowment's Theater Program—which would be cut by a whopping 42 percent. In other words, nearly half of all theater grants will have to be eliminated next year.

In my own State, grants to the Ensemble Theater of Cincinnati, the Great Lakes Theater Festival, the Cincinnati Playhouse, the Mad River Theater Works, the Cleveland Playhouse, and other fine theaters throughout Ohio would all be jeopardized if these cuts go through.

Theaters in virtually every State will lose out, including community theaters in rural areas and in inner cities.

The bill would also drastically cut the Endowment's Visual Arts Program by almost 42 percent. How are we going to have a National Endowment for the Arts without a theater or a visual arts program?

The visual arts program provides vital support to museums and cultural institutions, artists, community art projects, and education programs across the Nation.

In my own State the program has recently provided funds for a number of fine institutions, as well as for a very interesting program featuring Ohio designer craftsmen.

The presenting and commissioning program would also be slated for a huge cut of over 40 percent. In Ohio, this will mean less support for some wonderful tours and festivals. Endowment presenting and commissioning funds have recently funded, for example, performances by the National Theater of the Deaf, as well as an Ohio tour by the Ballet Hispanico.

Mr. President, the Senate unanimously confirmed Jane Alexander 9 months ago. Since that time she has held town meetings in more than 30 States. She is talking to the people. She is finding out what kind of art people want. She is committed to bringing only the best art to the most people.

Yet here she is 9 months later, facing attacks on her agency and a budget cut of $8.5 million. And all this is apparently in respoonse to a performance that cost $150—and was not even approved on her watch.

Jane Alexander did not approve that grant to the Walker Art Center, Mr. President. It was approved by the former administration.

I have read Ms. Alexander's response to concerns raised about the Walker performance. I believe she is trying to be honest and responsive.

What is clear is that she is making every effort to make the Endowment accoutable to the taxpayers. She has taken steps to tighten up reporting requirements by grant recipients. She has prohibited grantees from changing projects without advance approval from the Endowment.

She is doing a good job. She has been there only 9 months. I believe she deserves a chance to move her program forward.

Mr. President, unfortunately what's happening to Ms. Alexander is what seems to happen every year around appropriations time. Opponents of Federal funding for the arts find some controversial grant which they can use to beat up on the Endowment and further their own political ends. It's a cheap, cynical hit.

It's just not right that one controversial grant should be allowed to overshadow the enormous contributions which the endowment makes to the cultural life of our Nation—bringing theater, dance, symphonies, public television shows and great works of art to millions of Americans in their own communities.

And let there be no misunderstanding. This budget cut will be devastating. It is going to hit every State in the country. Theaters, symphonies, dance companies, education programs, concert halls and museums in every State are going to be hurt.

Mr. President, an excellent article by Harry Belafonte which recently appeared in the Washington Post points out exactly what will be lost if we impose these severe cuts on the Endowment. I ask unanimous consent that the article entitled "Don't Cut the Arts Fund" appear in the RECORD at the conclusion of my remarks.

From his perspective as a renowned American artist, Mr. Belafonte talks movingly about how Government help opened a whole new world for him and many others and the ways in which the arts can help bridge the differences among poeple and provide positive outlets for our young people. He says, "for 29 years the national Endowment for the Arts has helped young generations of American citizens find and nurture their creative muses. Can we as a Nation turn the clock back?"

I believe the answer to his question must be a resounding "No." I urge my colleagues to support this amendment.•

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

[From the Washington Post, July 15, 1994]

DON'T CUT THE ARTS FUND—GOVERNMENT HELP OPENED A NEW WORLD FOR ME—AND MANY OTHERS.

(By Harry Belafonte)

Many of our distinguished elected representatives are perilously close to being hijacked by a point of view that most Americans don't share: the termination of federal support for the arts. The coming Senate vote on appropriations for the National Endowment for the Arts can already be viewed as a clear victory for those who have never wanted the federal government involved in supporting art and culture. They have succeeded in reducing the issue of NEA appropriations to a debate on single issue: Should the federal government support only "decent" art?

The Senate Appropriations Committee, headed by Robert C. Byrd, has allowed the enemies of the NEA to trot out their most recent example of art that strains or offends mainstream sensibilities and to use the minuscule financial role the NEA played in its presentation as a litmus test for support of the entire agency. The committee voted to cut the arts endowment's budget by $8.5 million, a 5 percent reduction, because some members objected to a performance that occurred at the Walker Art Center in Minneapolis, which the NEA indirectly supported with $150.

That performer and his performance are not the issue here. The issue is that responsible and level-headed elected officials have swallowed the hook baited by Sen. Jesse Helms, which seeks to create controversy from the work of a few contemporary artists while ignoring the enormous public benefits the agency creates and stimulates. Lost in the scramble for this righteous political high ground is the fact that cultural organizations—both large and small, and in every region of the country—have benefited from the support provided by the arts endowment.

It is a recognized fact that groups affiliated with Sen. Helms, which oppose federal support of the arts, conduct active research on any and all NEA-supported projects that might be elevated to the status of the "controversy of the month." They often distort the content or context of the performance or art work and use each "incident" effectively in direct-mail fund-raising efforts for their organizations. This well-organized campaign has succeeded in drawing the media's attention to the periodic controversies. The net result is that the positive NEA work has been eclipsed by the controversies.

As one who has performed across the land, I can tell you that our country and our youth need more of what the arts have to offer. When performers like Anna Deavere Smith created great theater works out of the racial acrimony she found in Williamsburg, Brooklyn and Los Angeles, the endowment was there lending financial support. Smith's performances have helped communities that are racially polarized bridge some of their differences.

This is one of the great attributes of the arts—the ability to transcend boundaries and reduce differences. Few people in this country knew anything about the Caribbean until they started singing "The Banana Boat Song." As an artist, I put America in touch with its neighbor, and I put people in the Caribbean in touch with America, and in doing this helped to stimulate an exchange that was beneficial to both.

When I see thousands of young people participating in NEA-supported dance, theater and arts workshops around the country, I know that they are being given tools that help them resist the violence and drug scourge that permeates many of their communities. My principal frustration is in recognizing that as a society, we are not reaching enough of our youth with these positive programs.

In the 1950s, after being exposed to the work of the American Negro Theater in Harlem, I decided to pursue a life in the theater.

Because I was a veteran, I had rights to the GI Bill. It meant that the federal government would pay for this luxury of going to a school of drama to do this thing that had opened my heart and opened my mind.

I went to the New School of Social Research, and in that class I looked upon the faces of a number of young men and women, most of whom were being supported by the government because they were returning veterans. In my class were Marlon Brando and Rod Steiger, Walter Matthau, Bea Arthur and Tony Curtis. And the head of the school took this (then) boy who was struggling with an ability to read, trying to overcome dyslexia, having an enormous appetite to know more, and exposed him to Jean Paul Sartre, to Shakespeare and to Tennessee Williams, Steinbeck and Langston Hughes.

By the end of my course of study, I had come to know that there was nothing more inspiring than art, nothing more moving than words, nothing more powerful than an individual who is in the service of all of that. For 29 years the National Endowment for the Arts has helped younger generations of American citizens find and nurture their creative muses. Can we as a nation turn the clock back?

Mr. JEFFORDS. Mr. President, today we are considering funding for the National Endowment for the Arts [NEA], a modest agency by budgetary standards, but large in terms of its effect on the lives of Americans. The NEA was created in 1965, as a result of the efforts and vision of my colleague from Rhode Island, Senator PELL. Since that time, the NEA has provided in the neighborhood of 100,000 grants to artists, theaters, dance companies, and State and local arts agencies. The contributions of the arts have reached into every corner of this Nation, from the most destitute inner city, to the most remote rural area.

Despite the wonderful work of the NEA, every year the agency comes under attack from certain segments of our society, who focus on one or two objectionable grants. The NEA brings art and culture to parts of our Nation that, without Federal support, would otherwise do without. In my mind, this is one of the most important missions of the NEA. The arts are not a frill, they are a fundamental part of our society.

The controversy that surrounds these few grants always spills onto the floors of the Senate and House of Representatives and masks what the NEA is really about. This is an unfortunate situation because only 10 of the 100,000 grants given by the NEA have been controversial, according to the agency. That is one one-hundredth of 1 percent, Mr. President.

However, because of these controversies, the bill before us cuts the NEA's budget by 5 percent, or $8.5 million, reducing total appropriations for the program to $161.6 million. But these cuts are not across the board. They target four selected programs of the NEA: Theater, presenting and commissioning, visual arts, and challenge grants. The theater, presenting and commissioning, and visual arts would be cut by a whopping 40 percent each. Reductions of that magnitude will essentially decimate those programs. That is the effect of a 5-percent cut of the total appropriations level targeting only four programs.

Mr. President, I think these cuts are far too drastic. The NEA has suffered major funding cuts over the last few years, cuts which have severely hampered the agency's effectiveness to bring the arts to all Americans. As many of my colleagues know, I have long fought against cuts to the NEA because I strongly believe its activities have enriched America.

Today I am proposing an amendment, along with Senators PELL, DURENBERGER, METZENBAUM, and AKAKA to restore NEA funding to the President's budget request and last year's level. This means restoring the cut proposed in the chairman's mark, or about six one-hundredths of 1 percent of the total spending in this bill. To offset the restoration, every program in the bill will face an equal cut of approximately six one-hundredths of 1 percent, including the NEA.

The committee recommendation for the Interior appropriations bill before us is just over $13 billion. The share of that proposed for the NEA is $161.6 million or 1.2 percent. That is lower than the President's budget request and fiscal year 1994 appropriations. In nominal numbers, this figure is less than Congress appropriated for the NEA in fiscal year 1984. Taking inflation into account, it is even lower. Since 1992 alone, the NEA's funding has decreased by over $5 million.

I offer this amendment today as a staunch, steadfast supporter of the National Endowment for the Arts. The arts means so much to so many in this country. They are important to Americans in the same way as national parks are important to Americans. To direct a 5-percent cut to the NEA fails to recognize this.

In my mind, this is one area where I think the cuts go too far. What bothers me more than the overall 5-percent cut is the targeting or earmarking of the cuts to certain programs.

Where would the cuts hit if the current language were enacted? The Presenting and Commissioning Program, formerly called Inter-Arts, faces a 40.5-percent cut. The program helps institutions that serve multiple artistic disciplines: presenting organizations, artists' communities, and presenter service organizations. It focuses on presenting the performing arts and commissioning new work.

The Theater Program encourages the advancement of theater arts. It supports performances, assists professional theater programs in single projects and entire seasons, as well as individual artists. In the chairman's mark, theater faces a 42-percent cut.

Visual arts funds the creation of new work by artists and supports presenting these works in wide varieties of media including sculpture, painting, and crafts. It faces a 41.7-percent cut.

The Challenge Program supports, and stimulates private support, of the best quality programs aimed at advancing artistic excellence in the arts. It helps secure long term financial stabilization of arts organizations. Grants are essentially venture capital, underwriting significant projects. Challenge grants, which must be matched 3 to 1, face a 5-percent cut.

Presenting and commissioning has been a fundamental part of the support of the arts in my State. The Flynn Theater in Burlington would be the hardest hit. For fiscal year 1995, the Flynn will receive a $250,000 challenge grant out of presenting and commissioning. A 40-percent cut would devastate much of what the Flynn brings to Vermonters including extensive residencies and performances by nationally renown dance companies, a family theatre series, a nationally recognized student matinee series, and the annual Discover Jazz Festival. It uses the funds to do community outreach and participation and programs for at-risk youth. The Flynn forms model arts partnerships with schools, including schools in rural and low-income city areas like the Barnes and Wheeler schools in the old north end of Burlington. The money the Flynn Theater receives from the NEA has made a significant difference in the Burlington area; in its schools, and in its vibrant downtown—socially, culturally, and economically.

Indeed, the effects of presenting and commissioning are felt all over Vermont. Many other arts organizations in Vermont rely on small grants of $5,000 to $10,000. For example, Catamount Film and Arts in the Northeast Kingdom uses NEA money to bring the arts to those who have never been exposed to a live theater or dance performance. The Mawry Dance Co. of New Zealand, the Japan Festival, and a vibrant series of family programming have been enjoyed by the people of this most rural area of my State because of support from the NEA.

The Onion River Arts Council in Montpelier uses presenting money to bring the Ying Quartet into local schools, and the National Theater of the Deaf and various concert series to central Vermont.

The Vermont Folklife Center is using a $250,000 challenge grant to preserve and present the traditional arts of Vermont through exhibitions, radio programs, and film tours. Among the projects is one of special interest to me. A radio show titled, "Life in Vermont: The General Store" aired on National Public Radio's series, "Horizons." This program featured Pierce's General Store, just up the road from

my home in Shrewsbury. The store, a true Vermont landmark which closed earlier this year, was arguably one of the oldest country stores in my State. It was truly characteristic of life in Vermont.

These directed cuts will hurt my State. But that is not the only reason I am offering this amendment. These cuts will hurt the arts in the country as a whole. It will reduce the money that local arts agencies will have to bring nationally known performances to their communities. It will hamper their ability to leverage private support for the arts. It will hurt our Nation's schools, of which the arts should be an integral part. The dollars provided by these programs are, like all other NEA money, critical seed money which leverages substantial private support.

In that respect, the arts mean business. According to the National Association of Local Arts Agencies, nonprofit arts activities, stimulated by the NEA, have a $36.8 billion impact on our national economy, generating $3.4 billion in Federal tax revenues. It seems to me that those revenues more than pay for the $170 million we provide for the NEA.

Mr. President, when contemplating the proposed cuts, I wonder who would really bear the brunt of them. It would undoubtedly be smaller arts organizations that bring the arts to less visible places, including rural schools. This troubles me, for the arts should be a part of everyone's lives, not just those in larger cities and suburban areas.

I am also troubled by a possible reasoning for the cuts. It seems that the cuts are directed to NEA programs which have recently given out grants which have stirred controversy, one of which involved the Walker Art Center in Minneapolis which hosted a performance by an HIV-positive artist.

Granted many of us believe that the work was distasteful. However, I find it totally unbelievable that we are proposing to gut an entire program—indeed more than one—because of this performance which has grabbed headlines around the country. Should we be punishing artists, arts organizations, and millions of schoolchildren and art-loving Americans because of a performance a few did not like, or considered offensive? What kind of standard will we be setting if we slice a huge chunk out of a well-performing program because of one grant?

Mr. President, the NEA has responsibility to fulfill its statutory obligations and base funding decisions on artistic excellence and artistic merit. It is doing that. But what needs to be made known here is that the decision to host the performance at the Walker was a local one. It was a decision made by the Walker Arts Center, and not by the Arts Endowment. Above all, I strongly believe—let me reiterate—strongly believe—that it is not for us, as elected officials, to determine what is obsence or not obscene. That is to be decided in a court of law of the United States. Congress went through this whole censorship-obscenity debate a few years ago and I think we struck a reasonable compromise then. Why must we revisit this same issue year in and year out? To satisfy a small political constituency?

Mr. President, I think the NEA is adequately responding to criticisms it has received in recent times. In her first year on the job, Jane Alexander has instituted many changes in process and procedure with regard to grants. According to the Agency, grantee reporting requirements have been changed. New procedures exist for consideration of project changes. The advisory panel process is being reviewed. Changes are being made in the leadership of the various programs. The Agency's program structure and operation are under review. In other words, Mr. President, Jane Alexander is making grantees more accountable for their work and more often. This, in turn, is making the Agency more accountable to the American people. I do not think many envy the difficult job she has, but I think she is doing a fantastic job as chairman, working to promote the Agency, and bring the best art to the most people.

We should allow her to do her job. We should resist attempts to change the operating structure of the Agency. We should not be suggesting content restrictions, limiting grants to individuals, or drastically altering program funding allocations. Many of these efforts are being promoted by a small, politically active segment of our population.

Despite what its critics say, the NEA has been an important force in the cultural life of America. The American people support it, and Congress has repeatedly echoed that support.

That is why it bothers me to see the Agency come under attack. The critics select an NEA grant they find objectionable, or a performance supported with NEA moneys decided on the local level, or even some work performed by an artist who may have previously been a grant recipient. In fact, they often choose things that were not even funded by the NEA. The critics barrage the press and Capitol Hill with information whose truth is questionable. The grant or performance becomes the center of their annual fundraising campaign to undermine the NEA and the work it does. Then every kind of argument is made about obscenity, family values, Federal subsidies to the wealthy, or handouts to artists. Mr. President, this is the farthest from the truth.

I do admit that there are things funded by the NEA which I do not like. But it is not my job, nor that of any Member of the Senate, to approve of everything the NEA funds, nor to oversee every decision made at the local level. The NEA has funding guidelines and procedures, which Jane Alexander is sticking to and improving. We are not here to be the Agency's big brother, art critic, judge, or supreme panel. Regretfully, that seems to be what the annual appropriations process is becoming.

This year is no different. The NEA is facing targeted cuts in programs which have funded objectionable art in past years. It is a shame that the U.S. Senate is prepared to pass judgement on an entire NEA program because of maybe one or two grants out of that program. Are we so blind as to not see what the NEA is really about?

Mr. President, I realize that many of my colleagues may have concerns about my amendment for one reason or another. Nevertheless, I am offering it because I believe in the work of the NEA, that it is valuable, meritorious, and worthy of Federal support. If only the arts touched more Americans, maybe our country would be a better place with less crime, fewer drugs, and more self-esteem. As founder and vice-chair of the congressional arts caucus, I see the effects the arts have on children around the country with our annual art competition. Those children strengthen my believe in the arts, and the work of the NEA. I urge my colleagues to reject further cuts to the NEA, and support my amendment.

Mr. AKAKA. Mr. President, I rise today in support of the National Endowment for the Arts [NEA]. Founded in 1965, NEA has greatly contributed to the cultivation and restoration of our Nation's cultural treasures. For nearly three decades, NEA has successfully created greater access to the arts for millions of Americans, enriched the lives of our young people, stimulated private contributions to the arts, and preserved our treasured cultural traditions. This tiny agency has had a profound impact on the quality of cultural and arts activities in America.

The Endowment has awarded over 100,000 grants—grants that have led to a virtual cultural renaissance in America. Thanks to NEA support, the arts have grown beyond the major metropolitan hubs into rural towns and communities throughout our Nation. As a result, not only can such arts groups as the Hawaii Opera Theater and the Honolulu Academy of Arts thrive in small States like Hawaii, but arts organizations are also provided with resources to tour less populated areas.

Since the Endowment's creation, the number of symphony orchestras has doubled, the number of opera and dance companies has grown exponentially, and where there were only five State arts agencies 29 years ago, today every State has one. The Endowment has brought the arts closer to our citizens, making the best of our culture available to more and more Americans. The

Federal-State government funding partnership has supported arts events that were attended by over 335 million people over the past 5 years.

Endowment grants also help bring the arts into the lives of our young people. The NEA supports after-school arts programming for at-risk youth, providing them with creative outlets for self-expression. It assists professional groups, such as the Honolulu Theater for Youth, and funds model K to 12 curricula with the goal of integrating the arts in schools in every State in America. Working through State arts agencies, the Endowment helps provide arts education to close to 20 million students each year.

Because of its matching requirements—that each Federal dollar to an organization be matched with at least one non-Federal dollar—grants from the National Endowment for the Arts have had an impact far beyond their face value. This modest support from the Federal Government helps symphonies, museums, and theaters leverage private support many times more than the required match. In 1992, for example, Endowment grants totaling $123 million helped leverage private funding for arts activities worth some $1.37 billion. How many other Federal agencies can give us that kind of return on the Federal dollar?

Mr. President, the arts help define us as a nation, and NEA has been absolutely vital in helping to preserve our diverse cultural traditions. In Hawaii, the NEA supports the Waianae Coast Culture and Arts Society, whose workshops in traditional crafts, dance, and music perpetuate many of the ethnic cultures and art forms of our multicultural community. Over the years, the Endowment has also awarded several of its prestigious National Heritage Fellowships to Hawaii artists—hula masters, lei makers, and singers among them—those who preserve and pass on our unique cultural legacy.

Mr. President, of all of our Nation's greatest natural resources, none is more impressive and bountiful than the creativity and imagination of our people. The National Endowment for the Arts has helped to tap this creativity. It has made our Nation a leader in the realm of ideas and of the spirit. It is an agency that has made America a richer and better place for people. It deserves our support.

Mr. JEFFORDS. At this point, Mr. President, I will yield to the Senator from Connecticut for the purposes of making his statement. I know he has another engagement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me thank my colleague from Vermont. I am due in a conference on the Banking Committee. So I apologize for interrupting his comments.

Mr. President, let me begin by stating the obvious to my colleagues. That is, the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, does not only understand the arts, but I believe he may be appropriately called one of the only artists in this body. As someone who has contributed significantly to the history of this institution in his volumes on the history of the Senate, with his ability to recite voluminous poems, a great student of history and, I would say, an accomplished fiddler, I would really categorize him as a performing artist. In fact, his works have been recorded.

So, there is an important note to be made here that the chairman of the Appropriations Committee has a longstanding personal involvement in the arts, not just as a member of the audience so to speak, but as one who has performed and participated and who has a deep appreciation for the values that art provides this Nation.

I have often felt that the art of a generation is like the signature of a generation. Historians, when they look at times past, very frequently look to the art of a particular time as a way of trying to determine the personality of a generation. Very often the music, the painting, or the poetry of the period will tell you more about a people than a series of events.

So art is about more than just providing a contemporaneous sense of satisfaction and enjoyment to its audience but it also provides a valuable historical lesson for future generations—who we were as a people, what we believed in, what we felt, how we expressed our emotions, and what we enjoyed.

The distinguished Senator from West Virginia is someone who is certainly, in my view, considered probably the finest historian, certainly in this century, to ever serve in this body. I am proud to be a Member of the U.S. Senate at a time when Robert BYRD of West Virginia is also a Member. And I know he shares my recognition of the importance of the arts.

So my remarks about the NEA today merely reflect a general concern about the importance of art while simultaneously trying to put it into a context of what it means not just in a cultural sense but an economic sense as well.

Mr. President, I support the amendment of the Senator from Vermont, and I hope that at some later point some accommodation may be reached in all of this. But I want to share some thoughts on the importance of the National Endowment and the programs it sponsors in our country. Perhaps if we were all more aware of the tremendous depth and breath of the National Endowment, we might arrive at different conclusions about the Endowment's activities.

The Interior appropriations bill before us today would target three specific NEA programs for substantial reductions: The theater, visual arts, and presenting and commissioning programs. Each of these three programs would experience a de facto cut of something in the neighborhood of 40 percent. I would argue, Mr. President, that such a level of cuts would be devastating. It would decimate the NEA budget in these vital areas.

I ask my colleagues to look at these programs, and examine their complete record, and not just a few well-publicized—and rightfully so—controversies, before supporting cuts of this magnitude.

Let us look, if we could, at the record for a moment. The NEA theater, visual arts, and presenting and commissioning programs support cultural institutions across this great country, such as theaters, museums, dance companies, jazz ensembles and chamber music groups. With the support of the NEA, grantees run local children's arts education programs, neighborhood arts centers, at-risk youth programs and cultural festivals.

A few specific examples, if I can.

The Children's Theatre Company in Minneapolis, which tours to audiences of schoolchildren throughout the Midwest; the Arkansas Repertory Theatre, which tours the rural South; New York's Shakespeare Festival, which include Shakespeare in the Park, free Shakespeare for thousands of people in that city; Seattle's International Children's Festival; Sun City, Arizona's Chamber Music Society, which performs for the elderly and in schools; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 people; Detroit's Focus's Billboard Program, which has developed antidrug messages near schools.

In my home State of Connecticut, NEA grants from these programs support many high-quality artistic institutions, such as the Longwharf Theater, the Goodspeed Opera House, the National Theater for the Deaf, the Hartford Stage, the Eugene O'Neill Memorial Theater, and Real Art Ways.

In fact, Mr. President, we are deeply proud that in my small State of Connecticut there are more theaters than in any other State in the United States and that accomplishment is due in no small part to the support of the NEA.

Let me assure my colleagues that these Connecticut institutions are not hotbeds of controversy. Their work is profoundly impressive and popularly acclaimed.

For 30 years the Eugene O'Neill Theater has presented only the highest quality theater to audiences. I might point out that, just this past weekend, the Eugene O'Neill Theater celebrated 30 years of effort in Waterford, CT. We were pleased to have with us on Saturday Jane Alexander present for those ceremonies.

The National Theater for the Deaf, which I know many of my colleagues

are familiar with, has delighted audiences, young and old, with its marvelous work in English and American sign language. They performed in every State in the United States and dozens and dozens of foreign countries all across the globe. Some of my colleagues enjoyed, by the way, a performance of the National Theater in the U.S. Senate only a few weeks ago. Some 17 Members came to watch the National Theater for the Deaf perform "The Giving Tree" while the group was here in Washington.

In addition to its professional performances, the Longwharf Theatre of New Haven has done special presentations for students from across my State and the country.

Real Art Ways, which received a $20,000 visual arts grant from the NEA, works with the Connecticut Redevelopment Authority on a cultural festival in a gang-scarred, inner-city Puerto Rican neighborhood in Hartford.

The Artists Collective of Hartford received $5,000 from the presenting and commissioning program to support events such as a "Jazz in the Foyer" series and a performance of the Jubilation Dance Co.

These are not controversial activities—and yet, more than any other examples you have heard about in this debate, they are representative of the work of these NEA programs.

If the proposed cuts remain, Mr. President, my concern is that these institutions and others like them could lose nearly half their Federal funding, all because of a controversy involving a single performance, and $150 in Federal dollars, in one theater in the Midwest.

I do not believe that is balance, Mr. President. I believe it is disproportionate to the incident that has created so much controversy.

I would point out, Mr. President, that, in addition to the funding of the artists and so forth, there are many people who are not directly involved in art who also benefit—the people in food services, the groundskeepers, the people that work around these theaters who are not artists and performers. It is estimated the NEA's budget of approximately $170 million generates billions in economic activity each year. So, in addition to the resources that go to these groups and audiences they reach, there are people's jobs involved, as well.

The record as a whole is what we have to consider here. That is what we have done when other Federal dollars have gone astray.

Certainly, Tailhook was an example of a misuse of funds in many ways, and yet we did not cut the defense budget because of that particular incident.

Have we cut the Energy Department because they have unearthed evidence of nuclear testing on American citizens in decades past? It is terrible, it never should have happened, but we were not disproportional, in my view, in dealing with the Energy budget.

Will we cut the Post Office budget, because of delays in mail delivery in the Washington area?

Will we cut further in the Defense budget because the military stores carry Playboy magazine, for instance? Again, something presumably many of my colleagues may not support, but nonetheless we have a sense of proportion about it.

This appropriations bill adopts a higher punitive approach we have not taken in the past and which we must carefully consider and, I believe, reconsider, today.

I think Jane Alexander is doing a spectacular job as the head of the NEA. I know she has made a significant effort to meet with many Members of this body and the other body as well, trying to come up with ideas and ways in which we avoid the kind controversy that is the subject of this debate. I believe she should be given the chance to do that. She has been on the job a little less than a year, trying to straighten out some problems areas and working with us and others across the country to reinvigorate the arts.

While today's is an important debate, I remain very interested in the larger questions of how we could best support arts in this country.

We know that arts contribute, as I said, to the overall economy of our country. Yet, funding for this most vibrant sector continues to decline, as my colleagues know. I believe we cannot allow this trend to continue.

I also know that Federal dollars are limited—we all understand that—and that a substantial new commitment to the arts in our current system is unlikely.

I, therefore, believe, Mr. President, we should identify some new resources to reinvigorate the arts and humanities all across this country. And while I will not go into any great length in this debate this afternoon, I intend shortly to introduce legislation to renew our commitment to the arts through a new revenue source.

My legislation would call for copyright protection to be extended, with the rights to the extension period to be auctioned off by the Federal Government. The revenue from the auction would flow into a trust fund for the National Endowment for the Arts and the National Endowment for the Humanities.

In this way, the arts of today would serve as a foundation for the arts of tomorrow, and depend less upon an appropriation process; although I certainly want us to continue that for the obvious reasons, including a debate such as we are having here today. However, my proposal is for a different day.

Today's debate is a question of whether or not, in our desire to deal with legitimate concerns that have been raised by those who are offended by specific arts programs or a particular production, we will disproportionately penalize a very fine and worthwhile program that reaches literally millions and millions of people every year in our country. I believe, instead, we should examine the overwhelming record of the NEA and of these programs and applaud this work.

I hope, as we look at this budget and consider the concerns we have, that we would not do a disservice to the literally millions of people who depend upon the NEA for these programs and for the enjoyment that comes to millions more and, as I said at the opening of these remarks, impair our ability to leave a clear signature of our generation and our time.

For those reasons, Mr. President, I support the amendment of my colleague from Vermont. I am hopeful that some accommodation would be reached here so that it will not be necessary to go as far as the language in the present bill would take us.

With that, I commend the Senator from Vermont, as well, for his leadership on this issue.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Vermont. I compliment him, and others who are supportive of it, on the content of this amendment.

I compliment the sensitivity of our colleague from West Virginia for the way in which this issue is going to have to be dealt with, given the environment in which we are operating.

But I also intend to oppose any other amendments that may be offered, including the one from our colleague from North Carolina to further cut NEA appropriations, change funding formulas, or to have politicians, either elected or unelected, regulate the content of NEA-funded art.

Mr. President, I enter this debate as one who has been, for a long time before I came to this body, a strong supporter of private and public funding for the arts, of the National Endowment for the Arts, and of the arts community in my own home State of Minnesota.

Because of that long association, I am especially troubled that a single arts performance at one of my State's most highly respected arts institutions seems to have sparked this latest round of controversy.

But, for the sake of candor, let me say, Mr. President, also that I have enough experience on this issue and on this floor to know that this amendment and others like it that have less to do with the Walker Arts Center—or any single performance—than with fundamental differences over whether and

how the Federal Government should be funding the arts.

In fact, I walked in the back door of the Chamber about a half hour ago and sat down in someone else's seat to hear my colleague from North Carolina sort of prejudge what I was going to say in my statement because of my past positions with regard to the National Endowment for the Arts.

At the time that happened, I did not even know he had offered an amendment. So, Mr. President, we have been here before, and if it were not the Walker, it would be something else.

I suspect that if this particular performance had not occurred or had not been widely reported, there would be some other NEA-sponsored performance or work of art that would be the subject that we would be using to generate these amendments in this debate.

Mr. President, I have read the press accounts of the controversial arts performance that was held earlier this year in Minneapolis. I talked to a lot of people on both sides of the controversy at the NEA, at the Walker, and among my constituents who both defend what took place and who may not have been there but who were deeply offended by what they heard about it and what took place.

I make that qualification, Mr. President, because this particular performance has received great attention, not so much by the event itself—which was attended by only 100 people—but by highly inflammatory reporting of the event in Minnesota's largest daily newspaper some 3 weeks after the performance.

My friend and colleague from Oklahoma has already put in the RECORD a typical defensive statement by a reporter. And I have seen hundreds of these. If I ever complained about anything in the Star and Tribune, which I have done on more than one occasion, it is my receiving three-page letters just like this condemning me for my remarks.

So I am not surprised that Chairman Jane Alexander got this kind of a letter from this reporter.

Let me acknowledge that I do not enter this debate to defend or to criticize the artistic value of any single performance, artist, or work of art. I am just not qualified to do that. That is one of the reasons I am supporting the amendment by my colleague from Vermont. I do not think it is part of my job. And therein lies the fundamental disagreement. Therein lies the underlying issue at the heart of this debate.

I support the NEA and public funding of the arts because of what it does to broaden access to the arts for millions of Americans.

And, I support the NEA because it helps recognize and reward quality, and helps to record and transmit to future generations the diverse culture of an increasingly diverse American society.

There is also no question, Mr. President, that I support the NEA because it is extremely important to Minnesota.

Its artists, arts performances and institutions have historically placed Minnesota among the top three State recipients of NEA grants.

So have the consumers in Minnesota, educators at all levels, employees and everyone by whom "community" is defined.

Minnesota has an outstanding State arts board that receives and distributes NEA grants. Minnesota has built a relationship between State public policy makers, public funding, and appropriate arts performers and performances and art works.

Minnesota is well known for some of the Nation's finest arts organizations—the Guthrie Theater, the Minnesota Orchestra, the St. Paul Chamber Orchestra, the Minneapolis Institute of Arts, and the Walker Art Center.

And, Minnesota is also home to hundreds of smaller theater groups, arts organizations and individual artists in communities all over our State.

In the past several years, for example, the Minnesota State Arts Board received an NEA grant for a folk arts apprenticeship program that has supported masters and apprentices in communities like Clearbrook, Atwater, and Redwood Falls. You probably have not heard of any of them.

The State Arts Board also received an arts in education grant to support artistic residency activities in 87 different communities all over the State.

And, again, with NEA funding, nationally known arts groups from Minnesota and other States have been able to perform in dozens of Minnesota communities from Biwabik and Aurora in the far north to Worthington and Blue Earth near the Iowa border in the far south.

So, I am troubled that once again the NEA as an institution is being questioned in a debate that is becoming increasingly polarized. Every year, it seems that several of us have to get up here to defend the 25-plus years of good work done by the NEA, simply because a handful of controversial grants have been called into question.

Once again, the focus of the controversy seems to be the role of the Federal Government in what essentially boils down to regulating the content of art.

I am sympathetic to the concerns of those who want to know how our scarce Federal funds are being spent and to those who find certain types of art offensive. But I will and I must continue to oppose any effort that would expand the Federal Government's role in regulating art content.

While the NEA grant making process is not perfect, it works. Compare the NEA's record with any other of those old Bill Proxmire Golden Fleece awards and the money gets spent pretty well. It is one of the best.

Without question, there will be times where certain artists, exhibits and performances will receive funding for art that some people do not like.

I want to remind my colleagues again, however, that this particular performance might not be the subject of national debate if Minnesota's largest daily newspaper had not decided to run a highly inflammatory article—written by a reporter who did not even attend the event—an article published 3 weeks after the event actually took place.

Let me make a careful distinction, Mr. President, between art that may not be universally appreciated and material that is pornographic or obscene.

Let me remind my colleagues that there is a legal process for defining what is and what is not pornographic or obscene—a process that is best left to the experience and the expertise of the courts.

And, there is also a policy I helped create several years ago that requires NEA supported artists who violate local or State obscenity or pornographic statues to return their NEA grants.

I might have less confidence in these legal safeguards, Mr. President, if I had not taken the time to learn more about how funding decisions are made at the Walker and other institutions in Minnesota.

Hindsight is always 20-20. And, it is easy to be critical of performances like the one in question that are, admittedly, aimed at a small part of the artistic marketplace.

But, I also want to assure my colleagues that the Walker Art Center does not employ a process to select programs under which anything goes. Criteria are used, market interests are weighed, and many proposals are turned down.

The Walker Arts Center is one of our Nation's most esteemed museums. The Walker presents over 400 events each year, including some 140 performances.

This year, the Walker will serve over 700,000 people who attend a wide variety of events ranging from performances attended by small audiences in a number of different locations in the community to very large and well attended performances or exhibitions at the Walker's main facility near downtown Minneapolis.

Just 2 weeks ago, 2,500 people filled the Minneapolis Sculpture Garden—adjacent to the Walker—to participate in a free performance of West African music and dance.

Let me repeat, the Walker does not make light of its responsibility as a major cultural center. Decisions about which artists to present are based on both artistic merit and the interests of the diverse community it serves. A community that I am not sure is represented here.

Performances are chosen after careful consideration by seasoned professionals in their respective fields. And,

choices are made after long and careful examination of the disciplines involved.

Criteria that the Walker uses in making these choices include the quality of intention and execution, innovation, point of the artist in his or her career, the impact the artist is having on the particular field, added value the performance will bring to the community and other factors that will create a balanced program throughout the entire year.

One indicator of the Walker's reputation is the fact that it organizes presentations that travel all over the world. Its national partners include the Museum of the Contemporary Art in Los Angeles, Museum of Modern Art in New York, the Brooklyn Academy of Music, and the Houston Grand Opera.

I think it is important to remember, Mr. President, that the event that has become the focus of this debate was attended by an audience of about 100 people.

The Walker sought to responsibly inform that audience in advance about the nature of the performance so that they could make their own decisions about its appropriateness.

And, recognizing its own educational mission, the Walker organized a post-performance discussion for the audience, the artist and his company. About 80 percent of the audience stayed to join in what became a vigorous dialogue about the performance and its meaning to those who watched.

For some, parallels with African blood rituals were noted. And, one of the Walker's cosponsors for this event called parts of the performance "a metaphor for people suffering from AIDS."

I said just a moment ago, Mr. President, that I can understand that many individuals might be offended by what they read took place during this particular performance at the Walker. And, I can understand that they may now want to send a message that this type of performance has no business being funded by Federal taxpayers.

But, whatever our feelings might be about any individual work of art or performance, those feelings do not justify the kind of punitive action that would result from the Appropriations Committee recommendation now before us.

My personal preference is to fully restore the 5-percent cut that the committee has recommended.

And at the very least we should remove the targeting feature which result in the wholesale gutting of important parts of the NEA's mission.

Those cuts include a 42-percent reduction in the NEA's Theater Program—a 41.7-percent cut in visual arts.

Among the Minnesota arts organizations and institutions funded last year in these categories are the Cricket Theater, Children's Theater Company and School, Guthrie Theater, Intermedia Arts of Minnesota, Minnesota Opera Company, Illusion Theater and School, Red Eye Collaboration, Minnesota Center for Book Arts, Mixed Blood Theater Company, Playwrights' Center, Inc., Film in the Cities, Center for Arts Criticism, and many, many others, both large and small.

I cannot support a 40-percent cut in grants to these and other arts organizations—not just in Minnesota, but all over America.

That is a lot more than just sending a message. We should not be here trying to legislate or punish the content of art on the floor of the U.S. Senate. I strongly support the amendment offered by my colleague, Senator JEFFORDS, and I encourage my colleagues to do the same.

I yield the floor.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in strong support of this amendment of the Senator from Vermont. As one who, together with Senator Javits, wrote the original legislation almost 30 years ago, I believe that the cuts in the budget to the National Endowment for the Arts reductions to the National Endowment for the Arts would be a real blow to mainstream arts organizations all around our Nation. In addition, targeting these cuts to the theater and performing-presenting programs would place the existence of many smaller organizations which serve rural and inner city communities in grave jeopardy.

The theater, visual arts and performing-presenting programs have already suffered reductions of between $1 and $2 million in recent years. Under this bill, these programs would each lose over 40 percent of their present Federal funding around our Nation.

For the Trinity Repertory Theater in my own State of Rhode Island, one of the most innovative and important theaters in the Nation, and one which has received significant funding from the Endowment's theater program, this cut would be very severe. A reduction in funding will require the theater to eliminate those programs which do not provide an immediate financial return. In the case of the Trinity Rep, this will mean elimination of the extraordinary Project Discovery Program which brings 18,000 Rhode Island high school students each year to see a theatrical production. Hence, the money cut from the NEA budget would result in a dramatic reduction in the theatrical programs available to lower income citizens that can presently be offered at a reduced price because of Federal aid.

These targeted budget reductions would also end the efforts of the Endowment's Presenting and Commissioning Program to extend grants to rural and underserved areas, would virtually eliminate all theater educational programming and theater-for-youth programs and would eliminate funding for the development of new plays.

Mr. President, the National Endowment has given over 100,000 grants throughout its existence, approximately 4,000 a year. Two or three of those a year have become controversial, including the grant to Walker Institute of Art under the previous Chairperson of the Endowment. While I do not agree with the controversial program that was, in turn, sponsored by the Walker Institute with the Federal funds it received, I am firmly of the mind that cutting nearly half of Federal funding for all our theaters and visual arts around the country is not the best solution and is not in our Nation's best interest. Using a colloquialism, it is throwing the baby out with the bathwater.

I hope that my colleagues will take these concerns into account, along with Ms. Alexander's efforts, to make the Endowment more accessible to applicants from communities around our Nation, and will support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank the Senator from Rhode Island who really represents, just as one person, a lifelong commitment to the arts and humanities. Let me thank my colleague from Vermont for the amendment. Let me join in with the remarks of my colleague from Connecticut about the President pro tempore. We had a chance to talk about this particular controversy in Minnesota and really about his love and appreciation of the arts. I have no question at all about the Senator from West Virginia and his commitment to the arts and, in fact, the way in which the arts have affected his own life.

Mr. President, I also want to thank my colleague from Minnesota, Senator DURENBERGER, for his fine remarks. We are justifiably proud of the Walker Art Center. We do not want in any way, shape or form see that work decontexturalized. A focus on one particular performance—agree or disagree—just does not give you a feel for the wonderful work this institution has done.

I read with great interest—and this is very much in the spirit of Senator JEFFORD's amendment—an article in today's Washington Post that described a new round of NEA grants as "showing strong support for arts education, rural and urban underserved populations, programming on public television, museum exhibitions, creative writing and not-for-profit theaters."

Clearly, Jane Alexander is just getting started and we should be supporting her. We are talking about an NEA that has seen its buying power shrink by some 46 percent since 1979. As my colleague from Illinois, my dear friend, Senator SIMON, would say, "We can do better."

This 5-percent cut was not even an across-the-board cut. Specific programs were cut in what I think really could end up being—though I hope some of this money will be restored—even if the authors did not intend it to be so, punitive. I think Senators should know what the potential of some of these cuts are, not in terms of statistics, but in terms of the faces and places of those citizens and organizations that would be affected.

Mr. President, I speak of organizations like Atlanta's Alliance Theater; the Denver Center for the Performing Arts; and the Goodman Theater in Chicago, the Children's Theater Co. in Minneapolis, which reaches tens of thousands of schoolchildren in the Midwest; the Arkansas Repertory Theater which tours the rural South where there is little access to professional theater; the Pittsburgh Children's Festival which serves 100,000 people annually, drawing citizens from throughout the region; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 by presenting up to 150 artists to 5,500 people annually; or the Wheeling Symphony in West Virginia which offers young people's concerts and a program that reaches 6,000 elementary school students annually.

The list could go on and on, Mr. President. My point is that all of these organizations are in jeopardy of losing all or some of their Federal funding if these cuts go through.

As we all know, the importance of the arts to society goes back to the drawings on the wall of a cave. The arts today can be papier-mache in Mrs. BROWN's third grade art class, or the Bay Area Philharmonic in San Francisco. It can be Native American, African-American, Chicano or Latino. The beautiful thing about the arts, Mr. President, is that its definition is so broad and so encompassing. It is, I believe, a statement of who we are as a society. Art has power. It has the power to heal, it has the power to educate.

I urge my colleagues to not forget the power. I urge my colleagues to not forget the beauty. I urge my colleagues to not forget the importance of the arts to our country, to our society, to our world, to our families, to our children, to our grandchildren, and to our civilization. I hope that one way or another that these cuts will be restored because I think the arts are so enriching, such a positive affirmation of who we are. Therefore, I thank the Senator from Vermont for his amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HATFIELD be considered as an original cosponsor of the firefighter amendment that the Senate will be voting on at 3:30 p.m. this afternoon.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Senators BAUCUS and BINGAMAN be added as cosponsors thereto.

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

HOPING FOR A SPEEDY RECOVERY

Mr. BYRD. Mr. President, I was advised a little while ago by the Sergeant at Arms that a young man collapsed in the visitors' gallery this morning and that his name was Carlos Worley. The Sergeant at Arms told me that he is a 19-year-old Senate security aide. He was taken to George Washington University Hospital for evaluation, and initial indications seem to be that he suffered from either a collapsed lung or a blood clot in his lung.

I know that Senators hope that the young man will enjoy a speedy recovery and that this matter is not life-threatening.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the Senator from Vermont proposes an amendment that would reduce all of the accounts in the Interior appropriations bill to restore the NEA to the level requested in the President's budget.

In reviewing amendments proposed to this bill, it has been my policy that across-the-board reductions should not be used as a source of funding to offset desired increases in other programs, and such is the case with this amendment as well. As the Senator from Vermont knows, each appropriations bill is a series of choices, choices as to which programs should be increased and which programs should be decreased, choices involving decisions to increase program funding based on merit, based on need. No program in the bill is guaranteed funding at any particular level from one year to the next.

The Appropriations Committee took a 5-percent reduction in NEA funding over concern about some of the types of art that have been funded in recent years. It is difficult to conceive how some of the controversies that have consumed this appropriations bill can be argued to be examples of the best art that America has to offer or how they pass the test of artistic merit that is to be at the root of each grant decision made by the NEA.

I should say to the Senate that my own personal preference at the time was to reduce the NEA by more than the 5-percent reduction taken in the bill. But I recommended the course of action—after discussing it with other Senators, and particularly with the Senator from Oklahoma [Mr. NICKLES], I recommended the course of action in response to concerns about not affecting adversely some of the very excellent art that also benefits from this bill.

I met with Jane Alexander, the Chairman of the National Endowment for the Arts. I was very impressed with Ms. Alexander and her commitment toward undertaking the necessary reviews and reforms within the NEA grant process to ensure greater accountability of the expenditure of dollars appropriated in the bill.

When I met with Ms. Alexander, she indicated that she was in the process of initiating certain actions and steps and reforms that hopefully will prevent future incidents in which certain performances have created opposition and resistance to appropriations for the arts. I was impressed with her. I was impressed that she was committed to undertaking the necessary reviews and reforms within the process to ensure greater accountability of the expenditure of dollars appropriated in this bill. I expressed to her that I would oppose any amendment in the Chamber that would modify the committee's recommended funding level, whether upward or downward.

So, I must oppose this amendment and take this bill to conference with the House, which has imposed a lesser reduction of 2 percent on the NEA's budget. I also told Ms. Alexander that I would approach the conference with an open mind, both with respect to the ultimate funding level and the distribution of any cuts that might be taken.

Mr. President, I simply want to do what is best for the NEA and for the arts. It is difficult to understand why some of the performances that have attracted so much controversy were funded in whole or in part—mostly in part, I suppose I should say—by the NEA. We have had controversy time and time again, discussed here on the Senate floor. The overwhelming majority of the grants that have been made have been made for wholesome performances.

I do not know of anybody in this body who is a greater supporter of the arts than I am. When I was a boy, my foster father never bought a cap buster for me, or a cowboy suit. He did not have much money. He was a coal miner. He bought a drawing tablet or a water color set or a book. I suppose I am in a position to recall the words from the gardener in Shakespeare's "King Richard II,"

I shall root away the noisome weeds which, without profit, suck the soil's fertility from wholesome flowers.

So it was not an attempt to destroy the wholesome flowers—and most of the NEA's budget consists of arts that might be categorized as wholesome flowers—but it was an attempt clearly to indicate that there has to be a painstaking effort, a more conscientious effort to root away the problems that "suck the soil's fertility from wholesome flowers," and have created the controversies and caused so much criticism. In the hopes that that message could be received and heard, which I believe it has been, the action was taken by the committee. I hope that we will give Jane Alexander a chance to promote a better image for the National Endowment for the Arts. I believe she will. I was impressed by her sincerity, by her conscientious attitude, by her demeanor, and by her words. I want her to make good, because if she makes good, the country makes good, and the NEA makes good. And perhaps the sooner she succeeds, the sooner we will not have to face amendments cutting funds for the NEA in the committee, in the Chamber, and in conference.

May I say to my friends who have proposed the amendment, fish and wildlife construction was cut 38.1 percent; fish and wildlife land acquisition has been cut 22.9 percent; Park Service construction has been cut 15.5 percent; Park Service land acquisition has been cut 13.6 percent; Geological Survey Service, 2.2 percent; Bureau of Mines Operations—which is no small matter to this Senator—cut 10.1 percent; Bureau of Indian Affairs construction, 26.2 percent; Forest Service construction—also very important to States like West Virginia—cut 13.3 percent; Fossil Energy Research and Development, cut 2.6 percent; strategic petroleum reserve, cut 25.9 percent; Indian Health construction, cut 14.6 percent.

The subcommittee is operating with $336 million less than budget authority in fiscal year 1994.

Taking into consideration the overall constraints that we have had placed on us, Mr. President, I believe that the NEA cut that we are talking about is reasonable. I close by saying that I want to be helpful to Ms. Alexander, and not hurt her, and not hurt legitimate and worthwhile grants for the arts' "wholesome flowers."

I yield the floor.

VOTE ON AMENDMENT NO. 2395

THE PRESIDING OFFICER. Under the previous order, the hour of 3:30 having arrived, the question occurs on amendment No. 2395, offered by the Senator from West Virginia [Mr. BYRD]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—92

Akaka	Feingold	McConnell
Baucus	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Bradley	Gramm	Murray
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burns	Helms	Pressler
Byrd	Hollings	Pryor
Campbell	Hutchison	Reid
Chafee	Inouye	Riegle
Coats	Jeffords	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kerrey	Sasser
Craig	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Smith
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford
Faircloth	McCain	

NAYS—0

NOT VOTING—8

Bennett	Harkin	Metzenbaum
Boxer	Hatch	Specter
D'Amato	Kennedy	

So, the amendment (No. 2395) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. JEFFORDS, be recognized for not to exceed 2 minutes.

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

The Senator from Vermont is recognized for 2 minutes.

AMENDMENT NO. 2397

Mr. JEFFORDS. Mr. President, I rise for the purposes of letting everyone who would vote on my amendment know what I attempt to do with it.

I have an amendment pending which would restore funding to the NEA, and apply that restoration—to achieve the offset—as an across-the-board percentage cut to all programs in the bill. This would happen rather than gutting certain NEA programs by 40 percent.

Also pending is the Helms amendment, which is a broad censoring amendment which would attempt to prevent the kind of event that occurred in the Minnesota theater. We heard assurances earlier from the Senator from West Virginia that he was working with Jane Alexander of the Endowment. He intended that the purpose of his cut was to fire a shot across the bow to warn that further things should not occur. The House has approved only a 2 percent across-the-board cut.

I am placing my confidence in the Senator from West Virginia that his method of working with the Endowment will be much more successful and certainly much more desirable than adopting a broad censoring amendment, and a vote on my amendment.

Therefore, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

So the amendment (No. 2397) was withdrawn.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

AMENDMENT NO. 2396

Mr. BUMPERS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Helms amendment.

Mr. BUMPERS. Mr. President, I move to table the Helms amendment and 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 the motion of the Senator from Arkansas to lay on the table the amendment of the Senator from North Carolina. 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 California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] are necessary absent.

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

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—49

Akaka	Biden	Boren
Baucus	Bingaman	Bradley

Bryan	Graham	Moseley-Braun
Bumpers	Gregg	Moynihan
Campbell	Heflin	Murray
Chafee	Hollings	Packwood
Cohen	Inouye	Pell
Conrad	Jeffords	Pryor
Danforth	Kassebaum	Reid
Daschle	Kerrey	Riegle
DeConcini	Kerry	Robb
Dodd	Lautenberg	Rockefeller
Dorgan	Leahy	Sarbanes
Durenberger	Levin	Simon
Feingold	Lieberman	Wellstone
Feinstein	Mikulski	
Glenn	Mitchell	

NAYS—42

Bond	Gramm	Murkowski
Breaux	Grassley	Nickles
Brown	Hatfield	Nunn
Burns	Helms	Pressler
Byrd	Hutchison	Roth
Coats	Johnston	Sasser
Cochran	Kempthorne	Shelby
Coverdell	Kohl	Simpson
Craig	Lott	Smith
Domenici	Lugar	Stevens
Exon	Mack	Thurmond
Faircloth	Mathews	Wallop
Ford	McCain	Warner
Gorton	McConnell	Wofford

NOT VOTING—9

Bennett	Dole	Kennedy
Boxer	Harkin	Metzenbaum
D'Amato	Hatch	Specter

So the motion to lay on the table the amendment (No. 2396) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Mr. BYRD is recognized.

Mr. BYRD. Mr. President, in an effort to expedite matters, I have discussed the following request with the principals involved.

I ask unanimous consent that Mr. MCCAIN be recognized to call up an amendment—I believe it is an amendment to establish land acquisition criteria—that there be 5 minutes thereon, after which a vote occur; and I ask unanimous consent that it be in order to order the yeas and nays at this time.

Mr. NICKLES. Reserving the right to object. I wonder if it might be possible if we go to Senator BAUCUS or give us about another 5 minutes on Senator MCCAIN's amendment?

Mr. BYRD. I withdraw that request.

Mr. President, I ask unanimous consent that Mr. BAUCUS be recognized to call up an amendment on which there be no more than 5 minutes to be divided in accordance with the usual form, which means that Mr. BAUCUS gets 5 minutes and I get 10 seconds.

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

Mr. BYRD. Then an amendment by Mr. MCCAIN, having to do with establishment of land acquisition criteria on which he have 5 minutes, after which a vote will occur.

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

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the amendment by Mr. MCCAIN.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment by Mr. MCCAIN.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. MCCAIN, Mr. BUMPERS be recognized to call up an amendment, on which a time agreement was entered earlier today.

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

Mr. BYRD. Mr. President, I thank all Senators.

Mr. President, I ask unanimous consent that no second-degree amendments be in order to either the Baucus amendment or the McCain amendment.

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

Mr. BYRD. I ask unanimous consent that the appropriate amendments be set aside to accommodate the offering of these two amendments.

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

The Senator from Montana is recognized.

AMENDMENT NO. 2398

(Purpose: To require a period of review of proposed regulations relating to law enforcement activities of the Forest Service)

Mr. BAUCUS. 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 Montana [Mr. BAUCUS] proposes an amendment numbered 2398.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

None of the funds made available to the Forest Service under this Act may be used by the Secretary of Agriculture to prescribe and implement regulations relating to law enforcement activities of the Forest Service, unless, notwithstanding section 553 of title 5, United States Code, not later than 90 days before the date on which the Secretary prescribed final regulations relating to such activities, the Secretary provides a copy of proposed regulations relating to such activities to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives for review and comment by such committees.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I am proposing an amendment that allows the House and Senate Agriculture Committees 90 days to review and comment on any regulations the Forest Service issues relative to law enforcement before those rules become final. This amendment is about letting people enjoy the forest, something the Forest Service seemed bent on stifling when it issued draft enforcement regulations this past February. At 50 pages in length, these regulations read like a chapter from George Orwell's "1984."

On the surface, the new rules seem to prohibit swearing, making unreasonable loud noises, collecting rocks or fossils, or discharging or possessing a firearm on national forest land.

Surely our district forest rangers have better things to do than read a 50-page bureaucratic treatise on prohibited human behavior and then patrol the woods to make sure that no one is making unreasonably loud noises. This is Big Brother at its worst. Folks are sick and tired of Federal bureaucrats regulating every imaginable human activity. What are our national forests for, after all, if you cannot pick up a rock, use a firearm for target practice, or legally hunt, and even let off steam and yell a little bit in the woods?

To be honest, I felt like going to the Forest Service headquarters and yelling a little bit myself and try to knock some sense into them.

Forest Service Chief Jack Ward Thomas apparently agrees. This past April, several of my colleagues joined with me in writing Chief Thomas to protest these rules. He subsequently withdrew them and proposed to write a new set. For that I commend him.

This next time around, however, I believe we owe it to the public to make sure that the regulations are narrowly tailored and do not prohibit legitimate activities in our national forests.

This amendment will give Congress the opportunity to make sure that Big Brother is not elbowing the public off the public lands in the future.

Mr. President, I think it is a good amendment, and I urge my colleagues to support it.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am willing to accept the amendment on this side.

Mr. NICKLES. Mr. President, we reviewed the amendment. I compliment the Senator from Montana, and we have no objections to the amendment.

Mr. PRESSLER. Mr. President, I am pleased to join my colleague Senator BAUCUS in offering this amendment. The amendment calls for a 90-day comment period before the U.S. Forest Service promulgates final law enforcement regulations.

When the Forest Service first proposed new law enforcement regulations, many South Dakotans contacted me saying their rights would be violated by the restrictive new rules. After reading the proposed regulations, I agreed with my constituents.

In April of this year, Senator BAUCUS and I and other Senators wrote to the Chief of the U.S. Forest Service urging him to withdraw the proposed regulations. I ask unanimous consent that a copy of that letter be printed in the RECORD at this point.

Mr. President, the proposed regulations simply were too subjective to be enforceable. There was concern about the impact the proposed regulations would have on multiple-use practices. Another concern was the fact that the proposed regulations would prohibit the collection of all fossils.

This was considered an infringement on the rights of amateur collectors not only in South Dakota, but in all States where there are Forest Service lands. These amateur collectors long have made numerous contributions to science. Prohibiting their activities on Forest Service would mean a step backward in scientific advancement.

The Forest Service agreed to our request to withdraw the new regulations. They were withdrawn just this past May. The amendment currently before the Senate will assure ample time for public input on any final law enforcement regulations issued in the future by the U.S. Forest Service. It is a sensible amendment and I urge its adoption.

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

U.S. SENATE,
Washington, DC, April 21, 1994.

Mr. JACK WARD THOMAS,
Chief, U.S. Forest Service, Washington, DC.

DEAR CHIEF THOMAS: We are writing to ask you to withdraw the proposed rule of the U.S. Forest Service regarding Prohibitions; Law Enforcement Support Activities, 36 CFR Parts 261 and 262 (Federal Register, February 16, 1994).

We appreciate the need for the National Forest Service to revise regulations governing prohibited acts on Forest Service lands. Clearly there is a need to update existing Forest Service policy for a variety of reasons, including making policy consistent with current enforcement laws. However, the proposed rule as written broadens existing Forest Service policy well beyond what is necessary. This broad-brush approach may well result in increased enforcement costs to the Forest Service, despite the increased level of fines specified in the rule.

The proposed rule is simply too subjective to be enforceable. It is hard for us to justify to our constituents how Forest Service personnel can impose charges and fines for many of the prohibited acts listed in the proposed rule. Enforcement of some provisions would seem to rely on highly subjective judgments—for example, "unreasonably loud noises", or "interfering with any person." These and other prohibited acts are not defined with specificity.

There is considerable concern throughout the country of the impact the proposed rule would have on multiple-use practices. There also is a concern that the proposed rule would prohibit the collection of all fossils. We ask that this provision be withdrawn as a prohibited act.

Again, we wish to work with you in revising Forest Service enforcement policy. The proposed rule goes too far in many areas, and we ask that if be withdrawn so we can work together to develop a better approach.

Sincerely,

SENATOR MAX BAUCUS.
SENATOR THOMAS A. DASCHLE.
SENATOR LARRY PRESSLER.
SENATOR LARRY E. CRAIG.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2398) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCAIN. 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.

The Senator is recognized for 5 minutes.

AMENDMENT NO. 2399

(Purpose: To require certain Federal agencies to prepare and submit to Congress rankings of the proposals of such agencies for land acquisition)

Mr. McCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2399.

Mr. McCAIN. 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 89, between lines 13 and 14, insert the following:

SEC. 312. (a)(1) The head of each agency referred to in paragraph (2) shall submit to the President each year, through the head of the department having jurisdiction over the agency, a land acquisition ranking for the agency concerned for the fiscal year beginning after the date of the submittal of the report.

(2) The heads of agencies referred to in paragraph (1) are the following:

(A) The Director of the National Park Service in the case of the National Park Service.

(B) The Director of the Fish and Wildlife Service in the case of Fish and Wildlife Service.

(C) The Director of the Bureau of Land Management in the case of the Bureau of Land Management.

(D) The Chief of the Forest Service in the case of the Forest Service.

(3) In this section, the term "land acquisition ranking", in the case of a Federal agency, means a statement of the order of precedence of the land acquisition proposals of the agency, including a statement of the order of precedence of such proposals for each organizational unit of the agency.

(b) The President shall include the land acquisition rankings for a fiscal year that are submitted to the President under subsection (a)(1) in the supporting information submitted to Congress with the budget for the fiscal year under section 1105 of title 31, United States Code.

(c)(1) The head of the agency concerned shall determine the order of precedence of land acquisitions proposals under subsection (a)(1) in accordance with criteria that the Secretary of the Department having jurisdiction over the agency shall prescribe.

(2) The criteria prescribed under paragraph (1) shall provide for a determination of the order of precedence of land acquisition proposals through consideration of—

(A) the natural resources located on the land covered by the acquisition proposals;

(B) the degree to which such resources are threatened;

(C) the length of time required for the acquisition of the land;

(D) the extent, if any, to which an increase in the cost of the land covered by the proposals makes timely completion of the acquisition advisable;

(E) the extent of public support for the acquisition of the land;

(F) such other matters as the Secretary concerned shall prescribe; and

(G) the total estimated costs associated with each land acquisition.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. McCAIN. I thank the Presiding Officer.

Mr. President, I rise to offer an amendment which would require land management agencies such as the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service and Forest Service to submit a prioritized list of land acquisitions with the President's budget each year.

This amendment will provide information to Members of Congress which will help them to evaluate the hundreds of millions of dollars in land acquisitions made each year. Please allow me to explain my reasons for offering this amendment.

Over the years Congress has wisely taken steps to preserve our natural heritage. In many instances this has been done through management efforts without the purchase of land. However, when appropriate Congress has directed the Federal Government to acquire land for preservation or recreation activities. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas and other conservation efforts.

While there is no shortage of areas in this beautiful country to be preserved, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a nearly $5 billion backlog in land acquisitions for both the Department of Interior and

the Department of Agriculture. When compared to an annual acquisition budget of around $215 million, it is obvious that Congress faces a difficult and daunting challenge to match the preservation efforts established by law.

Because of this extreme backlog we must be prudent without limited funding and purchase land in a priority based upon the resources that are being protected.

Each year as the President's budget request is reviewed by Congress, it is often modified. Some projects recommended by the agencies are deleted, increased or decreased and others which are not requested are added to the list.

It is our constitutional duty to review the President's budget request and to make changes as we see fit. My amendment is intended to help members make those decisions by providing information on the resources and ecological values of the land being purchased.

Specifically, the bill requires each of the land management agencies funded by the Interior Appropriations bill to include a prioritized list of the land acquisitions with the President's budget request. The amendment sets forth some general criteria to be used by the agencies in developing the list but, it also directs the agencies to develop other appropriate criteria. Criteria established by the amendment include the natural resources on the land, the degree to which resources are threatened, the length of time required for acquisition, the extent to which an increase in the cost of land may make a timely acquisition more cost effective and the extent of public support.

What we would ask the agencies to do in this amendment is not new. Several of the agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service and the Forest Service all compose priority based lists. In the case of these agencies, we will be merely codifying actions they already take.

Unfortunately, the National Park Service does not provide their list in priority order. Because of this Members have no way of determining how acquisitions interrelate.

Mr. President, the purpose of the amendment is to try to make sense out of the myriad demands on the Federal budget for the acquisition of land, whether it be for national parks or wilderness areas or other areas. I think what this will do is bring order and allow the Congress to best determine how the process should proceed.

I feel that this is not a critical item, but it is one that I believe will be a very important source of information for Congress as we decide on how our natural resources can best be preserved, which is the goal of the entire Congress.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment our colleague, Senator MCCAIN from Arizona, for his amendment because he is basically saying to these various agencies that are involved in land acquisition to put some priorities and also let us know what their goals are and how much it is going to cost.

Some of these land acquisition proposals, Mr. President, as you know being from a Western State, may come in kind of small initially, but there may be no end to how much they might cost. In other words, we might purchase 100 acres and find out this is the first 100 acres of a 3,000 acre project in very expensive land.

We should know from the beginning how much these land acquisition costs are estimated to be and we should prioritize so we should know, when we have scarce or limited resources, how best to use those resources. I think that is what the amendment of the Senator from Arizona is trying to accomplish. I think it is a big step in the right direction, and I compliment him on his amendment.

I urge its adoption.

Mr. BYRD. Mr. President, if I can have half a minute from the Senator's time.

Mr. MCCAIN. Mr. President, I yield the Senator from West Virginia whatever time he may need.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Senator. I join with Mr. NICKLES in complimenting the Senator from Arizona on his amendment. On this side, I wish to express support for it. It is my understanding the vote has already been ordered on it, if or when it were done. I am ready to vote. I think it is a good amendment.

Mr. NICKLES. Will the chairman of the committee yield for one other observation?

Am I correct, Mr. President, that we are also soliciting all Senators, if they have additional amendments, if they will please notify us so we can, at least by the conclusion of the Bumpers amendment, have a finite list of amendments so we might have that ordered tonight?

Mr. BYRD. The Senator is correct. Mr. President, on this side, we have run the hot line some days ago, and we have a list of the amendments that remain. Most of them, I think, will go away. But I hope that we can at the close of the rollcall vote be in a position to perhaps take a look at the list and, hopefully, get consent to close the list. If we can do that, then we will not have any more rollcall votes tonight.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. Mr. BUMPERS is to be recognized immediately after the vote on the McCain amendment.

Mr. HELMS. I will advise the managers of the bill that I have one final amendment, and I will accept a time limitation of 20 minutes equally divided, or whatever anybody proposes.

Mr. BYRD. Twenty minutes?

Mr. HELMS. That will be satisfactory with me.

Mr. BYRD. All right. While the vote is going on, I will discuss this with the Senator.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. All time on the amendment has expired. The question occurs on agreeing to amendment No. 2399 offered by the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maryland [Ms. MIKULSKI], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—89

Akaka	Feingold	Mathews
Baucus	Feinstein	McCain
Biden	Ford	McConnell
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Bradley	Gramm	Murkowski
Breaux	Grassley	Murray
Brown	Gregg	Nickles
Bryan	Hatfield	Nunn
Bumpers	Heflin	Packwood
Burns	Helms	Pell
Byrd	Hollings	Pressler
Campbell	Hutchison	Pryor
Chafee	Inouye	Reid
Coats	Jeffords	Riegle
Cochran	Johnston	Robb
Cohen	Kassebaum	Rockefeller
Conrad	Kempthorne	Roth
Coverdell	Kennedy	Sarbanes
Craig	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Smith
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Durenberger	Lott	Wellstone
Exon	Lugar	Wofford
Faircloth	Mack	

NOT VOTING—11

Bennett	Harkin	Specter
Boxer	Hatch	Stevens
D'Amato	Metzenbaum	Wallop
Dole	Mikulski	

So the amendment (No. 2399) was agreed to.

Mr. BYRD. Mr. President, I believe that under the order previously entered, Mr. BUMPERS is now to be recognized to offer an amendment.

I ask unanimous consent that the 1 hour on the amendment be equally divided between Mr. BUMPERS and Mr. REID.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. REID. Will the chairman yield?

Mr. BYRD. Yes.

Mr. REID. Mr. President, I would like to have——

Mr. NICKLES. Reserving the right to object—I would like to withhold a moment.

Mr. REID. What I would like to do is allot the time that has been set aside for myself and Senator BUMPERS.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REID. Mr. President, what I would like to do is——

Mr. BYRD. I am standing 10 yards from the Senator, and I cannot hear him. It is not because I need a hearing aid; I do not.

Mr. REID. I would like to divide up the 30 minutes set aside for those in opposition to the Bumpers amendment as follows: 9 minutes to Senator REID; 9 minutes to Senator CRAIG; 4 minutes to Senator BYRD; 4 minutes to Senator MURKOWSKI; 4 to Senator BRYAN.

I ask unanimous consent that the time be divided in that manner.

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

Mr. NICKLES. Will the chairman of the Appropriations Committee yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, I just say to my friend and colleague, Senator BYRD, we have hotlined to all of our colleagues, requesting if they have amendments to please notify us. We have had a good response—maybe too good of a response. I urge my colleagues, again, as we are trying to finalize that list, to let us know of any amendments. It would be my expectation that shortly after the conclusion of the debate on the Bumpers amendment, we will try to come up with a finite list of amendments.

Mr. BYRD. That is very encouraging. I thank the distinguished Senator.

Does the Senator from New Jersey rise to inquire of me?

Mr. BRADLEY. I would state to the chairman that I am prepared to offer an amendment on advanced computational technology initiative. We have talked about this, and I am in a discussion with the Senator to try to see if we can do that first thing tomorrow morning.

Mr. BYRD. Does the Senator have any idea how much time he would need?

Mr. BRADLEY. About 45 minutes, equally divided, would be sufficient. I am prepared to enter into a time agreement of that dimension.

Mr. BYRD. Equally divided, 45 minutes?

Mr. BRADLEY. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the amendment of 50 minutes, to be equally divided in the usual form.

Mr. BRADLEY. Reserving the right to object. Can we lock that in as the first amendment tomorrow morning?

Mr. BYRD. Very well. I ask further that there be no amendment in the second degree in order, and that the amendment be laid down tonight at the close of business, the time to start running in the morning.

Mr. BRADLEY. I do not know what time we are going to end. If I can say to the chairman, I prefer to lay it down at 9:15 tomorrow morning.

Mr. BYRD. Very well. I make that request—I withhold that request temporarily.

Mr. President, I ask unanimous consent that the amendment by Mr. BRADLEY be automatically placed before the Senate at 9:15 tomorrow morning and that there be 50 minutes of debate thereon, to be equally divided in accordance with the usual form, and that a vote occur thereon upon the reconvening of the Senate following the joint session and the luncheon tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that it be in order to order the yeas and nays.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on or in relation to the amendment by Mr. BRADLEY.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Senators.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Arkansas, Mr. BUMPERS, is recognized.

AMENDMENT NO. 2400

(Purpose: To restrict the use of appropriated funds for patenting pursuant to the general mining laws)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. JEFFORDS, proposes an amendment numbered 2400.

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

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

The amendment is as follows:

On page 48 line 16, strike all after the words "SEC. 112." and insert the following:

"If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to adjournment of the 103d Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

"SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 25, 26 and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date."

Mr. BUMPERS. Mr. President, we only have a total of 1 hour of debate to discuss what continues to be easily the greatest scandal in America. You read every day in the newspapers about a little scandal here and a little scandal there. They are all just peanuts compared to the 1872 mining law.

Mr. President, since 1872, the U.S. Government has deeded 3,244,000 acres of land for $2.50 or $5. Those are called patents.

Anybody who wanted to, for the last 122 years, could go out and stake a claim on 20 acres of public land and search for and mine minerals located on those claims. Occasionally, they would find something, and they would file an application with the Interior Department which essentially said: "I found gold under this land. Give me a deed to it." The Interior Department, after verifying the information in the application, granted those deeds.

Under the mining law, we have given away, for $2.50 or $5 per acre, more land than exists in the entire State of Connecticut. According to the Mineral Policy Center, more than $261 billion worth of gold and other hard-rock minerals, such as platinum, palladium, silver and copper, have been mined on land deeded for $2.50 or $5 an acre.

And, Mr. President, what do you think the taxpayers of this country received in return for their minerals? Do you know what they received in return? Absolutely nothing, not even a dime.

I have been fighting this battle on the floor since 1990. In 1990 I stood on the floor and said: "No more. Let us impose a moratorium to prevent the deeding of any more of our land pending passage of legislation which would comprehensively reform the 1872 mining law. I lost that amendment by two

votes—48 to 50. Four days later the Stillwater Mining Co. filed applications with the Interior Department seeking patents on more than 2,000 acres of land in Montana. They have since received first-half-final-certificates on those applications, which may mean that the company is legally entitled to the patents for which they have applied.

Do you know what the Stillwater Mining Co. told the Department of the Interior was under that 2,000 acres of land which we will give them for $5 an acre? According to their own statistics, under today's prices the mine contains $38 billion worth of platinum and palladium. And what do the taxpayers of this country get, the taxpayers of this country who are laboring under a $4 trillion national debt, in return for this 38 billion dollar worth of platinum and palladium? Absolutely nothing.

Mr. President, since I lost that first patent moratorium amendment by 2 votes, 438 patent applications covering 151,680 acres have been filed, and 252 first-half-final-certificates have been issued. Sixty-four patents, covering 11,170 acres of public land, have actually been granted since 1990. In exchange for that 11,170 acres, under which lies more than $11 billion worth of gold and other hard-rock minerals, the taxpayers received $55,000 in return. This issue reads like a bizarre Russian novel.

According to the Mineral Policy Center, the 30 most valuable mines subject to pending patent applications, contain hardrock minerals worth in excess of $34 billion. This estimate includes the patents recently granted to Barrick Resources by the Secretary of the Interior, under court order.

While Barrick Resources, a Canadian company, allegedly can't afford to pay the Federal Government a royalty on its mineral production, they pay a 4 percent net smelter return and 5 percent net profit interest royalty to the Franco Nevada Gold Co. Barrick did not look for, and find, the gold themselves, they found someone else who had, and bought the claims from them presumably in exchange for cash and the promise of a handsome royalty.

But when poor old Uncle Sugar says: "How about me; after all, it is my land; it is my minerals; how about giving me a modest royalty", the mining companies say: "Sorry; we would have to shut down our mines and go out of business. All these people would lose their jobs if we had to pay the Federal Government a royalty." This is nothing more than pure hypocrisy.

Eighteen months ago, the price of gold in this country was $333 per ounce; today it is approximately $385, $52 more than it was 18 months ago, at the beginning of the 103d Congress.

If the mining companies had to pay an 8-percent royalty, an 8-percent royalty, they would still receive $22 an ounce more than they would have 18 months ago, in the absence of a royalty. And they still make the same arguments. They still say: "We will go broke. We are going to have to lay off all these people." Eighteen months ago platinum was selling for $356 an ounce; today it is nearly $417 per ounce. And Stillwater says: "if we have to pay a royalty, we are going to shut our doors and throw all these people out of work."

American Barrick Resources Corp. recently reported that, for the last 6 months, they had revenues in excess of $394 million. And what do you think their net profit was for that same time period? It was $122.8 million.

There is probably few, if any, other companies in America that reported that kind of return on those kinds of sales. And we gave them $11 billion worth of gold and said: "Please, do not shut your doors. Please, do not lay anybody off."

There has never been a more appropriate time to refer to Uncle Sam as Uncle Sucker than now.

Do you know what else is really interesting? Mining companies pay both royalties and severance taxes when they mine on State lands. One of my principal adversaries in this debate is from the State of Wyoming. If you mine gold, silver or trona on lands belonging to the State of Wyoming, you must pay a royalty of 5 percent of gross sales. But if Uncle Sugar said, "I would like to receive a little money for mining on my land," the mining companies argue: "No, I cannot do that. I would have to shut the doors and lay everybody off."

If you mine on State land in Utah you have to pay a royalty of 4 percent of the gross value on nonfissionable metalliferous minerals and you also will pay a 2.6 percent severance tax on top of that.

How about Uncle Sugar? It is our land. Why can't they pay us something like that? The mining companies say: "Can't do it. We would just have to shut the doors."

The Newmont Mining Co. pays an 18-percent royalty on private land in the State of Nevada, just several miles from where Newmont and Barrick are mining on Federal land. How is it that Newmont can pay a private owner 18 percent but cannot pay poor, old Uncle Sam a penny? "Can't do it; just have to shut our doors if we did that", they respond.

You know, the American people are upset about a lot of things. They are upset about a lot of the wrong things. They are not upset about this outrage because they do not even know it exists. That is a pity Mr. President.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes and 40 seconds.

Mr. BUMPERS. Mr. President, I yield myself 3 more minutes.

If you mine in Arizona, Montana, Utah, Wyoming, and almost any other Western State, on State-owned land, you are going to pay handsome royalties.

In Oregon, a family operating a sand-mining company purchased 780 acres of sand containing silica in the National Dunes Recreation Area under the 1872 mining law for $1,950. They are now negotiating to sell the land back to the Federal Government for $12 million. Let me repeat that. The United States deeded 780 acres worth $12 million to a family for $1,950.

Once we give people deeds to land under the mining law they can do whatever they want. They could sell it for $4,000 and $5,000 an acre for a ski resort. They can build summer homes on the land. They do not need to mine it.

Mr. President, as I said in my opening remarks, you cannot say what really needs to be said about this issue in such a short time, but I can tell you it is a scam of mammoth proportions. How much longer is this going to be permitted, Mr. President?

The PRESIDING OFFICER. The Senator has used his 3 minutes.

Mr. BUMPERS. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been involved with the senior Senator from Arkansas on this matter for 4 or 5 years now. I do not think we have had more contentious debates on any issue since my time in the Senate, now 8 years, than on this issue.

But I think it is fair to say that the Senator from Arkansas has been tenacious, as he has on other things he has been involved in, like park concessions, the space station, and other things of that nature. I have told him personally, and I say here on the Senate floor, even though we disagree on issues, I have nothing but respect and admiration for his tenacity and his advocacy.

I do say, though, Mr. President, that we need to look at the facts. The facts indicate that we have been willing, those of us that oppose the amendment of Senator BUMPERS, on a number of issues, we have been willing to make changes.

In fact, last year, this body passed a patent reform measure. The amendment indicated that those obtaining patents would pay fair market value for the surface rights of the land because, of course, we do not know what is under the land. There would have been a reversionary clause that, if someone used the property for anything other than mining, it would revert back to the Federal Government. There was a bonding provision in that amendment that passed last year.

We have established a holding fee on unpatented land. Now people have to

pay $100 per claim. There have been significant changes that we have agreed to in this body.

However, those that want to really whack the mining industry want all or nothing. The problem is they keep getting nothing because they are not willing to be reasonable because there is only so much the mining industry can do.

The reason I say that is, we need only look at the facts. In Australia and countries like South America, Mexico, and Canada, they have tried the same approach suggested by the senior Senator from Arkansas. As a result of that, they basically have no mining industry. It is gone.

Some of these countries have gone back and are now trying to change their laws which, in effect, prohibited mining from taking place. As a result of their looking at their laws and in some instances changing their laws, countries like Mexico now are a big draw for mining companies, and there are a lot of opportunities that are now taking place in Mexico.

People are now leaving the United States as a result of the uncertainty caused by my friend, the senior Senator from Arkansas, because mining companies do not know what is going to happen. As a result of that, they are leaving because the industry here is no longer stable.

The minerals industry is important to the United States. It is one of the few areas that we have had a positive balance of trade. We have had a positive balance of trade with gold exportation since 1989. We have jobs in the mining industry, almost 400,000 in the United States. The metals industry alone provides 45,000 jobs. The gold mining-related employment totals 79,000 jobs. In Nevada alone, there is about 14,000 jobs, and many other Western States have significant numbers of people employed in the mining industry.

The average mining employee's salary in Nevada, Mr. President, is almost $32,000 a year. The highest paid blue-collar workers in Nevada and in the West are in the mining industry.

Indirect revenue to the State of Nevada as a result of mining is over a half-billion dollars. At this time, the United States is the number two gold-producing nation in the world. But we are not going to maintain that as a result of the things I have indicated before.

The U.S. gold industry grew faster than Government employment in the 1980's and early 1990's. In the United States, the gold industry has seen a 186-percent increase in employment between 1980 and 1992. The mining industry in Nevada has created—I indicated 14,000 jobs directly—about 40,000 jobs indirectly. And they are the best jobs.

As a result of the unfavorable business climate that I have talked about, many prominent mining companies are simply leaving. That is a fact.

I spoke recently to a woman who came back here representing women in mining. She indicated to me this would be her last trip back. I said "Why?" She said, "I cannot find a job in the United States." She is a geologist, with specialties in mining. Her husband is a mining engineer. They are both going to China. They both have 3-year contracts in China. She could not find a job in the United States, someone who has been in the industry for over 10 years, certainly somebody that knows the business.

My friend from Arkansas talks about all this money being made by the minerals industry. He compares this to some of the facts he has on this chart.

The fact of the matter is that $11 billion and $10 billion on these charts behind me are really guesses that somebody made. And I do not know who that someone was. No one knows what is under the ground. That is why we have exploration.

I suggest that copper industry is really on shaky legs. The copper industry left the United States in the late 1970's. They have just been coming back. If we pass a royalty they cannot pay—it will not take much and it will put them flat out of business.

The palladium industry, the Stillwater Mine my friend from Arkansas talks about, that was established in the State of Montana as a result of Government insistence. We did not have palladium in the United States. We really had to look hard to find it. It is one of the essential minerals we have. It is needed in many things. It is needed most of all in the defense industry. We had to import our palladium from the Soviet Union and we were really concerned because that country was in a state of social crisis, as was South Africa where we imported most of it. As a result of that, the Stillwater Mine was opened. I am very happy that the Stillwater Mine is in operation. But if anyone thinks that mine is going to make money automatically, they are wrong. It is a very marginal production.

So the mining industry is important. All parts of it are important. And it is important we do not run the mining industry out of the United States. My friend, the senior Senator from Idaho, is going to speak at some length during his time allotted about what we have done to try to work something out with the responsible parties in this body. We are attempting to come to a good-faith compromise so the conference report between the House and the Senate will be meaningful.

We want certainty. The mining industry wants certainty. The State of Nevada wants certainty. The people who work in those mines want certainty. We can only get that if we get a bill out of this Congress. Therefore, it is important that everyone understand we are trying to work out a fair and reasonable compromise.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, Senator CRAIG has 9 minutes; Senator BURNS, 4 minutes; Senator MURKOWSKI, 4 minutes; Senator BRYAN, 4 minutes.

If we do not take it now we lose it. So whoever would like to speak should do that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to speak on the proposed patent moratorium amendment to the Interior appropriations bill as offered by my distinguished colleague from Arkansas. Although I admire his tenacity on this matter, I do not think he comprehends the tremendous consequences of his amendment on Montana and other Western States.

I believe that if my colleague were to visit Montana, he would discover that there is no need for his amendment. We already have a moratorium on mining patents. Through his war on the West, Secretary of the Interior Babbitt is singlehandedly holding up new mining operations in my State and in this country. With all due respect to the Secretary, we have not seen anything like him since Butch Cassidy and the Sundance Kid.

Uncertainty over mining law reform has already taken its toll in Montana. During the past 2 years, a number of mining companies have suspended or reduced operations in my State, resulting in the loss of hundreds of good-paying jobs. This month, I received a very disturbing letter from Pegasus Gold Corp. This important company will close its Butte, MT, and Reno, NV, offices and suspend all exploration activities in the United States, within the next year, moving them to South America. Pegasus cites the threats of mining law reform legislation and unfriendly treatment by our Government agencies as their main reasons for this unfortunate decision.

An economic analysis prepared by the Evans group shows that nationally, anywhere from 6,700 to 26,000 jobs could be lost if we are not careful about which reforms we enact. In addition, this same study shows that tax revenues will fall anywhere from $249 to $1.2 billion, having a major impact on mining dependent communities and local, State, and Federal Governments.

The exodus of the mining industry from Montana and elsewhere in the United States is a direct result of the fear within the industry as it contemplates severe mining reforms like this one which has been offered by my colleague from Arkansas. Will the Senate do to the mining industry what we have done to the domestic oil industry, the domestic private aircraft industry,

and the boat industry? Are we happy to see our best paying jobs in America continue to go overseas? I hope not.

We have heard a lot lately from the Secretary of the Interior and some of my colleagues here in the Senate about scams, ripoffs, and so forth. Well there is no scam or ripoff taking place in Montana, Nevada, Idaho, Wyoming, or any other place in the Western United States where mining is conducted. I will tell you what there is though—a whole lot of hard-working folks supporting their families, their churches, their schools, their grocery stores, fire departments, and everything else that keeps hundreds of mining families and communities in the West alive.

Are there abandoned mines and Superfund sites that are old mining claims? Heck, yes, but there are Superfund sites across the country that have resulted from any number of commercial activities which took place before technology allowed us to operate in a manner that guarantees certain levels of environmental protection.

We hear all the time about the horror story mines—the ones that are left over from some former mining era. But you never hear about the good mining operations—and there are lots of them. Occasionally, someone will point out that there are one or two mines that are environmentally responsible. Well, these are not the exception. Today, they are the rule. Mines that are coming on line have to meet those kinds of rigorous standards and they do it.

Yes, there are lots of abandoned mines dotted across the West. And you know what? There are lots of abandoned farms and small businesses that have been abandoned too. And you know why? I can guarantee you that it has a lot of do with excessive regulations and mandates from Washington, DC, that were simply too much for them. And there will be more abandoned mines unless we stop passing or threatening to pass unreasonable mining reform laws that put people out of business.

There is a way to reform the mining law, generate some revenue, and guarantee environmental standards without putting the mining industry out of business, and I support those efforts wholeheartedly. But the best place to consider mining reform is not here. It should take place in the ongoing conference on mining reform where the effects of this legislation on Montanans and folks all across the country can best be considered.

Mr. President, we have been through this debate before with the Senator from Arkansas, who has probably been as tenacious about this issue as anybody I have seen, and stays on it and stays with his figures. I would have to say, "Yes, there have been 3 million acres, as a result of the National Mining Act, 3 million acres deeded into private hands."

Does anybody want to venture to say how many acres were delivered into private hands under the Homestead Act? The whole State of Arkansas was; at 50 cents an acre as a result of the Louisiana purchase—the whole State.

I do not know what it cost. It cost maybe about 50 cents an acre. Those are land-tenure laws. It was given and we can feed this country and many other countries as a result of it, because of two things. No. 1, this society is free. No. 2, we can own land. We can own it and make it produce.

But all at once in some way or other in this country, those people who produce wealth, produce jobs, have become bad people. Why? If there were not a land-tenure law there would be no mining there at all.

I will ask consent that an editorial that was written in the Denver Post by Ed Quillen, who is far from the right side of the spectrum, be printed in the RECORD. What he is saying basically is the elitists do not want us to make our land produce. They want to come west and they want to see everything pristine. But there have to be servants to clean their swimming pools and to work in their motels and their nice mountain getaways. There have to be servants.

A fellow who works in the mines making $30,000 to $45,000 a year does not make a very good servant. But in order to stay in this country he might work for $180 a week. That is what we are talking about here.

We are talking about the resource recovery, management, and conservation. Regarding the Stillwater Mine that my friend from Nevada talked about, in my State of Montana, we do have water problems on the Stillwater River. But if that palladium is not produced in this country, we go to South Africa or Russia for a major supply, and do you know what the major ingredient is of catalytic converters that cleaned up our air? Palladium. We would have to go somewhere else for it.

I just want to see some common sense in the approach. This is the wrong place to be talking about the change in policy. We have a conference committee now involved with Senator CRAIG of Idaho to change the policy and make some changes in that mining law. That has been changed 60 or 70 times, since it was written back in 1872, to reflect the changes of the times.

I am going to fight for my jobs in Montana. They are the highest paying jobs that I have in the State of Montana. I do not think changing sheets in the motels in Montana is going to match what these jobs pay. America will end up short because there will be no mining left in this country.

I ask unanimous consent the editorial by Ed Quillen be printed in the RECORD.

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

[From the Denver Post, May 29, 1994]

BANNING MINING WILL ENSURE THERE WILL ALWAYS BE ENOUGH SERVANTS

Of late, Interior Secretary Bruce Babbit has complained mightily about having to sell some federal land in Nevada for about $10,000.

The land holds about $10 billion in gold, and critics of the Mining Law of 1872 say that the $10,000 is all that the U.S. treasury will ever see of the $10 billion, since the government collects no royalties on precious-metal discoveries on public lands.

The $10,000 argument isn't quite fair, because the mining company will presumably put money into the federal treasury, even without royalties: corporate income taxes, payroll taxes, etc.

Further, the gold in Nevada isn't exactly a bunch of nuggets waiting for someone to come along and scoop up a fortune. It's in microscopic particles that requires a considerable investment, about $1 billion in this case, to recover.

However, other exploiters of public land resources—oil companies, coal corporations, river outfitters, ski resorts—do pay royalties or the like, and so it seems only fair to treat the precious metal operations in the same way.

The Mining Law of 1872 is a relic of the day when federal policy toward the West was pretty simple: get the place settled and productive, and turn the public lands to private ownership as quickly as possible.

To that end, there were giveaways like the Homestead Act. Railroads received vast land grants. Discoverers of valuable mineral deposits got little—a "patent"—to their sites. To assist in the process of discovery, mineral surveys were made at public expense, so that anyone picking up the Hayden "Atlas of Colorado" in 1885 could glance at a map and learn the likely spots for good ore.

The idea was to make the West just like the rest of America—most land in private hands, and producing to its maximum economic potential.

Since then, the public mood has changed. Hardly anybody supports big transfers from the public domain to private hands; the idea now is that public lands should stay public. As long as that philosophy persists, the West will never be like the rest of America, because so much of the territory is controlled by the federal government.

Given that, changes in the Mining Law of 1872 are inevitable. It was designed for one national goal: to convert wastelands like Colorado and Nevada into pleasing replicas of Illinois. Now we've got a different national goal: to make the West an entertaining theme park for People of Money.

That's got to be the real agenda, even if it's usually stated in terms of finance and protecting the public treasury.

Look at last year's public-lands controversy, grazing fees. Some folks were hollering about "welfare ranchers," as if tripling the AUM fee would pay off the public debt. However, if you confiscated every cow and sheep that ever grazed on public land in 1990, the total sum would pay 22 minutes of interest on the national debt. If you were truly worried about the national debt, instead of shaping the West to your own ends, you'd focus on something bigger than that. If you were truly concerned about the environment, you'd work with ranchers on the ground to devise better management practices.

But if you were annoyed by rednecks or cow plops the last time you drove 150 miles so that you could experience 15 miles of scenic bliss on your $1,200 mountain bike, you don't complain about what really irks you. You complain instead about environmental abuses or grazing subsidies.

Come to mining, and the critics of the Mining Law of 1872 aren't really concerned about environmental abuses. If there's a market for gold and it's too expensive to mine it in the U.S., then the gold will be mined by $1-a-day laborers in Venezuela or Brazil, where there aren't many environmental regulations.

It's NIMBY on a global scale. People want the benefits of gold—jewelry, tooth fillings, computer edge-card connectors that don't oxidize—but don't want to put up with the mess of mining and milling the stuff. Cyanide seeping into the Amazon is just as toxic as cyanide seeping into the Alamosa River.

But what distresses Pamela and Courtney the most about the great public-land "giveaways to the mining industry" was that the mining industry pays relatively good wages.

In 1980, the average weekly miner's pay was $600, as opposed to $180 in the service portion of the tourist industry.

If the West is going to be a land of leisure, it needs a leisure class and a servant class. Those $600-a-week miners aren't about to volunteer to be servants. But get rid of their ugly worksites, and many will move on. Those who remain will take the $180 a week, and if there aren't enough of them, well, Vail already imports considerable help from Mexico, the Arkansas Valley and other Third World zones.

The argument over the Mining Law of 1872 isn't really about getting a fair return to the U.S. treasury. It's about making sure there are enough affordable servants.

Mr. REID. Mr. President, I yield 1 minute I have remaining to the Senator from Nevada [Mr. BRYAN]. He has a total of 5 now.

Mr. BRYAN. Mr. President, I thank my senior colleague. I think it is important for the American people who are listening to this debate this afternoon to understand what is at issue and what is not at issue.

My friend and colleague, the able and distinguished Senator from Arkansas, speaks with great passion and conviction. But he has framed the argument this afternoon as if the debate is between those who favor reform and those who favor the retention of the status quo. That is not the debate. Clearly, those of us who come from States which have enjoyed enormous benefit from this industry are concerned about the impact that a precipitous and unwise amendment would cause to an industry which, for us in Nevada, employs more than 12,000 people directly, and more than 49,000 people indirectly. Nevada is, as my senior colleague pointed out, the largest gold-producing State in America. If we were a separate country we would be the fourth largest producer in the world: Enormous mineral wealth.

I think we need to put into some perspective, however, what we are talking about. In a State the size of Nevada, in the history of the Mining Act, about one-tenth of 1 percent of the total land mass in more than a century has been impacted by mining. That is one-tenth of 1 percent.

Often the misperception is conveyed that the devastation is throughout the entire West. There are problems, to be sure. Indeed, my colleague may make the point and have some merit to his argument if, in fact, the industry had not responsibly been prepared to acknowledge that change needed to be made. We have agreed in principle that there needs to be a royalty, so the compensation issue, which my friend from Arkansas argues, is simply a question of how much.

Again, we implore that reason and balance be used in determining how much should be required by way of royalty. We do not disagree that there should be changes in the patenting process. And that has been addressed by those of us who have worked in this dialog for the past several years.

Finally, there is no disagreement that there should be reclamation.

So, on the three principal points my friend from Arkansas makes, the question of the patenting system, the question of royalties, and the question of reclamation, there is agreement that these are areas that changes need to be made. And the industry has come up with some responsible proposals to address those issues.

What we are fearful of is that there are those who have an agenda beyond that of reform and balance. There are some who, frankly, have an agenda which is to eliminate all mining from the public lands. In my view, that would not only be a disaster for the State of Nevada, it would be a national disaster as well, because there is clearly a broader public interest in making mineral exploration available on the public lands of America, and that means primarily in the West. The State of Nevada has historically enjoyed enormous benefits.

So with respect to those issues of royalties and patent reform, I think we can reach some agreement on that with respect to reclamation. A number of States, including my own State of Nevada, has adopted a reclamation law that currently is working. We are prepared to address the issue of reclamation responsibly. What we are not prepared to do is to provide such a massive delegation and grant to any Administrator of any Federal agency that would permit, under the guise of protecting a particular parcel of property, in effect, to give the right, absolutely on a de facto basis, to cease all mining on the public lands. That we are not prepared to do.

Mr. President, this amendment I know is not coming for a vote today, but philosophically I hope my colleagues would reject it if it were, on the basis that we are in a negotiating process, those of us who are responsibly trying to seek a compromise, and they would allow that to come forward. It is my hope we can reach such a compromise in this session of Congress.

I thank my colleagues and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. MURKOWSKI. I thank the Chair and my colleague from the State of Nevada.

Mr. President, I rise today to oppose the amendment being offered by the Senator from Arkansas. I understand the Senator will be withdrawing the amendment, but I feel a need to speak on it regardless.

I do not understand why the Senator from Arkansas is attempting to do this on this bill. I can understand his intention, however. But he knows, as well as everyone else, that we are in the middle of a mining conference, trying to reach a compromise on the mining law. We are working in good faith to reach an acceptable solution.

I get the feeling, perhaps, that the Senator from Arkansas is not sure we can reach a compromise. I hope this is not the case. I stated several times that I want a bill in this Congress. As elected officials, we have a responsibility to produce a bill this year, if we possibly can, but it must be a comprehensive bill that provides certainty for the mining industry. I think we have to stop offering amendments to appropriations bills and try to resolve this issue if we go to conference on it. Personally, I am tired of listening to Secretary Babbitt bad-mouth the mining industry.

I know the feelings of the Senator from Arkansas with regard to the Barrick Goldstrike Mine Co. This is, of course, one of Secretary Babbitt's favorite topics.

I would like to make a few comments regarding debate over the patent concept. It is a myth that mining is a rip-off of the Federal Treasury. Mines make a profit, provide Federal, State and local tax revenues and, most importantly, a patent is really titled to the resource. And without the title, the ability to finance can often be constricted or eliminated entirely.

In Nevada, the company that the Senator from Arkansas spoke of did receive patented land, but let us look at what it required to receive that patent.

The mine is investing some $2 billion in capital investments. The Federal Government is going to receive about $720 million in corporate income tax. The mine is going to employ 3,000 to 4,000 employees a year for 10 years or longer. That is $2 billion in wages. These wages will generate $600 million in FICA and personal income taxes. Profit and employment from mining machine firms alone will generate another $300 million in taxes. Obviously,

the multiplier is tremendous. And tax revenues to local and State Governments will pay an additional amount.

Mr. President, that is no ripoff. As a matter of fact, it sounds pretty good to me. Mines provide jobs in times when jobs are pretty difficult to identify. When we import our metals, we obviously export our jobs and dollars. So this debate is not about a 1-year moratorium on patents; it is a debate about the future of mining in our Nation. It is a debate about jobs for the working men and women of the United States.

I am ready to compromise on mining law, a responsible compromise. However, our efforts must be to stimulate and keep mining healthy, not to eliminate all future mining in this country. The question we must ask is do we want to create jobs and continue to contribute to a tax base, or do we want to force the mining industry to go outside the United States?

During the next several weeks of conference negotiations, I hope we will be able to choose to keep the mining jobs in the United States.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS. Mr. President how much time does the Senator from Vermont want? I yield the Senator from Vermont 6 minutes, and more if he needs it.

Mr. JEFFORDS. Mr. President, I would like to echo many of the comments made by my colleague from Arkansas. Public sentiment overwhelmingly supports changing this archaic 1872 law. After 122 years, it is time for Congress to reform how we mine on our public lands.

One of the most important pieces of reform is to end patenting. Any company, whether domestic or foreign, that discovers a valuable mineral deposit on a piece of public land, can patent—or gain title to—the land for merely $5 per acre. More than $34 billion worth of hardrock mineral reserves are currently at stake. If we do not act during the 103d Congress to end patenting, this land, owned by the American taxpayer, will be sold for less than $1 million.

Since the word is out, Mr. President, that Congress plans to change the mining law, mining companies have begun racing to privatize some of the most valuable public lands in the United States. 613 patent applications are currently being processed by the Bureau of Land Management. These patents represent billions of dollars in hardrock mineral reserves, but will sell for a small percentage of their value.

I repeat, if we do not put in place a patenting moratorium this year, the U.S. taxpayer will lose out on billions of dollars.

Let me just describe to you briefly how easy it is for land speculators to gain title to Federal land. The prospector, whether a mining company or real estate speculator, stakes a claim to an area which they believe contains minerals. To maintain the claim they simply pay an annual holding fee of $100. Once $500 of development work has been performed, the claim holder may file a patent application for title to surface and mineral rights.

When the patent is approved by the Department of the Interior, the claimant may purchase the land for $2.50 or $5 an acre, depending on the mineral deposit.

It is that simple. There is no limit on the number of claims a person or company can locate. And claims can be held indefinitely, with or without mineral production. In fact, there is no requirement that mineral production ever take place.

As was reported in every national newspaper this spring, a Canadian company gained title to $10 billion of mineral reserves for a mere $10,000. We are giving away a resource that is owned by all Americans, at a mere fraction of its true value.

Arguments will be made, and have been made, that without such a subsidy, mining would not occur on these lands, because the cost would be too high. Critics of this amendment will claim that ending free access and security of tenure on the land would curtail exploration efforts among mining firms and increase costs. But plenty of mining companies throughout the West operate successful, competitive operations on private lands. These companies employ thousands of people, provide valuable resources to our Nation, and pay a fair, market-based price for the land they operate on.

At one point in the history of our country, such subsidies had a rationale—when enacted, the West was sparsely populated and the infant industries of our growing country needed cheap sources of raw materials. Such subsidies encouraged settlement and development of an economic base. But these same subsidies today simply allow large corporations to make a high profit off of public land, without compensating the owner of the land—the American taxpayer.

But you need not take my word for it, the market has spoken loudly. A General Accounting Office review reported that a claim patented for $42,000 sold just a few weeks later for $37 million. Between 1970 and 1983, the GAO reports, the U.S. taxpayer received less than $4,500 for patents estimated to be worth upward of $47 million.

The land giveaway does not simply involve mining. Another GAO study reported that many of the claims are held for speculative purposes. Many real estate speculators take advantage of the patent loophole, purchasing land at rock bottom prices and selling for real estate development at a huge profit. Of 93 randomly selected patents studied, 74 had no evidence of mineral extraction, 6 went unused, and 20 were used for nonmineral purposes, such as hotels or resorts.

For example, in 1970, a company received patents on 61 acres of rocky hillside outside of Phoenix, AZ, for $153—or $2.50 per acre. A decade later, this company sold this land to a developer for $400,000. The land is now valued at over $40 million.

Since the 1930's we have been trying to end patenting. In the past the Federal Government allowed patenting to take place for many mineral extraction activities. But in 1920, the Mineral Leasing Act removed coal, oil, gas, phosphates, and certain other minerals from the claim patent system of the 1872 mining law. The 1920 law set up a system of leasing in which the Federal Government retains ownership of the leased lands. Now it's time for hard rock minerals to meet an equal standard.

A 1993 Roper Poll indicates that almost 70 percent of Americans want businesses to pay their fair share when extracting minerals from public lands. Why should hard rock mining be treated differently from any other mineral resource? Why subsidize hard rock mining, while other mineral extraction industries operate competitively, paying their fair share for use of Federal lands?

Mr. President, the time has come to change the way we mine on public lands. The mining conference between the House and Senate is underway. Hopefully our Senate colleagues will work for comprehensive reform when negotiating with the House. The reform measure should contain a royalty that would provide appropriate compensation for a taxpayer-owned resource. It should institute much needed Federal environmental protection standards for mining operations and ensure reclamation of land after mining, it should establish a program to clean up our Nation's abandoned and unreclaimed hardrock mines. And finally, the reform measure should end the practice of land patenting.

Mr. President, I urge my colleagues to do all they can to complete action on the mining reform measure pending in conference. We need to end the giveaway of public lands now, before the close of the 103d Congress.

Thank you. I yield the floor.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, may I ask how much time remains on our side?

The PRESIDING OFFICER. Nine minutes.

Mr. CRAIG. And how much time remains on the proponents' side?

The PRESIDING OFFICER. Six and one-half minutes on the other side.

At the request of Mr. CRAIG, the following statement of Mr. WALLOP was

ordered to be printed in the RECORD as follows:

• Mr. WALLOP. Mr. President, I rise in opposition to the Bumpers amendment. Although I understand it is the Senator's intention to withdraw his amendment, this is, I believe, the fifth time the Arkansas Senator has offered an amendment to prohibit the expenditure of funds to accept and process patent applications at the Department of the Interior. But this year's debate is not simply a debate on the substance or merit of mineral patents. It is a debate which comes at a time when the House and Senate are engaged in a debate over reform of the mining law and it is unnecessary. Senator BUMPERS happens to be one of seven Senate conferees currently involved in negotiations over mining law reform, including the patent issue. Granted, we are miles apart in our approach to reforming the mining law. But we should move forward in that conference to complete that task and not segregate the issue here on the floor of the Senate.

Last year, in adopting S. 775, the Hardrock Mining Reform Act, Energy Committee members on both sides of the issue agreed that we would move forward in that manner and not divide the issues. But that is what we are doing here today. Why? Because the Senator from Arkansas believes we should put an end to the rush to file patent applications before we resolve our differences.

What will happen to those patent applications between now and the time we get to conference? In my opinion, absolutely nothing. Since March 2 of last year when Secretary Babbitt initiated new procedures on processing patent applications, only one patent has been approved. Only one.

How did that one get through this new system one might ask? A Federal judge ruled that Secretary Babbitt must comply with the law to reasonably process applications for mineral patents and that his disregard for the Mining Act's implicit mandate to do so was shameful.

When the Secretary of the Interior issued that patent, he said that he was forced to do so. Imagine that, a Secretary of the Interior, who deemed himself worthy of being a Supreme Court Justice, proclaims to the public that he has to be forced to comply with the law.

Frankly, I fail to see what justification there could be for congressional action to temporarily cease mineral patent processing. In point of fact, the patenting procedures put in place by Secretary Babbitt, requiring review by no less than six people in the solicitor's office before a thorough check by the Secretary, are equivalent to a de facto moratorium.

So, in reality, this amendment would provide the Secretary only a small amount of protection against what he himself knows could be an avalanche of litigation unless some measure of progress is made on the remaining 600 or so pending patent applications.

I might also note that many of those applicants have reached the first half certificate stage of the patent process. Once this certificate is issued, the BLM is required to conduct a mineral examination to confirm that the claimant has, in fact, made a discovery of valuable minerals within a claim. If so, the patent must be issued.

The normal timeframe between confirmation of the discovery and issuance of a patent is roughly 17 days. But because of the de facto moratorium currently in place at the Department of the Interior, I am told that some patent applicants at the first half final stage and with a confirmed discovery have now been sitting in the Secretary's office for some 4 or 5 months. That, Mr. President, is simply not fair. Yet what the court has already judged as shameful disregard for the law the Senator from Arkansas seeks to promote in this debate. I appreciate the fact that Senator BUMPERS has chosen not to ask for a rollcall vote on his amendment. The patent issue can and rightfully should be resolved by the conferees on mining law reform. But it must be addressed in a fair and reasonable fashion and avoid the potential for tremendous takings litigation. This is one member of the conference who will work very hard to achieve that goal.•

At the request of Mr. CRAIG, the following statement of Mr. HATCH was ordered to be printed in the RECORD as follows:

• Mr. HATCH. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Arkansas, Senator BUMPERS, which would restore language prohibiting the processing of mining patent applications by the Department of the Interior. As my colleagues know, the amendment would restore language originally included in the House bill, but deleted by the Senate Appropriations Committee. I believe the Senate Appropriations Committee was right to delete this prohibition.

The right to patent is one of the most important aspects of a miner's security to tenure under the mining law of 1872. After a mineral discovery is made, and the Federal Government has determined that sufficient mineralization is present to justify development of a mine, a patent is issued that transfers ownership of the mineralized claims to the miner. The patent establishes fee ownership. This ownership is particularly critical for large-scale mining operations that may face a great variety of operating conditions over a period of as long as 100 years. Economic cycles, temporary closures, and changing land-use patterns all result in significant risks to a mine's existence unless real land ownership exists.

Without the ownership protection provided by a patent, miners throughout the West will have difficulty in bringing a mineral discovery into development. Banks will be reluctant to finance mines, and miners will hesitate to expend the large amounts of money needed for exploration. The major source of new mineral discoveries in today's world are small, independent miners, and the incentive to continue these discoveries is the knowledge that a patent will be issued in the end. If we eliminate the right to patent as proposed by this amendment, then we will eliminate this valuable resource that keeps our mining industry, and its associated industries, viable.

I have opposed past attempts to place a moratorium on the issuance of mining patents, and the reasons for my past votes are still relevant today.

First, the use of the appropriations process to make a substantive change in the mining law of 1872 is objectionable. This year, especially, the use of this process to amend the law is inappropriate since a comprehensive effort to reform the mining law has been undertaken in both the House and Senate. -Inclusion of language prohibiting the issuance of mining patents in this legislation will preempt the deliberations that are now proceeding between House and Senate negotiators where the issue of patents is an integral topic of discussion. Once again, the amendment would be an end-run around these ongoing negotiations.

Second, some have argued that our existing mining law enables companies to control vast amounts of land in the Western United States. However, the issuing of patents under current law has in no way created a land-grab situation that needs the drastic remedy of a moratorium. Since 1781, over 700 million acres of Federal public lands have been transferred to private ownership for various reasons, including agriculture, railroads, State grants, timber, and desert lands. Of that amount, approximately 3 million acres have been patented for mining since 1781.

Third, those who defend a patent moratorium do so by indicating the public is being ripped off by miners who can buy public lands for as little as $2.50 to $5.00 per acre. As my colleagues well know, this is a bogus argument. In order to demonstrate to Federal officials that an ore body is worthy of development, miners must complete extensive exploration work that often costs hundreds of thousands, or even millions, of dollars per claim. The $2.50 to $5.00 charge is a patenting fee, and is not at all associated with the cost of purchasing the land.

It becomes quite tiresome to hear these low fees being used against the mining industry—most recently involving Barrick Resources—when in reality

miners and mining companies pay huge sums of money to develop a mine, to create jobs where there were none, to keep a mine operating in tough economic times, and to pay sufficient State and local taxes.

And, fourth, it appears there is already an informal patent moratorium in place. Officials at the Department of the Interior may disagree, but I have been closely following a case involving Utah's beryllium deposits in the Topaz Mountains of western Utah. The company developing these deposits applied for the patents beginning in June 1992, over 2 years ago, and still has yet to receive a first half final certificate [FHFC] for these claims. This company has expended millions of dollars as of today in pursuit of these patents and, like several other companies in a similar position, may have no choice but to pursue legal action to force the Department to take final action on these applications.

After the Interior Secretary revoked the delegation of authority to the Bureau of Land Management to issue FHFC and mineral patents last year and establish a patent review process that involves his personal review of each application, the processing of mining patents has slowed considerably, almost to a standstill. Even those applications currently in the pipeline are creeping along at a snail's pace, if indeed they are progressing at all.

I understand, respect, and even encourage, the meticulous review of these applications. But, at some point, these reviews can become dilatory. I hope the pace of processing these and other applications has not been deliberately slowed until Congress passes a mining law reform bill that addresses patents. The Interior Department is obligated to enforce the law as it now stands, not as they hope it will be.

Mr. President, I urge my colleagues to oppose this patent moratorium amendment for these and other reasons. A patent application represents many years of exploration and investment. It would be unjust for a patent moratorium to be enacted by Congress for applicants who have already expended resources in their endeavors to secure patents.

Furthermore, a patent moratorium enacted as part of this appropriations bill would stop a major part of the present mining law reform debate in its tracks. And, it would put at risk the many new mines this Nation must have to sustain its minerals production capabilities and the jobs this industry supports.

I urge Senators to reject this amendment.●

Mr. CRAIG. Mr. President, in 1872, the U.S. Congress said in a mining law that it was important that we develop the mining industries of our public lands across this country. Those lands were primarily west of the Mississippi at that time and continued so through to today. But not only did we say it with mining, we said it for a lot of other reasons. We had not yet created the U.S. Forest Service. That did not come until about 20 years later. But we had an organic act that said some of our forest reserves ought to be managed for the purpose of tree production and protection for that purpose.

We created a homestead law that gave away—gave away—over 287 million acres, across the public lands of the West primarily, and for that purpose it was designed to give it free of charge to a person who would go out on the land, stake out their acreage and live on that land and develop it. Why did we do that? Because our Federal Government at that time had no policy to own land beyond very limited amounts. We had not created parks at that time. We had some military reserves. But our Government and this Congress did not believe that the Federal Government should own the land.

Now, I say to the Senator, a good friend of mine, who proposes this amendment, when the Federal Government said to the State of Arkansas, "Here it is; take it; that within your borders is yours," that was called ceding the land at the time of statehood. Not one penny was paid by the citizens of Arkansas. Is it wrong that the citizens who gained patent or title to the land of Arkansas today might sell it for $1 million an acre? Not at all. They own the land. What is wrong with that?

Is it evil for the Federal Government to give away land? It was not evil in 1872. It was not evil in 1900. It was not evil 20 years ago because we believed it was the right thing to do for the purpose of developing our lands, for developing our economies and creating jobs, and only in the last 8 to 10 years has there been a progressive drumbeat that somehow the land could only be protected if it were owned and cared for and nurtured and stewarded by the Federal Government, and that somehow for private property to be held was evil.

I do not believe private property is evil. It is the basis of our country's wealth. But I do believe today that there is room for a legitimate debate on how the Federal Government ought to release the lands it owns into the private sector and how much the Government ought to get in return. And in that respect the Senator from Arkansas is absolutely right. This is a debate worth having. This is a policy worth reviewing. And this is a decision that I hope our Government will make this year as it relates to lands that might be turned over in the sense of ownership or patent to an individual who would choose to mine that land for the purpose of supporting our industrial base and developing our minerals and metals resources.

Now, you can call it the reform of the 1872 mining law, and I hope we will, and that we do not focus just on patenting but we focus on a whole parameter of issues like I did when I helped author, and this Senate passed last year, mining law reform known as S. 775.

Mr. President, we did not just dwell on patenting—it is an important part of the 1872 mining law—but we looked at a whole, broad spectrum of issues that are critically important to our Government, to the Senator from Arkansas, and to our country's economic and industrial base. That is, are we going to have a mining policy for our country, and how are we going to manage it, and should it be different from the policy that was established in 1872 and then amended down through the years over six different times and changed by the passage of the National Environmental Policy Act and changed by the Clean Water Act and changed by the Clean Air Act?

We are saying, yes, it should be changed today, that maybe royalties ought to be paid on hardrock minerals that have never been paid before. And the debate between the Senator from Arkansas and I is how much that royalty ought to be. He says one thing, I say another, and we get our accountants and all the statistics together. I hope this Congress will be given the option to decide whether he is right, the Senator from Arkansas, or whether I am right.

But the main thing is we have collectively decided that royalties ought to be paid today in some form to the taxpayers of this country for the resources they own that are underneath the public lands of our country.

Patenting is an issue. I think we ought to retain patenting, but I do not say give it away at $2.50 an acre. That is the law today. Barrick did not steal the land. They played by the law. And I said last year the law ought to be changed, and I was fought by this Secretary of the Interior who wanted something different. We fought, and guess what happened? While we were arguing about how we ought to determine patenting, Barrick patented.

I am sorry, Mr. Secretary of the Interior. If you had gotten off your political soapbox and you had come to the negotiation table where we are today, maybe—just maybe—Barrick would not have happened. But it gave them a great political issue. "Come on, Mr. Secretary. Get to the conference table today. Sit down with the Senator from Arkansas and the Senator from Idaho, and let us rewrite the 1872 mining law in a balanced and responsible way that all of us can live with that will assure a hardrock mining industry off the public lands of our Nation. We can deal with patenting. And we will deal with it."

Now, let us talk about operation standards and reclamation. What are

we talking about? We are talking about how we deal with the land after we have mined it. Do we retain it; take it back to its natural topography; put the soil back on it; put the plants back on it the way it was before it was disturbed so that 100 years from now there will be no mark of man on the terrain of Western States? Yes. We ought to, and we are doing it. The question is, Who makes the decision and who develops the reclamation plan? I say the Federal Government ought to have a limited part in it. But the States on which this land resides ought to have a major role. That is an issue.

Unsuitability is another issue. In other words, is the land suited for mining, or is there another purpose for it? Who makes that decision? I do not think the Secretary of the Interior ought to have the discretionary right to say yes or no after millions of dollars have been spent determining or finding out if the mineral and the metal is there.

The question then ought to become how best can you safely mine it in an environmentally sensitive way, not whether you should mine it or should not mine it.

Those are the kinds of issues that are bound up in the whole of the debate. The Senate has passed a bill. The House has passed a bill. We heard the Senator from Nevada, who has been a major leader in this issue with me, saying now let us sit down at the table and negotiate. Senators in good faith for the last 2 months have been doing just that amongst ourselves, and the Senator from Arkansas has been at that table. I compliment him for working progressively with us to see if we cannot resolve the issue.

What is at stake: 100,000 jobs, a billion-dollar industry. And if the President and the Secretary have their way, 30,000 or 40,000 people are out of work. Even the law that I wrote and proposed would destroy some 2,500 jobs in the West, just to make those kinds of reforms.

Mr. President, that is the reality of the debate. I hope the Senator from Arkansas will continue to work with us as we strive to build a compromise and reform the 1872 mining law.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is the fifth year that I have sought compromise with my colleagues from the West on this matter. For 2 months, Senator JOHNSTON, who chairs the Energy Committee, and the conferees on the Republican side and the Democrat side, met every Wednesday morning in an attempt to craft something that would be acceptable to both sides, including the Senator from Idaho.

And every time some concession was offered—and believe me, many concessions were offered by Senator JOHNSTON that I did not agree with—the Senators representing the mining interests always responded that more was needed.

After 2 months of meeting every Wednesday morning, a letter was sent to Senator JOHNSTON from the ranking member on the committee, Senator WALLOP, which essentially said "we cannot agree to your proposed compromise. We are pulling out of this effort to reach an agreement." I will not put this letter in the RECORD without Senator WALLOP's consent. But it essentially says "we cannot agree to much of anything you have proposed." I want to tell you that I did not agree to much of Senator JOHNSTON's proposal either, because I thought it was giving away the store. But I did not threaten to filibuster the conference report.

Senator BURNS and Senator CRAIG have invoked the Homestead Act. I assume that because when this country was founded we gave people land for 50 cents an acre to settle and build a home and farm it, my colleagues believe that we ought to still be plowing with mules and plow points, and using horses and buggies for transportation.

Even so, if they will agree to pay the U.S. Government the equivalent of what 50 cents an acre was in the early 1800's, we could have a deal. But to suggest that because of the Homestead Act—admittedly a very benevolent act for all of the citizens, not just a few mining companies—that we should be giving away billions of dollars' worth of gold, is sheer lunacy.

I heard Billy Graham one time make a point that I think is appropriate for this debate. He said, "You know, when our first child was born and he said 'da-da,' I thought I was going to faint, I was so excited." But he said, "If that child was 50 years old and was saying 'da-da,' I would be calling every psychiatrist and counselor I could find." That is what these people are doing. We are still saying 'da-da' 122 years after the mining law was passed.

Mr. President, one of the worst problems with the mining law is that there are 592 million acres of Federal land open to mining, and the law assumes that the highest and best use for virtually every acre of it is hardrock mining.

I do not understand my Western colleagues' universal reaction in opposition to the imposition of a reasonable royalty. All the revenues to be received would be returned to the West in order to reclaim abandoned mines. There are roughly 557,000 abandoned hardrock mine sites in this country. The largest is located in the junior Senator from Montana's home State, in Butte, that is going to cost taxpayers $1.5 billion to clean up.

Mr. CRAIG. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I would like to be gracious and yield. But I want to finish my statement.

Mr. CRAIG. For one question?

Mr. BUMPERS. For one question.

Mr. CRAIG. In my proposed reform, we suggested that if the Senate and the Congress grant the right of patenting, that a fair market value be paid for the land. Is that not now reasonable today, that citizens who acquire that land for mining pay the estimated royalty?

Mr. BUMPERS. Mr. President, everyone who has been following this debate knows that the issue the Senator raises is a complete red-herring. The surface of the type of land we are discussing is probably not worth more than $100 an acre, in most instances. We are talking about the billions of dollars worth of gold underneath this land.

Mr. CRAIG. I am talking about royalty and fair market value. S. 775 has a royalty, plus the fair market value sales price of the land. Is that not reasonable?

I thank the Senator for yielding.

Mr. BUMPERS. I am happy to yield. I just want to make a few final points, and then yield the floor.

The Senator from Nevada [Mr. REID] made a point that we import palladium from Russia. I am not sure what the rationale is for his concern. I assume if we import anything from Russia, we should not impose a tax to try to curb that practice.

Russia is a big gold producer. If we wind up importing gold, under the rationale of the Senator from Nevada, there never would be a royalty on gold because we could get it from Russia. To invoke the cold war to try to keep doing what we have been doing for 122 years, which is the biggest scam in America, is an outrage.

In addition, approximately 75 to 80 percent of the gold mined in this country goes into jewelry? I have nothing against jewelry. I tell you, I have never worn a ring in my life. I have never worn a bracelet. I do not personally care anything about jewelry. But I do not criticize those who do. But here we are, giving away precious minerals, billions of dollars' worth of gold, to subsidize jewelry producers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask unanimous consent for 1 additional minute.

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

Mr. BUMPERS. Mr. President, the reason I brought this amendment up today was for two reasons. No. 1, this amendment is in the House bill. The House has this language in its bill. The second reason is to say and to put my colleagues on notice that if that conference committee, to which the Senator from Idaho alluded, and on which he and I both sit, come back with a decent compromise that is filibustered, I promise I will try to put this amendment on the first bill coming through

the U.S. Senate, to stop patenting right dead in its tracks. And then there will not be much room for compromise.

I yield the floor.

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

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The 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 withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2400) was withdrawn.

Thr PRESIDING OFFICER. Under the previous order, the committee amendment on page 48 line 16 is agreed to.

So the excepted committee amendment on page 48 line 16 was agreed to.

AMENDMENT NO. 2397

Mr. KENNEDY. Mr. President, I strongly support the National Endowment for the Arts. This agency has had a remarkable record of achievement over the past 30 years, but has too often been the subject of unfair criticism in recent times.

I hope that every Member of the Senate, including the critics of the Endowment, are aware of the large volume of outstanding work that the Endowment has done. And, since Jane Alexander became chairman, the praise for the agency has been even greater. There is a new sense of respect and appreciation for the Endowment's work.

Ms. Alexander has visited 34 States already. She has demonstrated an unparalleled commitment to making sure that the American people understand the true record of the Endowment, and especially its support for the Nation's museums, symphonies, regional theaters, dance companies, arts education programs, and local arts activities.

These grants have benefited every State in the Union. Many of the grants are awarded on a 3-to-1 matching basis, with three State and local dollars matching the Federal dollars, so the impact of the grants is leveraged very effectively.

In the 5 years from 1987 through 1991, the combined Federal and State arts investment in Massachusetts totaled nearly $120 million. Those funds reached audiences of over 200 million people, provided 64,000 children and 15,000 teachers in our State with arts instruction and performances. They helped to generate $238 million in private funds to match the public moneys.

Without question, these funds have made a difference in our State and I am sure they have made a comparable difference in each of the other States across the Nation.

At the recent Tony Awards ceremony in New York, Jane Alexander spoke of the Endowment's support for plays and playwrights, and the indispensable support it has given for developing new work. Endowment support can be found at the heart of nearly every Pulitzer Prize-winning play, either through a grant to the playwright or to the company which produced it. These works contribute to our national cultural heritage and are enjoyed by countless Americans in regional and local theaters in all parts of the country.

All of these beneficial results are achieved through our modest Federal investment in the Endowment. It is a modest annual appropriation that has declined in real dollars in recent years.

Support for the arts is an important principle of federalism that I strongly support. It is part of our national responsibility to encourage a climate in the country that promotes the development of the arts and encourages understanding and participation in music, literature, painting, sculpture, dance, and other forms of creative expression.

Any fair accounting of the Endowment's record will conclude that it is ably fulfilling its mission. It is providing indispensable support to the Nation's cultural institutions and it is increasing the public's access to the arts.

The appropriation for the Endowment of this legislation is a reduction of 5 percent below last year. The companion House bill contained a 2-percent reduction. I hope that the conferees will consider the serious impact that the continued erosion of funding levels will have on the Endowment, and that any reduction in funds will be left to the chairman to distribute among its programs.

The conferees will have an important opportunity to express their confidence in Chairman Alexander for the impressive efforts she is making on behalf of this important agency.

I commend Jane Alexander for her achievement. She is bringing new vigor and leadership to this essential agency. She deserves our support, and so does the Endowment.

Mr. BYRD. 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. SIMPSON. 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. SIMPSON. Mr. President, I thank the chairman and the floor managers. As the information comes in necessary to proceed on the appropriations bill, I will certainly defer to that. But my remarks are short in nature, and I want to comment on the situation with regard to the targeted funding reduction to the National Endowment for the Arts. I am fully aware that the chairman, Chairman BYRD, will assure that there will be fair treatment for that budget in conference, and I have no doubt that that will take place.

I just wish to state that the reductions that are apparent and that are coming will severely affect some of the programs of the Endowment in my State and in NEA institutions across the America. It will affect the touring programs and art education programs.

The Endowment's far-reaching support of projects in rural and historically underserved areas, such as my home State of Wyoming, would be affected by these targeted cuts. NEA touring programs of musicians, artists, and dancers increase the availability of the arts for all Americans, and that work should be commended and supported.

For the most part, those that make the grants at the NEA do an excellent job. We must not forget that they have awarded nearly 100,000 grants since the year 1965.

Yet, I do agree that sometimes ugly, tasteless, obscene and plain stupid and inane performances take place, and when they do it reflects on the entire activities of the NEA. We have seen the discussion today of the bloodletting at the Walker Arts Center, and that legitimately engendered spirited debate over the mission of NEA.

That is why I have from time to time supported amendments presented by my friend, Senator HELMS, not in all cases indeed, but when we are talking about certain depictions of certain mutilations and human bodily functions, there is a point that sometimes is missed that anything like that may go on, and I would certainly not hesitate to assure that it did go on under the first amendment. The only remarkable difference is it does not have to be paid for by the taxpayers. That is what is often forgotten in the rush.

I shall never forget the rush as we dealt with the Mapplethorpe and the Serrano activities many months ago now. It seems quite current, actually. But remembering that here was a $47,000 grant, the total out of a budget of $171 million, and you would have thought on both sides that the Earth was going to quit rotating on its axis. The extremists on both sides will drive the issues. We are not going to do anything with Shakespeare in the park or quilting or regional theater. And sometimes we lose ourselves in the emotion of the debate. I submit that funding such tasteless art is an exception to the generally very well demonstrated competency of the NEA grant process.

The House has reduced the Endowment funds by 2 percent. These are things that are troubling. I do think that all of the issues that become so apparent to us as tasteless and obscenity are exceptions to the generally very

well demonstrated competency of the NEA grant process.

The Senate's bill includes an $8.5 million reduction from the President's budget request of $170.1 million. This would bring the NEA budget back to where it was prior to fiscal year 1984. The Senate Appropriations Committee has also targeted four specific Endowment programs: Theater, visual arts, presenting and commissioning, and challenge grants.

These targeted reductions would threaten important projects in the State of Wyoming. Without the availability of challenge grants—that require a 3-to-1 private industry to Government match—the Wyoming Art Museum and the Wyoming Art Council would not be able to provide the diversity of programs and services to Wyoming's artists and arts organizations.

Many of my colleagues who support the arts may be feeling the pressure to keep quiet on this issue. But it is my lifelong view that the arts are a very integral part of our society and serve as a unifying force of the American spirit. We are all concerned about the economy and the appropriate use of taxpayer dollars, none more than those who manage these bills on the floor. Our efforts to curb the Federal deficit should be balanced with a reasonable and sensible view of the value of arts in America.

I very much appreciate the fact that the distinguished Senator from West Virginia, Senator ROBERT C. BYRD, has agreed to consider the position of NEA Chairman Jane Alexander and many Members of this body concerning these targeted cuts when this matter goes to conference. My friend from Oklahoma, my fine colleague, DONALD NICKLES, has agreed to assure that in conference we will do the things that are required to be done.

We all know that when these two of our colleagues say they will do something, their credibility is never subjected to question.

The funding application review process has come under fire at the NEA in recent years. A lack of control over the awarding of subgrants and seasonal grants has been the primary cause of the problems which has led to much criticism of the NEA. Jane Alexander's goal of "Bringing the best art to the most people"; her basic common sense; her professional and personal good taste, and native civility is helping to change the public's negative perception of the NEA. She has taken sincere steps to increase the agency's accountability and strengthen the award process.

Chairman Alexander has made important changes in the NEA's administration of grants, grantee reporting requirements, and procedures for grantee requests for project changes. She has strongly emphasized the need for improvement in the selection of grant application review panels. Her travels over the past year to 35 States and her meetings with town and school officials, artists, and State arts organizations have resulted in enormous grassroots support.

On a local level, the NEA has been instrumental in strengthening arts organizations in Wyoming and has provided so many cultural opportunities for people throughout my State. Between 1987 and 1991, combined Federal and State arts investment in Wyoming totaled over $4 million, and that investment has yielded significant dividends. The NEA supported activities in Wyoming that drew audiences of over 3 million people in that time period. There have been thousands of grants awarded to Wyoming artists.

The Grand Teton Music Festival, the Buffalo Bill Historical Center, and Nicolaysen Museum and many other organizations and individuals have benefited from support from the Endowment. Overall, in the 27 years of Federal and State support for the arts in Wyoming, the NEA has helped to increase the number of performing arts companies, museums, arts centers, and other arts organizations from 15 to over 60.

Let us give a creative and articulate woman such as Jane Alexander this opportunity to truly lead the National Endowment for the Arts. We cannot legislate good management. Our job is to see that it works well. The Chairman should have direct authority to sensibly manage the budget cuts that Congress appropriates.

I would reiterate my strong support for Jane Alexander's leadership of the National Endowment for the Arts and I continue to wish her well.

I thank the chairman of the Appropriations Committee and the managers for this opportunity.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, with the kind permission of the managers of this bill I ask unanimous consent of the Chair that I might be granted permission to speak as though in morning business for 3 minutes.

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

The Senator may proceed.

HONORING THE LATE GEN. LESLEY McNAIR

Mr. DURENBERGER. Mr. President, I rise to commemorate the 50th anniversary of the passing of one of the greatest Minnesotans in history.

I must tell my colleagues that a mere 6 weeks ago I did know that this man was a great Minnesotan. I was walking the incredible cemetery at Deauville above Omaha Beach after the 50th anniversary speeches had concluded, and I saw a simple stone that said Lesley J. McNair, Minnesota, July 25, 1944. I said could it be the Lesley J. McNair of Fort McNair?

I came home with a list of others as well, but in this particular case I came home to find out that 50 years ago today it is true that Gen. Lesley J. McNair, the son of a merchant in town of Verndale, MN, gave his life so that Europe and the rest of the world might be free.

Lesley McNair was the highest ranking, and I believe may still be the highest ranking U.S. Army officer ever to be killed on the front lines. The news reached Verndale on August 3, 1944: General McNair had been killed by a misdirected bomb in St. Lo, France. It was just shortly after the so-called breakout at St. Lo in which our colleague FRITZ HOLLINGS participated. He was observing action during Operation Cobra, the Army's push into mainland Europe. Flags went to half mast in Verndale that day, but pride intermingled with sadness.

All Minnesotans—all Americans—can take pride in the courage and leadership that he displayed in that campaign. Gen. George Marshall was right when he called General McNair a classic soldier, superior in every field.

General Marshall also pointed out that the astonishing successes of the Armies—McNair—organized and trained constitute the only praise that he desired. The aggressive spirit that General McNair instilled in our men was the driving force of his own character.

He was a warrior not of blood and iron, but of the heart. He knew that victory for democracy could come only from what was in the hearts of our people, not what was in the barrels of our guns.

Lesley McNair was born on May 25, 1883, in Verndale, what was then a farming and mercantile community of 1,500 in Wadena County, 150 miles northwest of Minneapolis/St. Paul.

He graduated from West Point at the age of 21, and saw service under Gen. John J. Pershing, first in Mexico and then in France in the First World War. For his outstanding service, he was awarded both the Distinguished Service Medal and the French Legion of Honor.

In 1940, he was made major general—and undertook the reorganization of general headquarters at the Army War College. In 1941, he became a lieutenant general and commanding general of the Army Ground Forces. Chris Gabel has written of McNair's training skills, in which he still has no peers, in a book entitled "Louisiana Maneuvers."

McNair, at the time of his death, had already received a Purple Heart for being wounded in the African campaign, when he met his destiny at the battle of St. Lo, 50 years ago today.

General McNair understood that courage and preparedness—together—are necessary building blocks of victory. It is for his organizational genius

that he has been nicknamed "A Maker of Armies"—and for his courage that he is recognized as a national hero.

Mr. President, those who are stationed today at Fort McNair in Washington, DC, have a truly proud example to live up to. Indeed, all Americans can find in General McNair a model of the virtues that built and protected this country for the last two centuries. I ask my colleagues to join me in commemorating this important anniversary.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, the list of amendments that I see as possibilities, I shall read.

BAUCUS, BRADLEY, relevant amendments; BYRD, four relevant amendments; DECONCINI, DORGAN, FEINSTEIN, GRAHAM, relevant amendments, one each; LEAHY and LIEBERMAN, Atlantic salmon recovery; LEVIN, two relevant amendments; METZENBAUM, three relevant amendments; MITCHELL, three relevant amendments; NUNN, an amendment on emergency funding, Georgia flood; REID, two relevant amendments; ROBB, two relevant amendments; WELLSTONE, two relevant amendments; WOFFORD, an amendment on Forest Service timber sales; BOND, on Bureau of Mines; BROWN is shown with three relevant amendments; COCHRAN, on Forest Service timber; COVERDELL, on disasters; DANFORTH, on endangered species; DOLE, two relevant amendments; DOLE or designee, two relevant amendments; DOLE and MOSELEY-BRAUN, on historically black colleges; DOMENICI, an amendment on Southwest fishery research facilities; GRAMM, two relevant amendments; HATFIELD, a relevant amendment; HELMS, a relevant amendment; HUTCHISON, two amendments on endangered species; KEMPTHORNE, an amendment on endangered species; MACK, a relevant amendment; MCCAIN, four relevant amendments; MCCONNELL, a relevant amendment; MURKOWSKI, an amendment on park services.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Senator MURKOWSKI would also want to have a relevant amendment, in addition.

Mr. BYRD. MURKOWSKI, a relevant amendment; NICKLES, four relevant amendments; STEVENS, an amendment on Tongass National Forest; WALLOP, an amendment on reduction at the Interior Department; WALLOP, an amendment to reduce National Biological Survey; WALLOP, an amendment on National Park Service land acquisition; WALLOP, an amendment on National Park Service wildlife units; BINGAMAN, an amendment on Bureau of Indian Affairs.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Staff just asked me to try to keep the Helms amendment open, if you do not mind.

Mr. BYRD. Yes.

HELMS, an amendment on the NEA.

Mr. President, those are the amendments that we have before us. Staffs on both sides have prepared these lists. The distinguished ranking manager, Mr. NICKLES, has the same list.

I ask unanimous consent that the list of amendments that I have just read constitute the amendments in totality which would be eligible for call up on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have no objection to that request.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement propounded by the distinguished Senator from West Virginia is agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the aforementioned amendments be not only the only floor amendments remaining in order on H.R. 4602, but that they may be offered in the first or second degree, if offered to a committee amendment, and that second-degree floor amendments be in order, provided they are relevant to the first-degree amendment to which offered.

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

Mr. BYRD. Mr. President, I send the list to the desk for the convenience of those at the desk.

Mr. NICKLES. Will the Chairman yield?

Mr. BYRD. Yes, indeed.

Mr. NICKLES. This also includes Senator BRADLEY's amendment, which will be pending in the morning?

Mr. BYRD. Yes. I thought I read an amendment by Mr. BRADLEY. It is shown as a relevant amendment. It has to do with advance computation of technology initiative. That amendment will be called up by Mr. BRADLEY in the morning. An order has already been entered, I believe, limiting the time on the amendment to 50 minutes, to be equally divided. Mr. BRADLEY will call up the amendment at 9:15 a.m. If a vote is ordered thereon, it will occur upon the reconvening of the Senate, following the joint session tomorrow and the luncheon.

Has that order been entered, Mr. President, to that effect?

The PRESIDING OFFICER. Yes it has.

Mr. BYRD. So that is the short and long of it, if I may say to my friend.

It is my understanding that Mr. BURNS wants an amendment added to the list.

Mr. President, I ask unanimous consent that a relevant amendment by Mr. BURNS be in order.

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

Mr. BYRD. Mr. President, I thank my friend, Mr. NICKLES, for his assistance today and his leadership in securing the list. I thank our staffs.

What is his feeling about the possibility of completing action on the bill tomorrow?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just in response to my friend and colleague, the chairman of the Interior Appropriations Subcommittee, I hope our chances are pretty good. I think we did make good progress. This amendment list, which I was hoping was going to be 20 some has now turned into about 60. But it is my hope and expectation that many of these amendments will not be offered. Certainly because they are listed, we are not encouraging all Senators to offer these amendments. But if they do wish to offer these amendments, I urge them, tomorrow, after we reconvene after lunch, to have their amendments ready and we will be happy to work with them and their staffs to try to accommodate them if at all possible. If not, to have debate and dispose of those amendments one way or another.

Having this finite list of amendments, I think makes it possible for us to maybe be able to finish tomorrow if we do not get involved in protracted debate. Looking through the list, I do not see too many amendments that will be that time consuming.

Mr. BYRD. Mr. President, what the Senator has said is encouraging to me. He is "a man of my kidney."

I hope that his prognostications prove to be true, and I believe they may very well be. As he has indicated, many of the amendments are insurance amendments, in effect. They are just put on the list for self-protection. I thank him and I look forward to working with him again tomorrow.

As Cleopatra said to Iras, at this late hour:

> Give me my robe, put on my crown; I have Immortal longings in me * * *.

MORNING BUSINESS

BOSNIA AND HERZEGOVINA

Mr. BIDEN. Mr. President, I rise today to discuss the changed situation

in the ongoing catastrophe in Bosnia and Herzegovina and to propose a resolute course of action for this Government and its allies.

In the latest chapter of the Balkan tragedy, the "contact group" in Geneva made up of the United States, France, the United Kingdom, Germany, and Russia has forced the embattled Bosnian Republic to accept a plan that calls for its demise as a multinational and multireligious society. Meanwhile, last week the Bosnian Serbs, hoping to split the contact group, formally accepted the plan but attached conditions that make their acceptance a sham.

Their divide-and-conquer strategy seems already to have borne fruit. The first reaction of Russian Foreign Minister Kozyrev was that the Bosnian Serbs had taken a positive attitude in Geneva and that, therefore, further negotiations are possible.

None of this is surprising. The contract group's plan is fundamentally flawed in concept and, moreover, if enacted, would threaten to drag American troops into a Balkan quagmire. We can, and must, do better. The best alternative is "lift and strike," the policy which I have consistently advocated since the genocidal dimensions of the Bosnian war became clear.

Mr. President, the map upon which the Geneva plan is based would carve Bosnia up, leaving the Moslem-Croat Federation barely 51 percent of its land and awarding the Serbian aggressors the remaining 49 percent.

Ever since the Bosnian horrors commenced, they have been clinically described as a "difficult diplomatic problem" by the foreign ministries of the great powers. I regret to say that our Government, in collusion with its traditional European allies and with its new-found friend in the Kremlin, has gone back on its pledge not to pressure the principal sufferers in this bloody conflict into accepting a suicidal diktat.

The Serbs want, of course, to hold onto the 72 percent of Bosnia that they have conquered and "ethnically cleansed" as a result of a near-monopoly on heavy weaponry, thanks to the one-sided arms embargo imposed by the United Nations. During the past 10 days, even as their negotiators were complaining about alleged wrongs being done them, the Bosnian Serbs were unleashing new waves of terror in several locations against defenseless Moslem and Croat civilians. Their ultimate aim is a state, purged of non-Serbs, which could then unite with Belgrade and fulfill the plan of Nationalist-Communist strongman Milošević for a greater Serbia.

In a sense, Mr. President, the Bosnian Serbs by their greed have done us a favor. No informed observer of the Balkans seriously believes that either party has the slightest intention of honoring an imposed peace any more than they have honored dozens of cease-fires solemnly agreed to in the past. Yet, a more convincing formal Bosnian Government and Bosnian Serb mutual acquiescence to the crude pressure tactics in Geneva might have served as a justification for our deploying ground troops to Bosnia to enforce this paper peace agreement. We might soon have had thousands of American ground troops at risk in the role of apartheid cops.

Now, the Bosnian Serbs' refusal to buy into the Geneva map—refusal to settle for huge, ill-gotten territorial gains, even if not the whole of their booty—has convinced, I trust, the Administration and our Western allies of the futility of imposing a diktat, calling it an agreement, and then sending in blue-helmet peace-keepers to enforce a bogus peace.

Mr. President, there is a more realistic and effective policy to move the warring parties in Bosnia toward a genuine settlement, without rewarding Serbian aggression.

For more than 2 years, I have put forward as this preferred option lift and strike—lifting the arms embargo on the Bosnians to allow them the elemental right to defend themselves, and concurrently using American-led NATO air power to strike at the Serbs whenever they attack U.N.-designated safe havens or humanitarian convoys. Under this policy, no U.S. ground troops, other than a small number of forward air controllers, would be needed.

Regarding the embargo, 3½ weeks ago an amendment unilaterally to lift the arms embargo against Bosnia unfortunately failed in this House by only one vote. Mr. President, I earnestly hope that it will pass the conference committee later this summer, particularly in view of the Bosnian Serbs' newest demonstration of sly obduracy. If the Congress does act, the Clinton administration would be well advised to reassert American leadership in NATO by inducing our allies to be on the right side of history and allow the Bosnians the wherewithal to fight for their own survival.

So much for the lift issue. Until now, the strike component of lift and strike has been stymied by two factors related to United Nations. First, the airstrikes have been repeatedly frustrated by the senior U.N. civilian official in the Balkans, who is more concerned that his organization maintain an impartial stance than in punishing brazen Serbian violations.

Second, the presence of U.N. peacekeeping troops on the ground has unwittingly provided cover for the Serbian aggressors.

The French, British, Dutch, Canadian, Spanish, and Belgian U.N. blue helmet soldiers, while protecting innocent civilians and facilitating the delivery of humanitarian goods, have nonetheless predictably been reduced to virtual hostages by the better armed Serbian bullyboys. Paris, London, and the other capitals, therefore, have been afraid to allow the lift and strike policy necessary to thwart Serbian aggression, and Washington has reluctantly gone along.

Now that the Bosnian Serbs have given up any pretense of willingness to make peace with honor, we should immediately persuade our allies:

First, that the economic sanctions against Serbia, the Bosnian Serbs' patron, must be tightened;

Second, that the unjust arms embargo against the Bosnian Government must be lifted in order to allow them to exercise their legitimate right of self-defense;

Third, that we must vigorously enforce the no-fly zones in Bosnia, which have heretofore largely been ignored;

Fourth, that U.N.-guaranteed safe havens must be extended to encompass more civilians and be backed up by more draconian use of air power; and

Fifth, that in the manifest absence of peace, the allied peace keepers may have to prepare for an orderly withdrawal.

Mr. President, if we undertake these measures to call the aggressor's bluff, we may yet be able to bring a genuine peace to Bosnia on the basis of equity.

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-3100. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, a draft of proposed legislation to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on Armed Services.

EC-3101. A communication for the Assistant Secretary of Defense, Economic Security, transmitting, pursuant to law, a report relative to the standardization of equipment with NATO members; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 2313. An original bill to authorize appropriations for Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes (Rept. No. 103-319).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Stephen G. Breyer, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States, with the recommendation that he be confirmed (Ex. Rept. No. 103-31).

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. BAUCUS:

S. 2313. An original bill to authorize appropriations for Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. HEFLIN:

S. 2314. A bill to make administrative and jurisdictional amendments pertaining to the United States Court of Federal Claims and the judges thereof in order to promote efficiency and fairness, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. Res. 244. A resolution honoring the three firefighters who died in a helicopter crash while on their way to fight a fire in the Gila National Forest; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 2314. A bill to make administrative and jurisdictional amendments pertaining to the U.S. Court of Federal Claims and the judges thereof in order to promote efficiency and fairness, and for other purposes; to the Committee on the Judiciary.

COURT OF FEDERAL CLAIMS ADMINISTRATION ACT

Mr. HEFLIN. Mr. President, I rise today to introduce legislation to amend title 28 of the U.S. Code to improve the Federal claims litigation process before the U.S. Court of Federal Claims and to assist the court in providing complete justice in cases that come before it. This legislation will also insure fair treatment for the regular and senior judges of the court by providing certain benefits equivalent to those available to other Federal trial judges. Enactment of this bill will provide the citizens of the United States with a more fair and complete remedy and the United States with a more effective forum for the resolution of claims against the Government.

The Court of Federal Claims is the Nation's primary forum for monetary claims against the Federal Government. The court has jurisdiction to entertain suits for money against the United States that are founded upon the Constitution, an act of Congress, an Executive order, a regulation of an executive department, or contract with the United States and that do not sound in tort. The court hears major patent cases, Government contract suits, tax refunded suits, fifth amendment contract suits, tax refund suits, fifth amendment takings cases and Indian claims, among other types of lawsuits. This national court and its judges hear cases in every State and territory of the United States for the convenience of the litigants, the witnesses, and the Government. This benefits our judicial system and Nation by making the promise of fair dealing a reality.

The legislation that I am introducing today will make administrative and jurisdictional changes with the result that the court's resources are preserved and utilized to the maximum extent and the jurisdiction of the court is clarified for the benefit of all. The ultimate result will be a more user-friendly forum which gets to the merits of controversies faster. In a moment, I will comment on all of the various sections of the bill, but first I would like to take this opportunity to comment on the need for the jurisdictional provisions of the bill.

A potential litigant should be able to examine chapter 91 of title 28, United States Code, which commences with the Tucker Act, section 1491, and to determine whether the court has jurisdiction of his claim and what relief is available. Of course, there are miscellaneous other provisions extending jurisdiction to the Court of Federal Claims, e.g., 28 U.S.C. Section 1346 (a)(1), tax refund suits; 42 U.S.C. Section 300aa-11, vaccine-injury compensation cases; and 50 U.S.C. app. Section 1989b-4(h), Japanese internment compensation appeals.

Chapter 91 of title 28 should be sufficiently clear so that even lawyers throughout the country, who rarely handle claims against the Government, could consult the Code and find reliable answers. Regrettably, this is not the current situation. Instead, a typical claimant is met with the barrage of assertions that the court lacks jurisdiction to address the claim and or lacks power to award relief requested even in those cases where jurisdiction is conceded.

The amendments proposed in section 8 of the bill, together with repeal of U.S.C. Section 1500, which I have introduced separately as S. 1355, will result in clarity that will make access to the courts less costly by permitting the court to get to the real merits of the cases, rather than waste resources dealing with preliminary and peripheral issues, and these changes will result in real civil justice reform.

Further, in cases which constitute review of administrative agency action, the potential litigant should be able to know with absolute certainty what standard of review will be applied. In the proposed bill, the standard of review in the Administrative Procedure Act of 1946 will be made explicitly applicable. Although one would naturally assume from the face of 5 U.S.C. Section 706 that these standards already apply in the Court of Federal Claims, there is some doubt and confusion over precisely which standards apply and the source of such standards. The proposed bill will end this confusion so that potential and actual litigants can know, with certainty, which standards will apply and where to find them.

No legitimate interests are served by having the parties guess and litigate about the extent of the court's jurisdiction and powers or over the standard of review applicable in agency-review cases. Enactment of this bill will end such waste and keep everyone's focus on the merits of a given case and effective steps toward resolution of controversy. It will instill confidence that in the Court of Federal Claims, and every litigant, including the Government, will receive prompt and efficient justice.

Let me provide a brief summary of my bill:

Section 1 states that this act shall be cited as the "Court of Federal Claims Administration Act."

Section 2 will provide that in the event a judge is not reappointed, the Judge will nonetheless remain in regular active status until his or her successor is appointed and takes office, thus insuring that the court will always have a full complement of regular active judges.

Section 3 will provide that judges of the Court of Federal Claims shall have authority to serve on the territorial courts when, and only when, their services are needed and are requested by, or on behalf, of such courts.

Section 4 will simply clarify what is already assumed by all concerning the official duty station of retired judges on senior status. It will provide that the place where a retired judge of the Court of Federal Claims maintains his or her actual residence shall be deemed to be his or her official duty station. This is consistent with current provision applicable to other Federal trial courts.

Section 5 will provide for Court of Federal Claims membership on the Judicial Conference of the United States. Currently, there is no Court of Federal Claims representation on the Judicial Conference, even though the court is within the jurisdiction of the conference and derives its funding and administrative support from the administrative office of the United States courts which in turn operates under the supervision and direction of the Judicial Conference.

Section 6 will provide that the chief judge of the Court of Federal Claims may call periodic judicial conferences, which will include active participation of the bar, to consider the business of the court and improvements in the administration of justice in the court. This will make explicit the authority which has traditionally been assumed and exercised by the court in conducting its business.

Section 7 will amend section 797 of title 28 to provide that the chief judge of the Court of Federal Claims is authorized to recall a formerly disabled judge who retires under the disability provisions of court's judicial retirement system if there is adequate demonstration of recovery from disability. This provision will match one currently applicable to formerly disabled judges of other Federal courts and will insure maximum use of all available resources to deal with the court's caseload.

Section 8 makes several modifications to statutory provisions pertaining to Court of Federal Claims jurisdiction in order to save recurring litigation regarding where claims should be filed, to define what judicial powers the court may exercise, and to specify what standards of review will apply in certain cases. Together, these changes will save untold resources of litigants and the court will make the court a more efficient forum for lawyers and parties to litigate their monetary claims against the Government.

In addition, this section would extend to the court ancillary jurisdiction under the Federal Tort Claim Act when such a claim is directly related to one otherwise plainly within the subject-matter jurisdiction of the court. This will avoid wasteful and duplicative litigation by authorizing the Federal Claims Court to address and dispose of the entire controversy in cases within its jurisdiction when a related claim, although sounding in tort, may firmly be deemed to arise from the same operative facts as the primary claim within the court's jurisdiction.

Section 9 will insure that Court of Federal Claims judges over age 65 who are on senior status will receive the same treatment as other Federal trial judges on senior status insofar as Social Security taxes and payments are concerned.

Section 10 amends title 28 to clarify that the judges of the Court of Federal Claims are judicial officers eligible for coverage under annuity, insurance, and other programs available under title 5 of the United States Code and will extend to those judges the opportunity to continue Federal life insurance coverage after retirement in the same manner as all other Federal trial judges in the judicial branch.

In summary, this bill will make the Court of Federal Claims more efficient and productive, resulting in benefits to the litigating public, the Government, and the country as a whole. The U.S. Court of Federal Claims is an important part of the Federal court system. The creation of this court by the Congress responds to a very basic democratic imperative—fair dealing by the Government in disputes between the Government and the private citizen. As Abraham Lincoln noted:

> It is as much the duty of the Government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between private individuals.

These amendments will allow it to better comply with its mandate and assist it in providing improved service to litigants and to the entire country.

I urge my colleagues to support this legislation.

Mr. President, I request unanimous consent that the text of the bill be included in the RECORD.

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

S. 2314

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 "Court of Federal Claims Administration Act of 1994".

SEC. 2. EXTENDED SERVICE.

Section 172(a) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "If a judge is not reappointed, such judge may continue in office until a successor is appointed and takes office.".

SEC. 3. SERVICE ON TERRITORIAL COURTS.

Section 174 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Upon request by or on behalf of a territorial court and with the concurrence of the chief judge of the Court of Federal Claims and the chief judge of the judicial circuit involved based upon a finding of need, judges of the Court of Federal Claims shall have authority to conduct proceedings in the district courts of territories to the same extent as duly appointed judges of those courts.".

SEC. 4. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.".

SEC. 5. JUDICIAL CONFERENCE PARTICIPATION.

Section 331 of title 28, United States Code, is amended—

(1) by inserting in the first sentence of the first undesignated paragraph "the chief judge of the United States Court of Federal Claims," after "Court of International Trade,";

(2) by inserting in the first sentence of the third undesignated paragraph "the chief judge of the United States Court of Federal Claims," after "the chief judge of the Court of International Trade,"; and

(3) by inserting in the first sentence of the third undesignated paragraph "or United States Court of Federal Claims," after "any other judge of the Court of International Trade,".

SEC. 6. COURT OF FEDERAL CLAIMS JUDICIAL CONFERENCE.

(a) IN GENERAL.—Chapter 15 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 336. Judicial Conference of the Court of Federal Claims

"(a) The chief judge of the Court of Federal Claims is authorized to summon annually the judges of such court to a judicial conference, at a time and place that such chief judge designates, for the purpose of considering the business of such court and improvements in the administration of justice in such court.

"(b) The Court of Federal Claims shall provide by its rules or by general order for representation and active participation at such conference by members of the bar.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections of chapter 15 is amended by adding the following new item:

"336. Judicial Conference of the Court of Federal Claims.".

SEC. 7. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any judge of the Court of Federal Claims receiving an annuity pursuant to section 178(c) of this title (relating to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.".

SEC. 8. JURISDICTION.

Section 1491(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "for monetary relief" after "any claim against the United States"; and

(B) by striking out "or for liquidated or unliquidated damages";

(2) in paragraph (2)—

(A) by inserting "(A) In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate." after "(2)";

(B) by striking out the last sentence; and

(C) by adding at the end thereof the following new subparagraph:

"(B) The Court of Federal Claims shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)), including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, and other nonmonetary disputes on which a decision of the contracting officer has been issued under section 6 of that Act (41 U.S.C. 605).."; and

(3) by adding at the end thereof the following new paragraphs:

"(4) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have ancillary jurisdiction, concurrent with the courts designated in section 1346(b) of this title, to render judgment upon any related tort claim authorized by section 2674 of this title.

"(5) In cases within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action, the provisions of section 706 of title 5 shall apply.".

SEC. 9. SENIOR STATUS PROVISION.

Section 178 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(m) For the purposes of applying section 3121(i)(5) of the Internal Revenue Code of 1986 and section 209(h) of the Social Security Act (42 U.S.C. 409(h)), the annuity of a Court of Federal Claims judge on senior status after age 65 shall be deemed to be an amount paid under section 371(b) of this title for performing services under the provisions of section 294 of this title.".

SECTION 10. MISCELLANEOUS PROVISION.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by adding after section 178 the following new section:

"§ 179. Court of Federal Claims judges as officers of the United States

"(a) For the purpose of supplying the provisions of title 5, a judge of the United States Court of Federal Claims shall be deemed to be an "officer" as defined under section 2104(a) of title 5.

"(b) For the purpose of applying chapter 87 of title 5, a judge of the United States Court of Federal Claims who is retired under section 178 of this title shall be deemed to be a judge of the United States as defined under section 8701(a)(5)(ii) of title 5.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"179. Court of Federal Claims judges as officers of the United States.".

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1915

At the request of Mr. SHELBY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1915, a bill to require certain Federal agencies to protect the rights of private property owners.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2091, 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. 2120

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2283

At the request of Mr. SHELBY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2283, a bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 2301

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2301, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. RIEGLE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Ohio [Mr. GLENN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the Year of the Grandparent."

SENATE JOINT RESOLUTION 209

At the request of Mr. COCHRAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. STEVENS], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. LOTT], the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. DORGAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], and the Senator from Tennessee [Mr. MATHEWS], were added as cosponsors of Senate Joint Resolution 209, a joint resolution designating November 21, 1994, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. MATHEWS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. MOYNIHAN], the Senator from Delaware [Mr. BIDEN], and the Senator from Minnesota [Mr. DURENBERGER], were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE RESOLUTION 244—RELATING TO THE DEATH OF THREE FEDERAL FIREFIGHTERS

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted the following resolution, which was considered and agreed to:

S. RES. 244

Whereas on July 12, 1994, three Federal firefighters from the United States Forest Service perished in a helicopter crash near Silver City, New Mexico while on their way to fight a fire in the Gila National Forest;

Whereas the three firefighters who gave their lives were Bob Boomer, pilot, from Spokane, Washington, Sean Gutierrez, Gila/Mimbres Helitack, from Silver City, New Mexico, and Sam Smith, Gila/Membres Helitack, from Las Cruces, New Mexico; and

Whereas these brave men gave their lives in an attempt to protect lives, property, and natural resources: Now, therefore, be it

Resolved, That the Senate honors, and will always remember, Bob Boomer, Sean Gutierrez, and Sam Smith, the three Federal firefighters who died on July 12, 1994, for their heroic efforts in attempting to fight a fire in the Gila National Forest, in order to protect lives, property, and natural resources.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

BYRD (AND OTHERS) AMENDMENT NO. 2382

Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 51, line 5, strike "$1,322,857,000" and insert in lieu thereof "$1,334,857,000".

BYRD AMENDMENTS NOS. 2383 THROUGH 2386

Mr. BYRD proposed four amendments to the bill, H.R. 4602, supra; as follows:

AMENDMENT NO. 2383

On page 28, line 18, change the roman number from "$199,000" to "$208,000".

AMENDMENT NO. 2384

On page 29, line 29, strike "on July 1" and insert in lieu thereof "not later than July 31".

AMENDMENT NO. 2385

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, in fiscal year 1995 and thereafter, appropriations made to the Department of the Interior in this Title may be used to fund incrementally research work orders for cooperative agreements with colleges and universities, state agencies, and non-profit organizations that overlap fiscal years: *Provided*, That such cooperative agreements shall contain a statement that "the obligation of funds for future incremental payments shall be subject to the availability of funds."

AMENDMENT NO. 2386

On page 47, line 7 linetype:

"by the General Services Administration".

BURNS (AND OTHERS) AMENDMENT NO. 2387

Mr. BYRD (for Mr. BURNS, Mr. INOUYE, and Mr. DORGAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 69, line 12 after the colon add the following: "*Provided further*, That within the funds provided, $250,000 shall be available for the recruitment and training of American Indians for graduate training in the field of psychology, as authorized in section 217 of the Indian Health Care Improvement Act of 1992, Public Law 102-573."

BYRD AMENDMENT NO. 2388

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

Linetype beginning on page 40, line 23 through page 41, line 11, and insert in lieu thereof the following:

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions, $19,838,000 to be available until expended, including $18,464,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1995, except for $692,000 for special programs, shall be credited as an off-set against fiscal year 1995 payments made pursuant to the Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1995: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

BYRD AMENDMENT NO. 2389

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 41, line 18 before the semi-colon, insert the following: ": *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219".

And, on page 41, line 23 strike "$7,556,000" and insert "$1,490,000".

DECONCINI AMENDMENT NO. 2390

Mr. BYRD (for Mr. DECONCINI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 74, line 13, before the period insert the following: ": *Provided, further*, That money collected for meals served at Indian Health Service facilities will be credited to the appropriations from which the services were furnished and shall be credited to the appropriation when received".

DORGAN AMENDMENT NO. 2391

Mr. BYRD (for Mr. DORGAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 28, line 18, add $2,000,000 to the italized number.

On page 62, line 21, reduce the amount by $2,550,000.

KASSEBAUM AMENDMENT NO. 2392

Mr. BYRD (for Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 18, line 12, reduce the amount by $1,500,000.

On page 16, line 19, increase the amount by $900,000.

MURRAY (AND GORTON) AMENDMENT NO. 2393

Mr. BYRD (for Mrs. MURRAY for herself and Mr. GORTON) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 53, line 1, strike out "$68,893,000" and insert in lieu thereof "$70,367,000".

On page 53, line 3, strike out "$150,341,000" and insert in lieu thereof "$148,867,000".

STEVENS AMENDMENT NO. 2394

Mr. BYRD (for Mr. STEVENS) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 74, line 13, before the period, insert the following: ": *Provided further*, That notwithstanding any other provision of law, any locality qualified to select land as a Native village under the Alaska Native Claims Settlement Act (Public Law 92-203 as amended) shall be eligible to participate in the sanitation facilities program: *Provided further*, That such villages shall apply consistent with the sanitation facilities priorities process: *Provided further*, That any funds provided pursuant to such authority shall not exceed the prorata share of the cost of the project commensurate with the percentage of Alaska Natives in the population of the affected community".

BYRD (AND OTHERS) AMENDMENT NO. 2395

Mr. BYRD (for himself, Mr. BINGAMAN, Mr. HATFIELD, Mr. BURNS, Mr. BAUCUS, and Mr. DOMENICI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of title III of the bill, insert the following new section:

SEC. . Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to the Department of the Interior or Forest Service, Department of Agriculture shall be available to reimburse the representative (as that term is defined by applicable law) of employees who die in the line of duty in the last quarter of fiscal year 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: *Provided*, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a).

HELMS AMENDMENT NO. 2396

Mr. HELMS proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of the amendment, add the following:

SEC. . Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or

(b) the drawing or letting of blood.

JEFFORDS (AND OTHERS) AMENDMENT NO. 2397

Mr. JEFFORDS (for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. DODD) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 81, line 7, strike "133,903,000" and insert "140,950,000".

On page 81, line 16, strike "27,693,000" and insert "29,150,000".

On page 81, line 18, strike "12,113,000" and insert "12,750,000".

On page 89, between lines 13 and 14, insert the following new section:

SEC. 312. Each amount appropriated under this Act is reduced by the uniform percentage necessary to offset the total appropriations under this Act by $8,504,000.

BAUCUS (AND PRESSLER) AMENDMENT NO. 2398

Mr. BAUCUS (for himself and Mr. PRESSLER) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place, insert the following: "None of the funds made available to the Forest Service under this Act may be used by the Secretary of Agriculture to prescribe and implement regulations relating to law enforcement activities of the Forest Service, unless, notwithstanding section 553 of title 5, United States Code, not later than 90 days before the date on which the Secretary prescribes final regulations relating to such activities, the Secretary provides a copy of proposed regulations relating to such activities to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives for review and comment by such committees."

McCAIN (AND NICKLES) AMENDMENT NO. 2399

Mr. McCAIN (for himself and Mr. NICKLES) proposed an amendment to the bill, H.R. 4602, supra, as follows:

On page 89, between lines 13 and 14, insert the following:

SEC. 312. (a)(1) The head of each agency referred to in paragraph (2) shall submit to the President each year, through the head of the department having jurisdiction over the agency, a land acquisition ranking for the agency concerned for the fiscal year beginning after the date of the submittal of the report.

(2) The heads of agencies referred to in paragraph (1) are the following:

(A) The Director of the National Park Service in the case of the National Park Service.

(B) The Director of the Fish and Wildlife Service in the case of the Fish and Wildlife Service.

(C) The Director of the Bureau of Land Management in the case of the Bureau of Land Management.

(D) The Chief of the Forest Service in the case of the Forest Service.

(3) In this section, the term "land acquisition ranking", in the case of a Federal agency, means a statement of the order of precedence of the land acquisition proposals of the agency, including a statement of the order of precedence of such proposals for each organizational unit of the agency.

(b) The President shall include the land acquisition rankings for a fiscal year that are submitted to the President under subsection (a)(1) in the supporting information submitted to Congress with the budget for that fiscal year under section 1105 of title 31, United States Code.

(c)(1) The head of the agency concerned shall determine the order of precedence of land acquisition proposals under subsection (a)(1) in accordance with criteria that the Secretary of the Department having jurisdiction over the agency shall prescribe.

(2) The criteria prescribed under paragraph (1) shall provide for a determination of the order of precedence of land acquisition proposals through consideration of—

(A) the natural resources located on the land covered by the acquisition proposals;

(B) the degree to which such resources are threatened;

(C) the length of time required for the acquisition of the land;

(D) the extent, if any, to which an increase in the cost of the land covered by the proposals makes timely completion of the acquisition advisable;

(E) the extent of public support for the acquisition of the land; and

(F) such other matters as the Secretary concerned shall prescribe.

(G) the total estimated costs associated with each land acquisition.

BUMPERS (AND JEFFORDS) AMENDMENT NO. 2400

Mr. BUMPERS (for himself and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4602, supra, as follows:

On page 48 line 16, strike all after the words "SEC. 112." and insert the following:

If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to adjournment of the 103rd Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 25, 26 and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled a hearing for Wednesday, July 27, 1994. The purpose of the hearing is to assess the implementation of Public Law 100-656, the Business Opportunity Development Reform Act of 1988, and the recommendations of the Commission on Minority Business Development, created by section 505 of that act. The hearing will be conducted in the committee's hearing room. SR-428A, commencing at 2 p.m.

Further information concerning this hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

NOTICE OF CHANGE IN HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public a change in a hearing scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

In addition to receiving testimony on S. 2259, a bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes, the subcommittee will also receive testimony on S. 2236, a bill to direct the Secretary of the Interior to enter into negotiations concerning the Nueces River project, Texas, and for other purposes.

The hearing will take place on Thursday, August 4, 1994, at 2 p.m. in room 366 of the Dirksen Senate Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet in closed session on Monday, July 25, 1994, at 10:45 a.m. to receive a classified briefing from DOD officials on the situation in Rwanda.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, July 25, at 2 p.m. to hold nomination hearings on Brady Anderson to be Ambassador to Tanzania; Dorothy Sampas to be Ambassador to Mauritania; E. Michael Southwick, to be Ambassador to Uganda; and Carl Stokes to be Ambassador to the Seychelles.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on

Indian Affairs be authorized to meet on Monday, July 25, 1994, beginning at 12:30 p.m., in 106 Dirksen Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments of 1994.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I would like to request that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Monday, July 25, 1994, at 1:30 p.m., to hold a hearing on oversight of EPA's implementation of the Non-Attainment Provision of the Clean Air Act in the Lake Michigan region.

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

ADDITIONAL STATEMENTS

"ON THE MATTER OF RACE, LAW AND THE AMERICAN WAY"

• Mr. SIMON, Mr. President, I do not know if other Members of the Senate are like I am, but I frequently put magazines and books aside, hoping to get to them at a point when I have a little leisure time. Having focused the attention of my few leisure hours in the last few months on getting a couple of books finished, I am now catching up on things. I came across the April issue of Black Issues In Higher Education, a periodical that does a solid job in the field of higher education.

In the April issue is an interview with one of the most impressive public officials I have ever met, Judge Leon Higginbotham.

He has retired from active service in the judiciary and has been lecturing at various universities.

With a marvelous, incisive and sensitive mind, Judge Higginbotham through the years has put his finger on the problem that face our society over and over again.

I read what he wrote with great admiration long before I ever had the privilege of meeting him.

Black Issues In Higher Education has an interview with him titled "On the Matter of Race, Law and the American Way."

It is a fairly sweeping look at what is happening in our society, as well as our judiciary.

Like anything else Judge Higginbotham writes or says, it is worth reading and reflecting upon.

I ask to insert it into the RECORD at this point.

The article follows:

[From Black Issues in Higher Education]

ON THE MATTER OF RACE, LAW, AND THE AMERICAN WAY

(Judge A. Leon Higginbotham, Jr., interviewed by B. Denise Hawkins)

As a young man growing up in Trenton, NJ, former federal court Judge A. Leon Higginbotham, Jr. experienced first-hand the unequal application of the law and learned early that skin color can make the difference between acceptance and denial.

But it was not until he entered Purdue University at the age of 16 that he began trying the system by challenging the university's racially biased housing policy. He lost that case, but not his desire for justice.

The son of a domestic worker and a laborer who extolled virtues of education, Higginbotham has gone on to become one of the nation's leading legal scholars. In his award-winning book, *In the Matter of Color: Race and the American Legal Process*, he reveals the motivation for his scholarship: "I became intensely eager to acquaint myself with . . . the lessons of racial history, to ascertain to what extent the law itself had created the mores of racial repression."

The seemingly hopeless and tenuous issue of race has been a constant for Higginbotham, but it has not left him bitter or even hopeless. His sense of outrage has instead been controlled and in several instances channeled into legal writing. One has only to read his celebrated "An Open Letter to Clarence Thomas From a Federal Judicial Colleague," to get a glimpse of his style.

Last year, he stepped down from the bench as senior circuit court judge of the United States Court of Appeals for the Third Circuit after 29 years. He was the longest serving active federal judge.

He is currently of counsel to Paul, Weiss, Rifkind, Wharton & Garrison.

At a time when many people his age are enjoying their retirement, Higginbotham is returning to the classroom—Harvard—as a full professor, after having taught and lectured at some of the nation's most prestigious institutions—Yale, Stanford, New York University, the University of Michigan, the University of Hawaii, the University of Pennsylvania as well as Harvard University.

Q. While you were on the bench, you maintained a hectic schedule that included legal writing and teaching. Why, at this stage in your career, have you chosen to return to the classroom full-time?

A. I enjoy intellectual inquiries that reveal why certain complex problems exist, and their origin. The academic community gives one the rare luxury for intense inquiry and insightful reflection on serious problems. If done thoughtfully, one can pursue and articulate long-term solutions that will make a systematic difference. I left the bench and joined academia because I believe that, in the long run, I will be able to focus more on identifying and implementing viable solutions.

More important, all law students should understand the history of the American legal process for at least three centuries. Without historical insight, it becomes difficult to evaluate the alternatives that the legal process could have or should have. Secondly, I would want them to have a sense of caring and mission to aid the downtrodden and the powerless. They must seek to implement Martin Luther King, Jr's statement that we must "have the temerity to believe that people everywhere can have three meals a day for their body, education for the minds, and dignity for their spirits." Third, they should always pursue excellence and maintain ethical conduct.

Q. You have been contemplating teaching at Harvard, where your contemporary Derrick Bell left his tenured position to protest the absence of tenured Black women on the law faculty. Did you consider teaching at a historically Black law school?

A. I will not be teaching primarily at Harvard Law School. My full professorship will be at the John F. Kennedy School of Government, but every third semester, I will teach one course at the law school. I think there is a partial distortion of information about Harvard Law School. it does not have a bad record on student recruitment and retention. The student body is 25 percent minority and 11 percent African American. The presence of approximately 150 African-American students is significant. There are four tenured male professors at the law school. There should be tenured minority women on the faculty, and I shall do everything I can to make that occur.

But you recognize the irony of the fact that, although Derrick Bell left Harvard because there were no women in tenured positions on that faculty, he joined the New York University Law School, which has two women, but no Black men in tenured positions. This spring, while I am at the National Humanities Center in North Carolina, I had the option to teach at Duke Law School, the University of North Carolina Law School or North Carolina Central Law School. I chose North Carolina Central, which has a predominantly Black student body.

Q. You say that study and research of law are key to understanding issues of racism, discrimination and the unequal distribution of power. How can today's youth gain this knowledge and learn to use the law to their advantage?

A. You have to encourage young people to read and think for themselves. Too many young people want to say, 'I'm for brother Malcolm,' as if that is analytical. When I was at Yale, you went to the law library on Saturday night, and more often then not, all three Black students who were in my class were there. My generation looked at scholarship as a serious matter. In terms of young people, we must encourage them to go back into the fundamental disciplines. If we don't master those we are going to be in serious trouble. There is no easy ride in life. Success, more often than not, requires sweat.

What I see across the board, among Blacks and whites, is a lack of tenacity which we had in our generation. What astonishes me is young people in high school who don't even take their books home. When the teacher gives them a paper to do, they get angry if they have to make it more than two pages and critical. What scares me most is that the level of discipline that was endemic to my generation I do not see today.

My mother was a domestic and my father was a laborer, but they had high expectations for me in terms of grade performance. I remember that in the sixth grade I had all A's but one, and my father was so alarmed he withdrew my allowance. When I went to junior high school in Trenton, NJ, at an all-Black school, even art teachers were very demanding. David Dinkins [former New York mayor] went to the same school. In high school, out of 13 boys, 11 got postgraduate degrees. Some became doctors, dentists, school principals. When we grew up, hard work was viewed as a luxury, not a burden.

Q. Some critics have assailed your acts of protest as unbefitting a judge, others have described them as quiet, but significant. How do you view your activism? In some of your most notable acts of protest, you have written letters which were published. Why?

A. There are different styles. There is the opinion that judges should not be critical of the society in which we live. What that really means is that those who are in power

don't have to be critical of society because they have all the benefits, and those who are not in power, but get in high office, are not aware of injustices. I think that the roles of a federal judge and a political official are different. I try never to cross that line.

There have been complaints from lawyers against Black judges sitting on cases involving civil rights because Black judges have been active in civil rights organizations. Well, I don't hear complaints about Catholic judges deciding First Amendment cases that could impact the Roman Catholic Church. I don't hear complaints about men deciding cases which involve the rights of women. If men can act and adjudicate these issues, then minorities should be able to do the same. I think scholarship in the long run has impact. There are lots of Black people today, who in their pursuit of intellectual excellence, don't know that they are repeating the ideas which Du Bois brought forth in brooks like *The Souls of Black Folk*.

Q. In an "An Open Letter to Justice Clarence Thomas From a Federal Judicial Colleague," you spoke for many regarding the selection of Thomas to the U.S. Supreme Court. It's been more than two years since Thomas was appointed. What have you observed?

A. While Justice Thurgood Marshall was concerned with moving the mantle of liberty and freedom so that it encompassed more Americans, Clarence Thomas is someone who has an 18th century concept of jurisprudence. He has been one of the two or three most conservative jurists of this century, and the best evidence of it can be seen in about three or four cases. One of them is Hudson v. McMillan which involved a prisoner who was taken out of his cell to a holding area, shackled at the feet, handcuffed and beaten by prison guards. They burst his lips, they broke his dental plate, they loosened his teeth, kicked him in the back. When the case came up before the U.S. Supreme Court, the issue was whether the prisoner's treatment was cruel and unusual punishment. Seven justices, with the opinion written by Justice O'Connor, held at that it was cruel and unusual punishment, and that in a civilized society you don't allow that type of conduct.

Shockingly, the dissent was written by Clarence Thomas. It just seemed almost incomprehensible that a Black person who has insights about how power has been so poorly misused, would sanction that kind of behavior. That was shocking enough.

The Hudson case came down on Feb. 25, 1992, and the next case came down in June 1993—McKenney. The case involved a prisoner who was forced to be in a cell with someone who smoked five packs of cigarettes a day. As a result, he sustained all of the adversity of the environmental tobacco impact. Again, several justices, with an opinion written by Justice White, held that it could be cruel and unusual punishment to force someone to live in a cell under those conditions provided you could establish that there was a risk. In a peculiar and incredible dissent, Justice Thomas said that was not encompassed under the Eighth Amendment. Thomas said you have to prove actual injury before you have a remedy. What that meant was that you have to get cancer and you'd have to be in a position of irrecoverability. That's contrary to what all thoughtful judges in the world consider cruel and unusual punishment.

Q. In that same letter, you said the real tragedy of Plessy v. Ferguson is that the Supreme Court associate justices who decided that case had the wrong values, values that continue to poison our society. What did you mean?

A. In Plessy v. Ferguson, the simple question was would the state be allowed to treat Black people differently than everyone else. In the argument of counsel, they said if you can discriminate on the basis of race, you can separate on trains, can separate Irish from Italians, Jews from Catholics. The argument the court faced was how to draw the line to say what is permissible discriminatory conduct. They said that the standard is reasonableness. Implicitly they were saying that it would not be reasonable to separate blonds from redheads or Irishmen from Italians or Methodists from Episcopalians, but it was reasonable to separate Blacks from whites. That was a value question.

The seven justices who were in the majority in the Plessy case looked upon Blacks as less than truly equal. Their perception of Black people as unequals led them to write an opinion which would allow discrimination against Black people. They would not have allowed that to occur against other major ethnic or religious groups. There have been many profound changes since Plessy v. Ferguson; just look at your state universities. You see a substantial number of Blacks enrolling. I think the major problem today is that we try to categorize problems in society on the basis of race, when the root of the problem is really poverty and the lack of income options.

Q. Can you comment on your aspirations for a Supreme Court appointment? How did you respond to claims that you and not Thomas should have been appointed to the nation's highest court?

A. I'm flattered by the comments, but I don't think anyone is entitled to a position on the Supreme Court. I think that the country is entitled to a pluralistic court with individuals who care deeply about the weak, the poor, the powerless. My name apparently was on the list during the Carter years. If someone had approached me in recent years about being on the Supreme Court I would recommend strongly that they not do that. I think that the person who gets on the Supreme Court should be approximately in their 50s so that the public can envision them functioning effectively and—in the probability—be in good health for about 20 years. I'm 66 now and think it would be unwise for any president to appoint anyone my age.

Q. The evolution of your legal scholarship on racial jurisprudence was grounded in personal experience and remains so, how have you managed to get your work accepted and published?

A. When I was a 16-year-old student at Purdue University, it was racial exclusion that triggered me to move from engineering to law. I think that the acceptance of my scholarship on the issue of race and the American legal process has been broadbased. My book, In the Matter of Color: Race and the American Legal Process, received the highest award one can get from the American Bar Association, the Silver Gavel Award.

What my book does is give the statutory references and references to cases which establish how the law was such a critical component in legitimize racism. It is significant because it shows that if the law can be used to sanction slavery, cause millions of Black people to work for centuries without pay . . . it certainly could be used in a positive fashion to eradicate the consequences of racial injustice.

The historical findings in the book have apparently been of great importance to a large number of judges. Justice Brennan cited my book three times in a case called McCleskey, considered to be one of the most important cases dealing with capital punishment under Georgia law.

Q. You described your legal scholarship as broadbased. Do you consider yourself a critical race theorist?

A. I try to avoid the debates on critical race theory because I'm not exactly certain what everyone is talking about when they use that term to the extent that critical race theory points out how the law has been an instrument of injustice. There is a line from The Mikado that says, "The law is a perfect embodiment of everything that's excellent, it has no kind of fault or flaw and I, my lords, embody the law." That's the way people have tried to describe the law, as though it was a perfect instrument. It has not been an almost perfect instrument for a significant number of people. The Constitution says "we the people," but what we really have is we the people and we the other people. The other people in the early years were women who couldn't vote, including white women, and Blacks who were enslaved or couldn't get first-class citizenship. What I do—and what Derrick Bell and many outstanding law professors do today—is establish that the law was not the perfect embodiment of everything that was excellent. That doesn't mean that you give up hope on the law. It means that you understand its pathology.

Q. More than 20 years ago, President Johnson appointed you vice-chairman of the National Commission on the Causes and Prevention of Violence. How would you compare the social and legal climate then for people of color to today?

A. I served on the commission in 1968. Our recommendations were very sound. We said we had to deal with problems of poverty, discrimination and that in the long run they would tear this country asunder. I think generally we did not deal with those problems with the enthusiasm and the capability that we had, and that's why we have the crisis that we have now to the significant extent that we do.

The point we made in the violence commission report is that most civilizations have been destroyed, not by external assault, but by internal decay. The nation will pay hundreds of billions of dollars to bail out the failed savings and loans. But if someone has an urban program and they unwisely spend the money, then they talk about destroying the whole project, and that's the tragedy of our present situation.

Q. Historian John Hope Franklin said that Associate Justice Thurgood Marshall spoke not only 'for Black Americans but for Americans of all times.' Do you agree?

A. The point which John Hope Franklin makes is extremely important. If the *Brown* decision had not been won in 1954, segregation would have been legitimate and you would not have had the basis to argue that segregation laws were unconstitutional. So the 1964 Civil Rights Act, which makes racial discrimination in employment and public accommodations and in so many other areas illegal, was predicated on the legal theme which is the core of the viability of the 14th Amendment.

In my opinion, the first Reagan administration did the most to dilute the dream of Thurgood Marshall. During the first 11 and a half years of the Reagan and Bush administrations, 115 persons were appointed to the U.S. Court of Appeals. And of the 115, only two were Black—of the two, Larry Pierce

was sufficiently senior, and you knew that he would not be on the court but a few years, and the other one was Clarence Thomas. In contrast, the Carter administration appointed in four years several members to the court of appeals who were African Americans. What you had during the Reagan-Bush administration was a deliberate plot to preclude Blacks from positions of significant lifetime power. Since President Clinton came into office, he has appointed many more Blacks in one year than Reagan and Bush did in 11.•

THE 20TH ANNIVERSARY OF DISTRICT 1199P OF THE NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES

• Mr. WOFFORD. Mr. President, I would like to take this opportunity to congratulate Pennsylvania's district 1199P of the National Union of Hospital and Health Care Employees on its 20th anniversary.

Unions for health care workers were not formed in Pennsylvania until 1969 when a group at the Riverview Center for Jewish Seniors—formerly Jewish Home and Hospital—in Pittsburgh united and asked for union recognition. At that time, it was still illegal for health care workers to choose unions freely. But in 1970, the Pennsylvania Legislature passed a bill guaranteeing health care workers the right to organize.

With the leadership of President Emeritus John Black and the support of the national union, district 1199P grew dramatically—successful campaigns in Lewistown, Wilkes-Barre, Harrisburg, Pottstown, and elsewhere led to the district's official inclusion in the national union in 1974.

Throughout the 1970's, the union expanded steadily and fought for its first contracts. By 1980, the union reached 5,000 members—truly extraordinary growth in just 10 short years.

Today, 1199P represents over 8,000 health care workers and continues to reach the new levels of membership and involvement in the health care industry. As frontline health care workers, the union's members have recognized the need for changes in our current health care system, and they have been fighting to guarantee affordable health care coverage to all Americans. I stand with them in this battle and will also work to ensure that changes in the health care marketplace do not unfairly affect the backbone of the health care industry, our frontline health care workers.

I salute district 1199P today as they celebrate and review their illustrious history. And I stand with them in solidarity as they look toward the future and assess today's and upcoming changes in the health care workplace.•

AUTHORITY TO APPOINT A COMMITTEE OF ESCORT

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Majesty Hussein I, King of Jordan, and His Excellency, Yitzhak Rabin, Prime Minister of Israel, into the House Chamber for the joint meeting tomorrow.

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

PRIVILEGE OF THE FLOOR—H.R. 4602 AND H.R. 4624

Mr. BYRD. Mr. President, on behalf of Senator JOHNSTON I ask unanimous consent that Dr. Robert Simon, Science Fellow to the Committee on Energy and Natural Resources, be granted floor privileges for the duration of H.R. 4602, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, and H.R. 4624, the fiscal year 1995 Department of Veterans Affairs-HUD-independent agencies appropriations bill.

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

HELSINKI HUMAN RIGHTS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 195, designating "Helsinki Human Rights Day," and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed and the motion to reconsider laid upon the table; that the preamble be agreed to and any statements appear in the RECORD, as if read.

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

The joint resolution (S.J. Res. 195) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 195

Whereas August 1, 1994, is the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared their determination to fully respect and apply the Helsinki Principles Guiding Relations among participating States, including respect for human rights, the territorial integrity of states, and the inviolability of frontiers;

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia and Hercegovina has resulted in organized, systematic, and premediated war crimes and genocide and has threatened stability and security in Europe;

Whereas ethnic tensions, civil unrest, and egregious human rights abuses in several of the recently admitted CSCE States continue to result in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1994, the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

HONORING THREE FEDERAL FIREFIGHTERS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 244, a resolution submitted earlier today by Senators BINGAMAN and DOMENICI honoring the three Federal firefighters who died in a helicopter crash while on their way to fight a fire in the Gila National Forest; that the resolution and the preamble be agreed to; the motions to reconsider be laid on the table en bloc and any statements thereon appear in the RECORD at the appropriate place as though read.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas on July 12, 1994, three Federal firefighters from the United States Forest Service perished in a helicopter crash near Silver City, New Mexico while on their way to fight a fire in the Gila National Forest;

Whereas the three firefighters who gave their lives were Bob Boomer, pilot, from Spokane, Washington, Sean Gutierrez, Gila/Mimbres Helitack, from Silver City, New Mexico, and Sam Smith, Gila/Mimbres Helitack, from Las Cruces, New Mexico; and

Whereas these brave men gave their lives in an attempt to protect lives, property, and natural resources: Now, therefore, be it

Resolved, That the Senate honors, and will always remember, Bob Boomer, Sean Gutierrez, and Sam Smith, the three Federal firefighters who died on July 12, 1994, for their heroic efforts in attempting to fight a fire in the Gila National Forest, in order to protect lives, property, and natural resources.

Mr. BINGAMAN. Mr. President, I rise today to pay tribute to three brave men who died in a helicopter crash in my hometown of Silver City, NM while on their way to fight a fire in the Gila National Forest. For as long as I can remember, Silver City has been the center of activity during the fire season. Ground crews, smokejumpers, and helitack crews have been part of our community life for years. This is not only because the fires came to the Gila, but because the firefighters themselves came from our town, our county, our State. Today, I introduce this resolution to honor those who died on July 12, 1994, and give thanks for the lives of the survivors—those who survived that awful accident, and the many others who came home safely from their efforts in the forest.

Sean Gutierrez and Sam Smith were sons of New Mexico. Robert Boomer, their pilot, was from Washington. Westerners all, they did the hard and heavy work of fighting forest fires. People who have not lived as we have lived with a forest in our backyard might not be able to appreciate or understand the courage it takes to do this work. Physical strength and mental toughness, stamina and self-control, support that courage and make it work. Firefighters know better than anyone what Kipling meant when he wrote about

* * * forcing your heart and nerve and sinew
To serve your turn long after they are gone
And so hold on when there is nothing in you
Except the Will which says to them: Hold on.

Such was the kind of challenge these men faced, and which many firefighters continue to face this hot, dry, dangerous summer out West. The land they seek to protect and the people they serve so faithfully could have no better allies. We are truly, and humbly, in their debt.

Mr. President, it grieves us all deeply to add these three men to the toll already taken by the Western fires this summer. Fourteen firefighters lost their lives in a firestorm in Colorado just 6 days before this crash. In this season of sadness and death, we know that the rain will come, the forest will grow back, and the land will heal. The broken hearts, however, will never fully recover from the loss of these lives. Faith and love will help ease the pain, but the memories of what was and the dreams of what might have been will be with these families, these friends, these colleagues forever.

Mr. DOMENICI. Mr. President, the Senate recently passed a resolution honoring the 14 firefighters who lost their lives on Storm King Mountain in Colorado. The awful reality of that event had barely been grasped when I learned of yet another tragedy, this time in my own State of New Mexico. On July 12, 1994, at approximately 3:30 p.m., a helicopter, on its way to the guide fire on the Gila National Forest, went down with four members of the Gila/Mimbres Helitak crew and the pilot. Two crew members survived. Tragically, the pilot and two of the helitak crew members were killed. In honor of these valiant civil servants, I am cosponsoring this tribute to them.

I would like to tell you a little about the three individuals who died. Perhaps this will help you understand the special qualities possessed by the men and women who routinely risk their lives to protect our natural resources. They were:

Robert Boomer, age 41, helicopter pilot—"Boomer", as he was known, was a native of Spokane, WA and a veteran helicopter pilot working under contract to the Forest Service out of Van Nuys, CA. He had received his rotor wing training in the Army and had over 4,000 hours of helicopter flying with 1,200 hours experience flying in mountainous terrain. He had formerly worked taking tourists on sightseeing excursions over the Grand Canyon. He received his Forest Service certification training at the Gila National Forest helibase. He is described as having been a very professional and conservative pilot, excited about working for the Forest Service and fighting fires. He is survived by his mother, four brothers and a sister, and four children from a previous marriage. He enjoyed fishing, hunting, and working with remote control airplanes.

Anthony Sean Gutierrez, age 20, Gila Helitak crewmember—Sean was a native of Silver City, NM. He was enrolled at New Mexico State University in Las Cruces majoring in wildlife biology. Upon graduation, Sean's desire was to follow in his father's footsteps and make a career with the Forest Service. He took great pride in working for the Forest Service fighting fire and following what had become a family tradition. Family members, friends and coworkers have described Sean as being a happy, enthusiastic young man who was very close to his parents and sister. He enjoyed life, making others laugh, and playing guitar and singing. Sean will be remembered for his enthusiasm for life, his love to joke with people, and for his fun-loving spirit.

Samuel Catarino Smith, age 34, Gila Helitak crewmember—Sam was a native of Las Cruces and had worked for the Forest Service for 7 years as a seasonal employee. He had graduated from New Mexico State University in 1992 with a degree in business administration. Sam enjoyed outdoor activities and was enthusiastic about helicopters and rapelling. He was married and his wife Tammy is expecting a baby this year. Sam's wife describes him as having a heart of gold and a willingness to bend over backwards to help others. It is said that he was on "cloud nine" with the anticipated arrival of their baby. He is remembered as a young man excited about life and willing to share thoughts on many subjects, especially Forest Service helicopters, the Gila National Forest, and firefighting.

Sunday, July 17, 1994 was a sad day in Silver City, NM. On that day memorial services were held at Western New Mexico State University's Old James Stadium, to honor these three individuals.

The circumstances that led to this tragedy are still being reviewed. In the meantime, other firefighters suppress their grief and continue to battle blazes in New Mexico and elsewhere in the west.

In hopes that we can minimize future losses of the magnitude we've experienced in Colorado and New Mexico, I have asked the Secretaries of Agriculture and Interior to report to me on the status of their respective firefighting organizations and any management strategies they will employ to reduce the risk of future catastrophic fires. I am certain that they are committed, as am I, to do whatever is possible to avoid further disasters of this nature.

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

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 4602

Mr. BYRD. Mr. President, I ask unanimous consent that the list of amendments entered earlier be modified to delete the two amendments by Mr. LEVIN.

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

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 o'clock a.m., Tuesday, July 26; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; provided further that there then be a period for morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator KERREY, or his designee, with Senator DORGAN recognized for up to 10 minutes; that at 9:15 a.m., the Senate resume consideration of H.R. 4602, the Department of the Interior appropriations bill, with Senator BRADLEY recognized to offer an amendment as provided for under a previous unanimous consent order; ordered further, that on Tuesday at 10:30 a.m., the Senate assemble as a body and then proceed to the House of Representatives to join with the House to receive a joint message by His Majesty King Hussein I, King of the Hashemite Kingdom of Jordan, and His Excellency Yitzhak Rabin, Prime Minister of the State of Israel; ordered further, that at 10:35 a.m., the Senate then stand in recess until the hour of 2 o'clock p.m., at which time the Senate vote on or in relation to the amendment by Mr. BRADLEY.

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

RECESS UNTIL TOMORROW AT 8 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:41 p.m., recessed until Tuesday, July 26, 1994, at 8 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 25, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair announces that there are no Members listed for morning business.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 32 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

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

As the momentum of life moves inexorably on and the days become years, teach us, O gracious God, to gain a heart of wisdom that as we deal with things temporal, we lose not the things eternal. Help us to realize that with Your blessing the ordinary things of daily existence—like food or work and all the material resources of living—become means of grace and great spiritual gifts to all who have need. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance.

Mr. FIELDS of Louisiana 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.

DISCHARGE PETITION 12—INNOCENT UNTIL PROVEN GUILTY

(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, there is a new twist in the case of O.J. Simpson. The defense team has gone on the offense. They are offering a $500,000 reward for evidence that can lead to the conviction of what they say is the killer or killers. I am not getting into the merits of this case, but the reason they have gone on the offensive is very simple. Most Americans think O.J. is guilty. That since he ran away with a gun pointed at his head, many people suspect that he perpetrated these crimes. What the defense team is trying to do is win back something very important before it goes to trial, the presumption of innocence, that you are innocent until proven guilty.

Ladies and gentlemen, I make this statement because Mom and Dad in a tax court, civil proceeding, accused of tax fraud, take their house, take everything they have, take their business, they are considered guilty and have to prove themselves innocent.

My discharge petition 12 supposedly has backed some Members off because it has personal liability and it would nail IRS agents who rip off Mom and Dad. I am letting Congress know that I would be willing to abandon all of that and just insist upon innocent until proven guilty.

If it is good enough for the Son of Sam, if it is good enough for the Boston Strangler, by God, it is good enough for Mom and Dad in the tax court.

Innocent until proven guilty. The presumption of innocence is good enough for our taxpayers as well.

NATIONAL GUARD AND RESERVE PARTICIPATING IN RWANDA

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

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out today that in Rwanda the National Guard and Reserve are participating. Some Air Guard aircraft C–141's, KC–135's and C–5's flown by National Guardsmen and reservists will be carrying supplies into that country where we have so many problems, so many people losing their lives by cholera and just not enough to eat.

I want to make this point today. It is the total force that is participating, and sometimes I am not sure that the Chairman of the Joint Chiefs and the other military personnel in the Pentagon are giving the National Guard and Reserve the credit they should have. They are out there every day when there are floods, when the people are in trouble at home, the Guard and Reserve is there, and now before we land, the Reserves are helping.

Mr. Speaker, I think the American people should know this. We have cut the military too much. I hope we quit doing it. We need the Active Forces as well as the Reserves.

SOLICIT INPUT OF EMPLOYEES TO IMPROVE POSTAL SERVICE

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

Mrs. SCHROEDER. Mr. Speaker, a week ago this Monday, I delivered mail with a mail carrier in Denver, CO, and I also spent that weekend out watching how they sorted the mail in one of the big centers. Today we are going to be asking for every postal employee to try and help us figure out what we can do to make the mail service work.

The first thing every government must do is find a way that we can contact each person that lives in that

country. If they do not have a good mail service, they have got real trouble, and we have had all sorts of problems of late. The unfortunate thing is so often we have asked people what to do about the mail service that had never been in any of the Postal Service before.

So I think the time has come to really tackle this. We are calling on every Member of Congress to get involved at the very local, grassroots area, and do something really unique: Ask the people who know something about it, ask the people who have been delivering the mail and let us see if we cannot get this solved once and for all.

NOTIFICATION OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. TRAFICANT. Mr. Speaker, I rise to serve notice that tomorrow, July 26, I will offer a motion to insist on the Traficant amendment to the crime bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. Speaker, I will move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist upon the provisions contained in the amendment offered by myself, Mr. TRAFICANT of Ohio, as agreed to by the House, relating to the requirements in the representation of domestic origin in labeling of products.

CREATION OF INTERNATIONAL CONSERVATORSHIP FOR FAILED NATION STATES

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

Mr. BEREUTER. Mr. Speaker, I take this opportunity to discuss a concept behind a resolution which I introduced on June 24.

On June 24, I proposed the creation of an international conservatorship. This conservatorship would be aimed primarily at Haiti, but it is a concept that I think deserves some discussion. Today unfortunately we have around the world failed nation states where the government has effectively lost all control over the civil organs of government, failing to provide reasonable security, both economic and physical security for their citizens. Somalia comes to mind as well as Haiti.

The problems of these failed nation states are not being well addressed by the international community. I think it is time to consider something akin to the trusteeships which was used to manage the affairs, the possessions of Germany after World War I and then those possessions having passed to Japan after World War II.

Mr. Speaker, this proposal would basically take the concept that the effective leadership, if there is any, of these countries would voluntarily give up elements of their sovereignty for specified periods of time. They would do that in exchange for a massive infusion of bilateral and multilateral assistance and some form of international administration and technical assistance which would accompany that assistance. It would not be unlimited. It would be for a specified period of time. I think this kind of approach really must be considered by international organizations, especially the United States, as a way to deal with the failed nation states that are all too apparent across the surface of the globe today.

I urge my colleagues to consider this concept and to consider cosponsoring the resolution I introduced on June 24.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

PROVIDING FOR CONCURRENCE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 868, TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 488), providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868.

The Clerk read as follows:

H. RES. 488

Resolved, That, upon adoption of this resolution, the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table, and the same are hereby agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketing and Consumer Fraud and Abuse Prevention Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact with the consumer. Telemarketers also can be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $40 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception and abuse.

SEC. 3. TELEMARKETING RULES.

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive telemarketing acts or practices and other abusive telemarketing acts or practices.

(2) The Commission shall include in such rules respecting deceptive telemarketing acts or practices a definition of deceptive telemarketing acts or practices which may include acts or practices of entities or individuals that assist or facilitate deceptive telemarketing, including credit card laundering.

(3) The Commission shall include in such rules respecting other abusive telemarketing acts or practices—

(A) a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy,

(B) restrictions on the hours of the day and night when unsolicited telephone calls can be made to consumers, and

(C) a requirement that any person engaged in telemarketing for the sale of goods or services shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to sell goods or services and make such other disclosures as the Commission deems appropriate, including the nature and price of the goods and services.

In prescribing the rules described in this paragraph, the Commission shall also consider recordkeeping requirements.

(b) RULEMAKING.—The Commission shall prescribe the rules under subsection (a) within 365 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered

securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Federal Trade Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than six months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) or (f)(2) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) or (f)(2) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3, or an authorized person acting on such person's behalf, may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTION BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(d) COST AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

(f) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 6. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description, or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

SEC. 8. FALSE ADVERTISEMENTS CONCERNING SERVICES.

Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

SEC. 9. ENFORCEMENT OF ORDERS.

(a) GENERAL AUTHORITY.—Subject to subsections (b) and (c), the Federal Trade Commission may bring a criminal contempt action for violations of orders of the Commission obtained in cases brought under section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)).

(b) APPOINTMENT.—An action authorized by subsection (a) may be brought by the Federal Trade Commission only after, and pursuant to, the appointment by the Attorney General of an attorney employed by the Commission, as a special assistant United States Attorney.

(c) REQUEST FOR APPOINTMENT.—

(1) APPOINTMENT UPON REQUEST OR MOTION.—A special assistant United States Attorney may be appointed under subsection (b) upon the request of the Federal Trade Commission or the court which has entered the order for which contempt is sought or upon the Attorney General's own motion.

(2) TIMING.—The Attorney General shall act upon any request made under paragraph (1) within 45 days of the receipt of the request.

(d) TERMINATION OF AUTHORITY.—The authority of the Federal Trade Commission to bring a criminal contempt action under subsection (a) expires 2 years after the date of the first promulgation of rules under section 3. The expiration of such authority shall have no effect on an action brought before the expiration date.

SEC. 10. REVIEW.

Upon the expiration of 5 years following the date of the first promulgation of rules under section 3, the Commission shall review the implementation of this Act and its effect on deceptive telemarketing acts or practices and report the results of the review to the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

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

Mr. Speaker, I am pleased to bring up this amendment which has been agreed to by the Senate, to H.R. 868, the Telemarketing and Consumer Fraud and Abuse Prevention Act.

This legislation is the product of many conferences with the Federal Trade Commission, the National Association of Attorneys General, with consumer organizations and with interested business groups. H.R. 868 was originally passed by the House on March 2, 1993, by a vote of 411 to 3.

The telemarketing bill does not impose further regulations on the legitimate telemarketing industry. It is targeted strictly to telemarketing fraud, deception and other patterns of clearly abusive telemarketing activities. But problems with interstate telemarketing fraud have become so pervasive that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection.

The bill directs the FTC to undertake a rulemaking to prohibit deceptive and abusive telemarketing activities. It will also allow the State attorneys general and certain other State legal officers to use the powers of this act to target fly-by-night telemarketers who make deceptive long distance telemarketing calls and then skip across State lines before the State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances.

I want to commend the gentleman from Michigan, Chairman DINGELL, the gentleman from California [Mr. MOORHEAD], and the gentleman from Ohio [Mr. OXLEY], for their cooperation in constructing this necessary legislation. And I would be remiss if I did not also commend Senator BRYAN for his very diligent efforts in seeing this legislation through.

Telemarketing fraud is estimated to cost the American Public as much as $40 billion a year.

We need to offer our consumer protection agencies more tools to do the job, and this legislation—we are told by those groups—will be of significant help to them in accomplishing their job of protecting consumers from telemarketing fraud.

H.R. 868, the Telemarketing and Consumer Fraud and Abuse Act as passed by the House on March 2, 1993, included references in section 2(5) and section 3(a)(1) to "fraud" and "fraudulent" telemarketing. These terms and subsequent references in House Report 103–20 at page 10 to "fraudulent telemarketing activities" defined as a "subset" of deceptive telemarketing practices have been deleted in this bill. It was felt that use of the terms "fraud" and "fraudulent" in the act and in the House report could cause unnecessary and unintended confusion. The word "fraudulent" was intended to be synonymous with the term "deceptive" in section 5(a)(1) of the Federal Trade Commission Act [FTCA], as that term is interpreted by the Commission and the Federal courts. The word "fraudulent" has therefore been deleted as redundant and unnecessary from this legislation. No common-law fraud, criminal fraud, or intent to deceive is necessary to prove that an act or practice under this act is "deceptive". The elements of telemarketing fraud should not be any more difficult to establish in a court of law than the elements of any deceptive act or practice prohibited by the FTC Act.

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

Mr. Speaker, I rise in strong support of H. Res. 488. This amended version of the bill represents a House-Senate agreement on a final version of legislation that both bodies passed last year.

Fraud and deception using telemarketing techniques is a scourge upon the American consumer. Current estimates are that as much as $40 billion may be lost by consumers each year to telemarketing con artists.

This kind of nefarious activity hurts thousands of consumers. But it also damages the legitimate, honest telemarketers who rely upon telecommunications technology to make a variety of goods and services more readily available to the American public. Each time a consumer falls victim to a boiler room or other telemarketing scam, the credibility and trust which are essential to everyday retail transactions are irreparably damaged. It is therefore critically important to legitimate users of telemarketing that we reduce the fraud and deception that infect this area of retailing.

H.R. 868, the underlying bill, does this in two important ways. First, it directs the Federal Trade Commission to issue rules addressed specifically to combating and preventing deceptive telemarketing practices. Second, it empowers State attorneys general to enforce the FTC rules—along with the FTC itself. This not only targets Federal enforcement efforts on the bad apples of the telemarketing industry, but also maximizes the impact of available resources through close State-Federal cooperation. I know that many of our State attorneys general are strongly supportive of this legislation precisely because of the enhanced enforcement tools it will make available to them.

We in California are particularly conscious of the need for a multi-state enforcement effort in this area. All too often, California consumers are bilked by boiler room operators who call from adjacent States, so as to remain beyond the reach of our State and local consumer protection authorities. Given the sheer size of the California market, it is not surprising that this technique would be adopted by operators who wish to retain as much legal sanctuary as possible. The bill will help the FTC and the States mount a coordinated attack on fraud and deception of this type.

Mr. Speaker, this legislation represents a bipartisan effort of the House Energy and Commerce Committee and the Senate Commerce Committee. It also closely parallels legislation approved by the House in the 102D Congress. I strongly support the amended version of H.R. 868, and urge its prompt approval.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN DINGELL chairman of our Committee on Energy and Commerce, the gentleman from Washington, Mr. SWIFT, who is chairman of the subcommittee, and the gentleman from Ohio, Mr. OXLEY, our ranking republican member for the work that they have done in bringing the legislation to the floor.

GENERAL LEAVE

Mr. SWIFT. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution presently under consideration.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge my colleagues to support it.

I commend the gentleman from the State of Washington, the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, for his strong and able leadership in bringing this legislation to the floor of the House today. As the author of the bill, Chairman SWIFT has taken an active interest in protecting the rights of consumers from unscrupulous telemarketing fraud artists. I also commend the ranking Republican of our full committee, Mr. MOORHEAD, and the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, Mr. OXLEY, for their significant contributions to this needed legislation.

This bill is the product of many years of bipartisan efforts. Numerous hearings in our committee, a multitude of analyses and reports from Federal and State investigators, enforcement agencies, and consumer protection bureaus, as well as scores of media investigations and reports, have underscored the need for this overdue legislation.

The problem quite simply, is the greed of scam artists who use the telephone to peddle phony and deceptive schemes to unwary and vulnerable consumers. According to the 1991 report of the National Consumers League, 9 out of 10 Americans have been approached by telephone scam artists, and 3 out of 10 have responded at some time to these fraudulent and deceptive offers. These schemes range from phone calls that promise consumers they already have won a big prize to telephone calls that promise help for parents to recover child support payments from deadbeat ex-spouses to solicitations for dirt-cheap land where bogus deeds are provided to the unfortunate consumer. These fraudulent schemes prey on the vulnerable and the unsuspecting including the elderly, the poor, children, and those with a poor command of the English language, and provide direct access at all times of the day and night to anyone who has a telephone.

The costs of the problem are enormous. The Alliance Against Fraud in Telemarketing—a coalition of more than 80 industry associations and law enforcement agencies—reports that annual losses due to telemarketing fraud exceed $15 billion. The Federal Trade Commission [FTC] has estimated that actual consumer losses may run as high as $40 billion per year. Other estimates put the figure at 70 to 80 billion dollars per year. Because of the embarrassment of admitting that one has been bilked, it is likely that most estimates of telemarketing fraud are understated. It is also clear, from the committee's numerous investigations and hearings, that the problem continues to proliferate.

In general, there are three classes of victims of telemarketing fraud: first, actual consumers and purchasers; second, credit card companies, that often must absorb the credit charge when the purchaser discovers the fraud and refuses to pay the charge; and third, legitimate telemarketing companies, that not only lose sales to fraudulent firms but also suffer generally from the disrepute that such fraudulent firms bring to legitimate telemarketing practices. The legislation seeks to address unfair and deceptive telemarketing practices to help all three classes of victims.

The FTC has taken the lead in attempting to combat telemarketing fraud. It has successfully resolved numerous telemarketing fraud cases in Federal district court, halting fraud by companies with sales of well over $1 billion. These actions were brought under current FTC authority that prohibits unfair and deceptive commercial acts or practices. But these actions may involve expensive and time-consuming court battles as to whether a firm's telemarketing practices in fact should be deemed unfair or deceptive and require the Commission to only pursue such actions in Federal district court. H.R. 3203 will give the FTC additional authority it needs to protect the interests of consumers and others who are affected by telemarketing fraud, as well as creating a partnership of enforcement efforts with the States. The bill directs the Commission to promulgate rules prohibiting deceptive and other abusive telemarketing practices. In developing these rules, the Commission is directed to include requirements to prohibit unsolicited telephone calls that a reasonable consumer would consider to be coercive or abusive of privacy rights. The bill gives State attorneys general authority to enforce the Commission's rules and to obtain damages, restitution, and other appropriate relief, as well as allowing private parties to bring cases in Federal district court in certain situations.

I also wish to express my deep appreciation to Chairman DE LA GARZA and the members of the Committee on Agriculture for their cooperation in ensuring that persons involved in commodities and futures trading re covered by substantially similar requirements developed by the FTC under the terms of the legislation. The bill includes provisions developed by the Agriculture Committee that are the functional equivalent of provisions that cover the securities industry. The bill requires the Securities and Exchange Commission [SEC] to promulgate substantially similar rules to those promulgated by the FTC. This means that the SEC rules must offer investors and consumers a comparable level of protection to that provided by the FTC rules, taking into account the specific circumstances of the securities industry.

The bill also strengthens the ability of State attorneys general to bring actions to halt telemarketing scams. The FTC and attorneys general have worked closely with us in developing this legislation and we greatly appreciate their advice and expertise in crafting this consensus measure.

This bill represents the best of the House bill passed early in this Congress and its Senate counterpart. I commend our colleagues from the other body who have worked diligently with us in bringing this final consensus package to the floor and I look forward to seeing the other body adopt this legislation expeditiously so that the President can sign it into law in the very near future.

This bill is supported by a wide range of interests, including the National Association of Attorneys General, the National Consumers League and other consumer associations, the American Association of Retired Persons, and MasterCard and VISA.

In summary, Mr. Speaker, this legislation will ensure that the full range of enforcement and regulatory tools will be available to Federal, State, and private parties in fighting telemarketing fraud and abuse. I strongly urge my colleagues to support this needed legislation.

I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I rise today to support the enactment of legislation dealing with telemarketing fraud. I am pleased that a compromise version of this bill passed the House today and should shortly become law.

It fills the need to strengthen our Nation's ability to prohibit and prosecute fraudulent telemarketing practices.

The schemes used by those who engaged in telemarketing fraud are particularly virulent and dangerous. They prey on innocent victims—principally the elderly—to the tune of almost $1 billion each year. This is unacceptable.

An award-winning series of articles in the Buffalo News last year highlighted the scope of this problem. Reporters Michael Beebe and Dan Herbeck showed in graphic detail how telemarketing firms use sophisticated computer systems and mailing lists to target the most vulnerable among us.

According to the News series, Buffalo has become a haven for these fraudulent telemarketers. What an ignominious turn for a community rightly known as the City of Good Neighbors. Nearly 60 such firms operated in Buffalo last year, according to Beebe and Herbeck. They set up "boiler rooms," filled with phones and with sales personnel who average $600 in commission per sale. The scams, which operate across State lines to thwart law enforcement efforts, can generate up to $40,000 per week. Individual telemarketers can make as much as a quarter of a million dollars in annual income through such schemes.

Buffalo needs jobs and entrepreneurs as much as any other community, Mr. Speaker, but these are businesses and jobs that we can well do without.

Telemarketing fraud grows worse day by day. According to the News, Buffalo's Better Business Bureau received more than 110 complaints about telemarketing practices in 1992, but only 4 complaints the previous year. Further, and more insidious, there are strong indications that organized crime families are becoming heavily involved in these illicit operations.

The bill we passed earlier today will boost the efforts of law enforcement officials in their fight against telemarketing fraud in several ways. First, it requires that the Federal Trade Commission issue rules prohibiting deceptive and fraudulent telemarketing practices. Second, a national information clearinghouse on telemarketing fraud will be established. State attorneys general will be authorized to bring actions against fraudulent schemes in Federal courts—something that is very important for States, such as New York, which do not have their own telemarketing regulatory procedures. And finally, the bill gives citizens the right to institute private lawsuits against fraudulent telemarketers who prey upon them.

Mr. Speaker, the efforts of the Buffalo News in helping to expose the scope of this problem are to be commended. I am pleased that the House of Representatives has acted, and I look forward to completion of the legislative process and final enactment of the bill into law very soon.

Mr. OXLEY. Mr. Speaker, I rise in strong support of this amended version of H.R. 868, which reflects an agreement between the Energy and Commerce Committee and the Senate Commerce Committee. This legislation has been passed in essentially the same form by the House in this Congress and in the 102d Congress, when it narrowly missed enactment at the end of the session.

The key feature of this bill is a directive to the Federal Trade Commission to adopt rules specifically targeting deceptive telemarketing practices. Once those rules are in place, the bill authorizes State attorneys general to enforce the rules. This kind of constructive State-Federal partnership is a very effective technique for making limited enforcement resources go as far as possible. It will also vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

I am particularly conscious of the need for a redoubled effort against deceptive telemarketing, because I know how important telemarketing is as a retail tool to bring many goods and services to consumers who reside in rural areas, including those who reside in my district. Unfortunately, a few bad actors can undermine the credibility of the thousands of legitimate businesses who use telemarketting as a key part of their retail strategy. It is therefore doubly important that we crack down on deception and fraud—not only to prevent injury to consumers, but also to avoid further harm to legitimate businesses. And by the way, in many cases, businesses themselves are the targets of fraudulent or deceptive techniques by fast-buck artists who employ the telephone as their preferred instrument of attack.

I also want to note that in fashioning this bill, the committee was especially careful to avoid interfering with the existing antifraud jurisdiction of the Securities and Exchange Commission and the Commodities Futures Trading Commission. Through the cooperative efforts of the affected industries, as well as the Agriculture Committee, this bill coordinates the efforts of the SEC and the CFTC with those of the Federal Trade Commission, and avoids any conflict or overlap in their authority to combat deceptive telemarketing.

The bill also makes it easier for credit card organizations and other business victims who are left with unreimbursed losses from fraudulent transactions to seek out and collect redress from the perpetrators of the deception.

I strongly support H.R. 868 as amended, and urge its prompt approval. Thank you, Mr. Speaker.

Ms. LAMBERT. Mr. Speaker, I rise today in strong support of H.R. 868 which will help us disconnect the lines of those committing telemarketing fraud. This legislation will help eliminate the pervasive abuse of phone lines by giving State attorneys general the tools necessary to shut down fraudulent midnight bandit telemarketers.

In Arkansas, our attorney general, Winston Bryant, has called this issue the biggest consumer protection issue. In 1992, through the Consumer Complaints Division in Arkansas, over 3,000 complaints and 25 lawsuits were filed. While impressive, these actions did not come close to solving the problem.

These crimes have touched most of our constituents. Most often though, older citizens are targeted. The scam usually involves a high-pressure sales technique where a salesman is pitching anything from pens to worthless medical devices. Often, even if the person refuses, they are repeatedly peppered with calls at all hours of the night until the person finally caves in.

Mr. Speaker, telemarketing, when done appropriately by the legitimate telemarketing industry, provides consumers with valuable services especially to such rural areas as the First District of Arkansas. These legitimate businesses have been very helpful in finding solutions to telemarketing fraud.

I believe this legislation is a necessary first step in the cooperative efforts between State and Federal officials to solve wide-spread problems. Hopefully, this will provide a model for future State and Federal coordination.

Mr. Speaker, it is my pleasure to assist my constituents and the legitimate telemarketing industry in providing relief for the current or potential victims of this endless crime. I look forward to voting in favor of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the resolution, House Resolution 488.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2243, FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1994

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see Proceedings of the House of July 21, 1994, at page H6006).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the conference report to the bill, H.R. 2243.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring to the House this conference report to reauthorize the Federal Trade Commission. The FTC was last authorized in

1980. Because of differences with the other body, attempts to date to reauthorize the FTC have not succeeded. This legislative impasse was an unfair burden not only on the Commission, but on consumers and those industries that are regulated by the FTC. I am pleased to state that those differences have been constructively and satisfactorily resolved in this conference report.

The report proposes modest increases in authorization levels, not to exceed $102 million in fiscal year 1996.

The report includes a clarification of the Commission's subpoena authority to allow the procurement of physical evidence, and expanded venue authority and limited intervention authority. These procedural reforms have been requested by the FTC and have been reflected in previous House and Senate authorization bills.

The bill also includes a provision restricting FTC authority over agricultural cooperatives. Under the Capper-Volstead Act, Congress has seen the Department of Agriculture to be the lead agency regarding the oversight of agricultural cooperatives. This provision reflects that understanding, and again, identical language has been included in previous reauthorization bills in both Houses.

Finally, the report includes a definition of unfair acts or practices that closely parallels the 1980 policy statement of the Commission on the scope of the FTC's consumer unfairness jurisdiction. What the report does not include is a prohibition on rulemakings based upon the FTC's unfairness authority. The resolution of this issue, which required constructive compromise from all sides, has allowed us to bring to the floor the first authorization of the Federal Trade Commission in 14 years.

I want to particularly commend the chairman of the Energy and Commerce Committee, Mr. DINGELL, for his tireless efforts to present to the FTC a reauthorization of its important mandate. Subcommittee chairmen have come and gone as attempts to reauthorize were tried and failed, but Chairman DINGELL has shown his usual leadership in taking on tough, controversial issues and seeing them through to a constructive resolution.

I also want to recognize the diligent and constructive work of Mr. MOOREHEAD and Mr. OXLEY, and for their willingness to continue the process of constructive engagement in the face of many impediments. And finally, I want to commend Chairman STEIGER for providing progressive and bipartisan leadership at the FTC.

In restoring the image of the FTC as a problem-solving, pragmatic and hard-working agency, she provided a needed incentive to work through outstanding problems and ratify through this authorization, the Commission's mandate for protecting consumers from both deceptive and unfair acts.

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

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

Mr. Speaker, I rise in strong support of the conference report on this legislation. Through the efforts of our committee leadership, including Chairman DINGELL, Subcommittee Chairman SWIFT, and Subcommittee Ranking Member OXLEY, and almost a year of serious negotiation with the other body, we have finally produced the first House-Senate agreement on reauthorizing the Federal Trade Commission since 1980.

It was that long ago, Mr. Speaker, that both bodies were able to see eye-to-eye on key issues, such as the FTC's authority over advertising practices. As a result of the lack of agreement, there has been a 12-year lapse since the last authorization expired. During that interim period, various stopgap measures to keep the FTC on the right track have been enacted on the annual appropriations bills.

Now that we have substantive agreement on permanent amendments to the FTC Act itself, these temporary measures are no longer necessary. The conference report includes provisions on all the key areas—including retaining existing restraints on the FTC's authority over agricultural marketing orders. Most importantly, this legislation includes the first-ever permanent statutory guidance for the FTC on how to apply the agency's authority over so-called unfair acts or practices.

In 1980, Congress tried to address the problem of an overly vague and elastic unfairness standard by simply prohibiting rulemakings aimed at advertising practices under this standard. There were, however, no substantive guideposts for the agency, and the FTC was free to proceed as it wished in individual cases. Certain criteria were adopted by the FTC as a matter of administrative practice, but these were not permanent, and could be altered as views or the membership of the FTC changed.

The legislation we are considering today changes all that: The FTC will now have permanent criteria in the statute governing all proceedings aimed at unfair acts or practices. These are derived from policy pronouncements by the FTC in this area, but they will now have the force of statute. Specifically, an act or practice can only be found to be unfair if the FTC finds first, that the act or practice causes substantial injury to consumers; second, that the injury is not reasonably avoidable; and third, that any injury is not outweighed by countervailing benefits to consumers or to competition. In addition, the FTC will be allowed to proceed with a rulemaking using the unfairness standard only if the agency has reason to believe that the act or practice is prevalent. Moreover, prevalence will now be a statutorily defined term, with specific criteria for the FTC to meet.

Taken as a whole, these new criteria defining the unfairness standard should provide a strong bulwark against potential abuses of the unfairness standard by an overzealous FTC—a phenomenon we last observed in the late 1970's. Setting up clear guideposts for the FTC in its policy toward advertising is also fully consistent with the approach taken by the Supreme Court in the last few years. The Court has clearly begun to emphasize the first amendment protections that attach to commercial speech. While these protections are clearly less stringent than those governing traditional political expression, they both inform and limit the degree to which Congress may restrain commercial speech. I am very pleased that the FTC authorization contained in this conference report is fully consonant with the Court's recent decisions in this field.

The major improvements to the FTC Act made in this legislation would not have been possible without much hard work and diligent cooperation between the House Energy and Commerce Committee and the Senate Commerce Committee. I commend the leadership and members of both committees. In addition, we benefited from the helpful advice and input of the FTC itself, from other State and Federal agencies, from consumer groups, and from the affected industries—particularly the advertising industry and the food and beverage industries.

This legislation represents a real breakthrough that resulted from true bipartisan cooperation. It is vitally important that an agency with important consumer protection responsibilities like the FTC be given a current charter by the Congress. We also need to remember that in addition to its consumer protection functions, the FTC also has important antitrust responsibilities, and administers other laws dealing with consumer credit. Against this background, I am exceptionally pleased to support the approval of this conference report.

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

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute simply to make the observation that the Congress is often at its best when no one is watching. In fact, there is no reason one would want to watch us when we are at our best, because it usually means things are moving very smoothly.

This bill and the one just passed came out of the Committee on Energy and Commerce not because there are no differences between the two parties

on the committee, but because the Members seek in good faith to work those out. In my judgment, we get better public policy that way in any event, and I think it just needs to be noted on the record that this bill is not one without controversy. It is merely one in which we have worked out carefully and with due regard to the respective philosophical views presented on the committee this bill so that we have a good, balanced piece of public legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL] chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I rise to commend the distinguished gentleman from Washington State for the outstanding leadership he has demonstrated in this matter. He has had an extraordinarily good year.

It is with some regret that I find that that year will end and he will be leaving us. Let me take this opportunity to acknowledge that he has done a fine job with regard to Superfund, with regard to this matter, and also he is now working with diligence on the interstate transportation of solid waste and a number of other matters of importance. The House, indeed, has a duty to respect and admire and congratulate the gentleman for the fine work which he has done.

Mr. Speaker, I am pleased to rise in strong support of the conference report.

The Federal Trade Commission is one of our oldest and most important independent agencies. Its basic statutory mission, under the FTC Act, is to guard against unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. The Commission has additional responsibilities under approximately 30 other statutes, as well as under dozens of trade regulation and practice rules governing specific industries and practices. The duties of this important agency cover a broad range of consumer protection, antitrust, and other areas of vital concern to the public interest.

It is unfortunate that the FTC has operated without authorization legislation since 1982. At the heart of this stalemate has been a disagreement over the scope of the FTC's authority of unfair advertising practices. Today's action by the House breaks the stalemate and paves the way for the orderly and proper authorization of the FTC.

The conference report represents a compromise between competing views. I and many others believe that the Commission's unfairness authority as it applies to advertising is appropriate, necessary, and constitutional. Reasons supporting this position were set forth in the committee report we filed when the House passed its bill early last year, along with an historical and substantive presentation of the legal and policy considerations surrounding this issue. Others believe the FTC's authority in this area should be severely restricted or eliminated. The compromise agreed upon: First, preserves the FTC's authority to prohibit unfair advertising acts or practices, premised upon criteria developed and applied by the FTC since 1980, including consideration of public policies; and second, removes the appropriations ban on unfairness rulemakings. While this is not my preferred position, the compromise will not undercut the FTC's authority to take appropriate action in any significant fashion against unfair advertising.

Some State attorneys general argue that the action taken today will restrict their ability to address unfair advertising practices. While I certainly want to commend and express my appreciation to our friends who have vigorously and faithfully joined us in defending the FTC's unfairness authority, I must respectfully disagree with the notion that the compromise represents a significant departure from the manner in which the FTC—and States that base their laws on the FTC Act—may address unfair advertising problems. The compromise is premised on the 1980 policy statement of the FTC on unfairness, as applied and interpreted by the Commission since 1980. The compromise clearly allows the FTC to consider public policies in making a determination of unfairness. To the extent that State law is tied to the FTC Act or interpretations thereof, the State legislature is free to change such law. In short, the compromise does not really affect the manner in which unfairness cases have been decided since 1980. Additionally, the bill removes the ban that has existed since 1982 in appropriations bills on FTC unfair advertising rulemakings.

In this latter regard, it is unfortunate but true that normal and appropriate Congressional procedures have been bypassed and abused for many years by those who favor restricting the FTC's authority over unfair advertising practices. Putting legislative restrictions on the FTC's unfairness authority in appropriations bills has become an all too familiar annual practice, particularly in the other body. However one views the merits of the unfairness issue, we can all agree that legislating by appropriations bills is a dangerous and counterproductive practice. It fosters uncertainty about, if not disrespect for, the law. It impedes the appropriate and timely consideration of substantive issues. It takes agency policy review from the committee with subject matter expertise and places it in the hands of a committee that is concerned primarily with funding considerations. As well, the lack of an authorization bill takes its toll on the agency involved. Periodic authorizing legislation can help to give direction to an agency, to enhance institutional morale, to protect the agency from the uncertainty surrounding annual appropriations bills, and to encourage respect for the agency and the laws under which it operates.

I commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership in this matter. As well, I deeply appreciate the cooperation and guidance we have received from Mr. MOORHEAD and Mr. OXLEY, the ranking Republicans on our committee and subcommittee. I also commend the conferees from the other body, Chairman HOLLINGS, Mr. BRYAN, Mr. FORD, Mr. DANFORTH, and Mr. GORTON, for their work in completing this matter.

Finally, I wish to express my particular appreciation to the gentleman from New York [Mr. MANTON] for his leadership on this legislation. As a conferee, Mr. MANTON played the critical role in achieving a final resolution of the unfairness issue. Mr. MANTON and his administrative assistant, Mr. Steve Vest, provided wise and honest counsel to me and other members of the conference and helped to bride the gap in communicating with interested parties concerning these issues. Mr. MANTON's key role in resolving an issue that has vexed many Congresses proves again to me his great value to our committee, to the Congress, and to his constituents.

I urge all Members to support this measure today.

□ 1230

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MANTON], to whom the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] referred, and who was so able and so important in the passage of this legislation.

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the conference report on the Federal Trade Commission Act Amendments of 1994. In passing this conference report today, the House will pave the way for the enactment of an FTC authorization bill, an event that has not occurred in 14 years.

I want to take this opportunity to commend Chairman DINGELL, Chairman SWIFT, Mr. MOORHEAD, and Mr. OXLEY, and their excellent staffs, for working to resolve all of the issues before the conference.

Mr. Speaker, the Federal Trade Commission plays an invaluable role in promoting the efficient functioning of our free market economy. The Commission protects business and industry from unfair methods of competition, and it protects consumers from unfair or deceptive advertising and marketing

practices. This conference report strengthens and clarifies the Commission's administrative and enforcement policies and authorizes sufficient funding to ensure the Commission has the tools it needs to fulfill its mission.

Mr. Speaker, much of the debate on this legislation has focused on the FTC's section 18 authority to issue industry-wide rulemaking relating to unfair advertising practices. The Commission has been banned from such rulemaking since 1980. The ban resulted from a number of controversial industry-wide rulemaking proceedings initiated by the Commission during the late 1970's. Industry argued the section 18 authority was vague and overly broad.

The conference report ends the unfairness rulemaking ban, but includes a precise and narrowly defined definition of unfairness.

The conference agreement establishes a three-pronged test to limit unfair acts that cause or are likely to cause substantial injury to consumers, which is not reasonably avoidable by consumers themselves, and is not outweighed by countervailing benefits to consumers or competition.

The definition is derived from the 1980 policy statement of the Commission and a 1982 letter from the Commission regarding unfairness.

The agreement also allows the Commission to consider public policies as evidence in determining whether an act is unfair.

There was some concern that allowing the use of public policy considerations was too vague and broad in scope. However, the use of public policy as evidence in determining unfairness is fully consistent with current FTC practices. Furthermore, the conference report carefully limits the use of public considerations. The conference agreement clearly states that such public policy considerations may not serve as an independent basis for a finding of unfairness.

Mr. Speaker, the willingness of all those concerned with this critical issue to develop a compromise made it possible for this conference report to move forward.

Mr. Speaker, again I want to praise my colleagues on the conference committee and the fine work of their staffs, particularly David Tittsworth of the majority staff and Glen Scammell on the minority side.

I urge my colleagues to vote in favor of the conference report.

Mr. OXLEY. Mr. Speaker, I strongly support the approval of this conference report. This House-Senate agreement on reauthorization of the Federal Trade Commission represents a breakthrough that can end a 12-year lapse in the agency's authorization. Since the last authorization expired in 1982, there have been several reauthorization bills, and some conferences, but never a successful agreement between the two bodies.

1994 is different. This time, through the diligence of our own committee leadership, including Mr. DINGELL, Mr. MOORHEAD, and Mr. SWIFT, as well as the Senate Commerce Committee, we have finally been able to reach a consensus. The conference version of H.R. 2243 reauthorizes the FTC, an agency with very important consumer protection and antitrust responsibilities. The bill also makes a number of technical improvements to the FTC Act as requested by the FTC on matters relating to enforcement of Commission orders.

The bill also carries forward and makes permanent various limitations on FTC authority that have had to be handled on a temporary basis through annual appropriations riders during the 12-year hiatus in authorizations. These include limits on the FTC's authority over agricultural marketing orders. The most important of these concerns the FTC's authority over unfair acts or practices, and that requires a little background.

During the Carter administration, the FTC went amok. By endeavoring to categorize huge expanses of American advertising as unfair, the agency produced a bipartisan backlash that culminated in the passage of the 1980 authorization. At that time, Congress prohibited rulemakings aimed at advertising, if the rulemakings were premised on the very elastic and vague unfairness standard. However, Congress did not attempt to clarify or define the standard itself, which remained open to varying interpretations.

In this bill, we are filling that gap. While the FTC will be permitted to conduct rulemakings based on the unfairness standard, it may do so only if specific tests concerning the prevalence of the allegedly unfair acts or practices are met first.

In all cases—whether individual adjudications or rulemakings—the FTC will have to comply with specific statutory guidelines regarding what constitutes an unfair act or practice. These guidelines are derived from various administrative pronouncements of the FTC, but for the first time, they will become part of the statute. This will lend permanence and predictability to a legal standard that in the past, has been subject to changing views and interpretations at the FTC.

When instituting any kind of unfairness-based proceeding, the FTC will be required to establish that the act or practice produces substantial consumer injury, that consumers cannot reasonably avoid the injury, and that the injury is not outweighed by other benefits to consumers or to competition. Thus, the agency will have clearer guidance from Congress in this field, and the private sector will have a better-defined standard that is far less prone to abuse than in the past.

The House-Senate agreement on these new standards could not have come about without a lot of hard work by both committees, by the FTC, other Federal and State agencies, and by industry. I want particularly to acknowledge the assistance of the advertising industry and the many companies that manufacture food products and beverages. This was truly a team effort, and the American consumer as well as American business will be better served in the future as a result of this legislation.

In fashioning the new standards for determining whether acts or practices are unfair, we were working against the background of recent Supreme Court decisions which illustrate a heightened awareness of the first amendment protections that apply to commercial speech, including advertising. Although it does not rise to the level of classic first amendment political expression, commercial speech performs an important role in our society, by informing and educating consumers about the choices available to them. We have been careful in this legislation to avoid unduly restraining the proper uses of truthful commercial speech, a vital element in our successful capitalist economy.

Finally, Mr. Speaker, I want to thank all of my colleagues on the committee who helped move this bill forward, when the outcome was very much in doubt. By their actions, they made a very strong statement on the willingness of this authorizing committee to discharge its responsibilities—even those that prove quite difficult.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the conference report on the bill, H.R. 2243.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF THE WARSAW UPRISING

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 388) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

The Clerk read as follows:

H.J. RES. 388

Whereas August 1, 1994, marks the 50th anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas on August 1, 1944, the Polish Home Army, under the command of General Tedeusz Bor-Komorowski, rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for 63 days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately 250,000 Poles were killed, wounded, or missing;

Whereas in reprisal for this uprising, 70 percent of the city of Warsaw was systematically demolished under the direct orders of Adolf Hitler;

Whereas September 1, 1994, marks the 55th anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just 16 days later by the Soviet invasion from the east and the subsequent occupation of a zone populated by 13,000,000 Poles, these events having led to

the development of a strong underground movement directed by the Polish Government in exile;

Whereas the 3 wartime leaders of the Polish Home Army—Lieutenant General Stefan Rowecki who was murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski who was imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki who was imprisoned by the Soviets and perished in a Soviet jail in 1945—symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas Warsaw was and continues to be the center of national life, culture, and religion for Poland;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character; and

Whereas President Clinton during his July 7, 1994, visit to Warsaw paid special tribute to these important days in Polish history, including the crucial role of the Polish Home Army in the allied war effort, and to the leaders of the Polish Home Army; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States recognizes the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the invasion of Poland during World War II and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in the fulfillment of their national aspirations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, this resolution recognizes the 50th anniversary of the Warsaw uprising.

On August 1, 1944, the Polish Home Army rebelled against the Nazis who were evacuating Warsaw as the Soviet Army advanced.

The Polish Home Army held major portions of the city of Warsaw against the Nazis for 63 days, with over 250,000 missing, wounded, or killed in the fighting. In reprisal for this uprising, the city was bombed, with over 70 percent of it demolished.

This year, when we are commemorating other momentous anniversaries connected with World War II, I believe it is important that we remember the sacrifice of the Polish people in Warsaw.

I support this resolution and I commend Ms. KAPTUR for working with us to bring this before the House.

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

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

Mr. Speaker, this Member rises in support of House Joint Resolution 388, a resolution recognizing the 55th anniversary of the Polish resistance to the Nazi and Soviet invasion of Poland as well as the 50th anniversary of the Warsaw uprising against the Nazi occupation of Poland. This Member is pleased to cosponsor this important resolution, and commends the gentlewoman from Ohio [Ms. KAPTUR] for introducing the resolution.

This Member would also recognize the important support offered by the chairman of the Subcommittee on Europe and the Middle East, who also happens to serve as chairman of the full Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON]. The ranking member, the distinguished gentleman from New York [Mr. GILMAN], was similarly supportive and helpful in bringing House Joint Resolution 388 before this body in a timely manner.

Mr. Speaker, it is difficult to understate the magnitude of the suffering that the people of Poland endured during the Second World War. As the resolution correctly notes, when the Polish Home Army rose up in 1944 and fought to rid their homeland of Nazi invaders, it did so at the cost of almost a quarter of a million men, women, and children. Their heroism is all the more notable because they fought against impossible odds, having only the most rudimentary weapons to take on the highly trained Nazi forces. The eventual suppression of the Warsaw uprising does nothing to dim the luster of the Polish effort. As House Joint Resolution 388 correctly notes, the Polish resistance is a powerful and poignant reminder of the power of the human spirit over adversity.

The Polish people retained this rugged and fiercely independent spirit throughout the Second World War, and indeed throughout the years of Soviet domination. With a powerful labor union—Solidarity—and an unshakable faith in the Almighty, the Poles were never fertile ground for communism. It is no surprise, therefore, that they were among the first of the Central European nations to break free from the grip of Soviet control.

Now the people of Poland face new, and equally daunting security challenges. With restive neighbors to the east, Warsaw is understandably eager to become integrated into Western European institutions such as the European Union, the WEU, and NATO.

Our Polish friends are very serious about developing a security relationship with the West. An early signatory of the Partnership for Peace, Polish military units are already participating in NATO exercises, and Polish officers are training at headquarters. In addition, Polish civilian and military personnel are receiving important training at the recently inaugurated Marshall Center in Garmish, Germany.

These are all positive signs, and this Member anticipates that Poland will eventually become an ally of the United States within the NATO alliance.

Mr. Speaker, this Member urges support for House Joint Resolution 388.

Mr. ROTH. Mr. Speaker, 50 years ago the people of Warsaw rose up to fight the Nazi's forced evacuation of their city.

Led by a small group of Polish patriots, the ordinary people of Warsaw took up arms against the occupying army of the Third Reich. Young and old, men and women, all joined together in acts of incredible bravery to fight for their freedom.

The revolt lasted 2 months, but against the Nazi army, it was destined to fail. In truth, the uprising was suppressed with vicious brutality.

No one can go to memorials like Yad Vashem in Jerusalem and not come away deeply moved by the horrible evidence of how the Polish people suffered.

But with their bravery, with their courage and with their sacrifice the Polish people stirred the free world and inspired the other occupied nations to resist the Nazis.

Forty-five years later, the Polish people again inspired the world by throwing off the yoke of Communist domination and embracing freedom. Other nations in Eastern Europe followed Poland's example, and the Soviet empire was brought to an end.

So in a very real sense, the heroes of the cold war were the Polish people—they led the way to freedom.

I know the deep commitment of the Polish people to freedom for their native land, and to the ideal of freedom that is the bedrock of our own country.

My congressional district has many Americans of Polish ancestry.

In the town of Pulaski in particular, Polish-Americans carry the torch of freedom in their hearts—for their homeland and for our country where their forebears made their home.

That is why—today—we in Congress salute the brave and freedom-loving people of Poland with this resolution.

Let me commend the gentlelady from Ohio Ms. KAPTUR for her leadership in drafting this resolution.

And let me urge my colleagues to join me in voting for this tribute to a brave people.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 388.

The 55th anniversary of the invasion of Poland by Nazi Germany and the Soviet Union arrives this September 1.

Just as important, the 50th anniversary of the Polish uprising in Warsaw against the Nazi occupation is also to take place next Monday, August 1.

Both of these anniversaries provide us with an opportunity to recognize the courage of the Polish Home Army in resisting the occupation of Poland by Nazi Germany and the Communist Soviet Union.

These anniversaries also provide us the opportunity to recognize the vital contribution that the Polish resistance made to the Allied victory over Nazi Germany.

If only for those reasons alone, this resolution deserves our support.

At the same time, however, this resolution can serve another important purpose.

It reminds us of the strategic role that Poland has played and continues to play in eastern Europe and how the sovereignty of that country depends on its inclusion in an effective system of collective defense.

Today, a successful defensive military alliance exists in Europe—the North Atlantic Treaty Organization—and Poland should be admitted expeditiously into it.

In his recent visit to Poland, President Clinton stated before the Polish Parliament that, although there appears to be no threat to Polish sovereignty today, history shows us that we cannot take this moment for granted.

President Clinton also stated that it is no longer a question of whether countries such as Poland are to be brought into NATO, but when.

Mr. Speaker, I suggest that it is time to seriously consider the question of when Poland will joint NATO.

As you know, I have introduced the NATO Expansion Act of 1994 as a means of getting that important debate underway.

The resolution before this House today reminds us of what is at stake, not just for the Polish people, but for the peace and stability of Europe, and, possibly, the world.

Mr. Speaker, I ask my colleagues to join in passing this resolution, which honors the bravery of the Polish Home Army in fighting for a free Poland and victory over fascism.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this resolution. The gallant uprising of the Armija Krajowa—the Polish Home Army—shall live forever as an example of a heroic struggle against impossible odds. A struggle that was made worse by the duplicity of the Soviets.

As July 1944 ended, the Red Army swept through eastern Poland to the banks of the Vistula River. As the Soviet offensive reached the outskirts of Warsaw, Russian broadcasts announced the impending liberation of the city and urged the workers of the resistance to rise against the retreating invader. This made it necessary for the Polish Government-in-exile in London to issue the order to Lieutenant General Bor-Komorowski, commander of the Home Army, to begin the uprising.

Not to act would have resulted in the Soviet puppet Lublin Government denouncing the Home Army and the legitimate Polish Government as ineffectual at best and virtual Nazi collaborators at worst. But had the Poles succeeded, the political effect of having forces loyal to the legitimate Polish Government liberate the capital themselves and greet the Soviet Army as allies rather than supplicants would have made the post war communization of the country more difficult, if not impossible. For if there had been an up-and-running Polish Government in Warsaw, with troops on the ground it, not the Red Army, would have handled the civil administration in postwar Poland.

On August 1, General Bor issued the proclamation for the Home Army to take up arms and begin the open fight against the German occupier. At 5 p.m. the Polish partisans began their attacks against the German forces. Forty thousand fighting men, only a quarter of them initially armed, stormed strongpoints and key installations. They had ammunition stocks for 7 days and planned to capture enough German equipment to supplement it, but were forced to fight fixed defenses without heavy weapons. They still came oh so close to victory. By the 6th they held almost the entire city, and were planning to fly in the first representatives of the Government from London within a few days. Then two developments occurred that sealed their fate—the Soviets stopped their advance and the Germans brought in reinforcements.

The Soviets had to deal with a German counterattack to the north and Stalin had no interest in letting rivals to his puppets assume control in Poland. German and Russian soldiers were seen bathing on opposite sides of the Vistula. The Soviet high command refused to allow the Western Allies refueling support for a proposed airlift of supplies.

The Nazis deployed two formations against the Home Army on August 8—both, under the command of SS Gruppenfuhrer von dem Bach-Zewlewski—Kaminski's Russian Legion and the Dirlewanger SS Brigade. Dirlewanger's Bridgade consisted of German convicts who specialized in horrific atrocities. Kaminski's unit was made up of turncoat Russians who has also participated in liquidating the Warsaw ghetto a year before and managed to outdo Direlwanger's troops in the use of terror. The Germans also committed heavy armor, artillery, and specialized weapons such as radio controlled "Goliath" robot tanks and the largest artillery piece in the world—an 80 centimeter railroad gun that required two parallel tracks, four special flatcars, and a crew of over 1,000. The SS troops were brutal beyond belief. Prisoners were burned alive, babies were impaled on bayonets, and the city was systematically destroyed on direct orders of Hitler. Heinrich Himmler told Joseph Goebbels that the sheer violence and terror of the repression would extinguish the revolt "in a very few days."

It took the Germans significantly longer than that. The Poles tenaciously held on, as August turned into September. As the Germans took back the city house-by-house and block-by-block, the Home Army maintained communications between the separated elements of their forces through the sewers.

The British and Americans attempted to airdrop arms and ammunition and consideration was given to dropping the Polish Parachute Brigade. But the Soviet refusal to do anything to provide logistical support doomed these operations. The Soviets finally allowed their puppet Polish Army to attempt to break into Warsaw in mid-September, but the Germans had prepared their defenses and repulsed this attach.

As the Home Army was running out of food, ammunition, and medicine—both to carry on the battle and to sustain the civilian population, General Bor was forced to try and negotiate terms with Bach. Here was when the incredible bravery and tenacity of the Poles made a difference. The Germans were so impressed that they agreed to treat the members of the Home Army and all members of the Polish resistance as combatants under the Geneva Convention. This meant the survivors went to POW camps rather than being executed as partisans. Finally on October 4, after over 250,000 Poles were killed or wounded, the remnants of the Home Army surrendered.

The crushing of the Home Army eliminated any significant non-Communist resistance to the puppet Lublin government, which would rule Poland until 1989. But the sacrifice of the Polish Home Army may have had another effect. The Red Army was not able to break through the German positions on the Vistula River, capture Warsaw, and proceed toward Berlin until January 1945. How much more of central Europe would Stalin have been able to swallow up had his advance not been delayed by that 4½ months? That is unknown, but what is known is that the heroic struggle to free Warsaw 50 years ago must be remembered and commemorated as long as people love freedom.

□ 1240

Mr. BEREUTER Mr. Speaker, having no further requests for time, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the joint resolution, House Joint Resolution 388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF UNITED STATES TROOPS FROM BERLIN AND REAFFIRMING UNITED STATES-BERLIN FRIENDSHIP

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 476) congratulating the people of Germany and the citizens of Berlin on the occasion of the withdrawal of United States troops from Berlin, and reaffirming United States-Berlin friendship.

The Clerk read as follows:

H. RES. 476

Whereas the people of the United States and Germany have enjoyed warm and amicable relations for 5 decades;

Whereas throughout the Cold War the existence of a free and democratic West Berlin served as a symbol of Western resolve in the face of totalitarian aggression;

Whereas the armed forces of the United States have maintained a continuous presence in defense of the city of Berlin for 49 years;

Whereas, in 1948 and 1949, the United States came to the assistance of the people of Berlin during the 462 days of the Berlin airlift;

Whereas, following the construction of the Berlin wall, the armed forces of the United States stationed in Berlin demonstrated the American resolve to participate in the defense of Western Europe;

Whereas the United States takes pride in having admirably fulfilled its administrative responsibilities over its sector in the city of Berlin;

Whereas the citizens of Berlin have reciprocated the United States' commitment by demonstrating warm and genuine hospitality and a willingness to integrate the American community deeply into the life of the city;

Whereas the American people shared the joy of the German people at the collapse of the Berlin wall and German unification;

Whereas the termination of the Warsaw Pact and the subsequent unification of Germany reduced the strategic requirement for a continued United States military presence in Berlin;

Whereas the United States Berlin Brigade, together with French and British contingents stationed in Berlin, are now preparing for their departure from Berlin; and

Whereas the history of friendly relations and longstanding commercial and cultural bonds between the people of Berlin and the United States form a sound basis for continued warm and positive relations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of united Germany;

(2) congratulates the armed forces of the United States, civilian administrators, and the American people for 5 decades of sacrifice and steadfast support for the city of Berlin;

(3) recognizes and salutes the contribution of British and French allies in the defense of Berlin;

(4) reaffirms the North Atlantic Treaty Organization obligations of the United States and America's continued support for a free, democratic, and united Germany; and

(5) welcomes the further enrichment of the relationship between the United States and the city of Berlin based on an approach fostering new traditions in economic and cultural links.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, House Resolution 476 congratulates the city of Berlin as it prepares to resume its position as the seat of government of a unified Germany.

The resolution also congratulates the Armed Forces of the United States for 50 years of sacrifice and support for Berlin; recognizes the contributions of the British and French in defense of Berlin; and reaffirms our NATO obligations in support of Germany.

I want to commend Mr. BEREUTER for introducing this resolution and would recognize him in support of his resolution.

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

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

Mr. Speaker, this Member would like to thank the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON]. Chairman HAMILTON was extremely helpful in bringing this member's resolution (H. Res. 476) before this body in a timely manner. This Member is genuinely appreciative. Similarly, this Member would like to express his appreciation to his distinguished ranking member on the committee, the gentleman from New York [Mr. GILMAN], who is among the numerous cosponsors of House Resolution 476 and who was quite supportive in the committee.

Mr. Speaker, House Resolution 476 is a straightforward resolution that enjoys bipartisan support in the Congress as well as the strong support of the administration. Simply stated, the resolution recognizes the exceptional contribution to peace and security that has been provided by the U.S. Berlin Brigade. And, as the U.S. forces prepare the depart from Berlin, House Resolution 576 recognizes the special relationship between the United States and the people of Berlin.

For almost five decades, Berlin has been the eye of the cold war storm. The Berlin airlift was the first great demonstration of Western determination to halt Communist aggression. The airlift lasted a year-and-a-half. When it was over there was no question about U.S. resolve.

Nothing more vividly demonstrated the hollow nature of the Soviet promise of a workers' paradise more than the fact that they had to build a wall to prevent their population from fleeing. Nothing more vividly demonstrated the indominable human spirit that the countless thousands who would risk everything to escape over, under, or through the Berlin wall. And, when the Berlin wall came down, we knew the end of the Soviet empire was close at hand.

Throughout it all, the presence of the U.S. Armed Forces—most notably the U.S. Berlin Brigade—was an unmistakable demonstration of our commitment to freedom and liberty.

Over the years, more than 100,000 Americans have served in Berlin. And time and time again, American service men and women demonstrated extraordinary actions of heroism and humanity. Take for example, the case of Hans Puhl, who was standing sentry one day in 1964 when a young East Berliner was shot making a dash for freedom. Oblivious to the danger, private Puhl jumped the wall, and carried the wounded man to freedom.

Or take the example of Colonel Halvorsen, the Air Force pilot who made a point of dropping packages of candy to the children of Berlin during the 1948 airlift. Or Sidney Shachnow, a Holocaust survivor who eventually rose to become a general in the U.N. Army, and commander of the Berlin Brigade.

These Americans—and countless others—have become an integral part of Berlin's history and tradition.

Two weeks ago President Clinton traveled to Berlin and officially demobilized the Berlin Brigade. On September 6, the brigade, together with the British and French contingents, will march out of Berlin. In doing so, the nature of our relationship with the people of Berlin will observable change. The troops will be gone, but this Member believes that we can be confident that the friendly relationship between the United States and the people of Berlin will remain.

The State Department now talks of terms of "new traditions," with the implication being that links between the United States and the German people will emphasize shared values, a common culture, and greater economic links. And, as Berlin is about to once again become the capital city of a united Germany, the city is about to assume a much greater political and diplomatic importance.

House Resolution 476 congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of a united Germany.

The resolution commends the U.S. Armed Forces and the American people for five decades of sacrifice and steadfast support of freedom, and recognizes the vital contributions may by our French and British allies.

It reaffirms the our NATO commitment, and expresses the intent to build upon the excellent relations with the people of Berlin.

Mr. Speaker, this Member urges adoption of House Resolution 476.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, let me join with the gentleman from Nebraska [Mr. BEREUTER], in supporting this resolution to commend the people of Berlin for their long struggle against Communist domination.

For five decades, Berliners symobilzed the fight against the Soviet occupation of Eastern Europe. Their courage during the 462 days of the Berlin airlift inspired the world.

For 50 years, American troops defended Berlin as an outpost of freedom in Soviet-occupied East Germany.

Now, with the cold war over, American forces are finally departing Berlin, their long term of duty completed.

Without question, the continued freedom of Berlin, guaranteed by American, British and French forces, was a key factor in eventually bringing down the Soviet empire.

The American people supported the goal of freedom for Berlin and East Germany.

We never gave up.

We never lost hope.

And today the German people are reunited in a free country.

This resolution commemorates that long struggle, and honors those people—American and German, as well as

British and French, who made this day possible.

The 58 million Americans of German descent have a special reason to be proud today—of their forebears' homeland and of America.

Mr. GILMAN. Mr. Speaker, I would like to commend the gentleman from Nebraska [Mr. BEREUTER] for his initiative in introducing House Resolution 476 which offers the congratulations of the House of Representatives to the United States Forces who will withdraw from Berlin next month, having successfully completed their mission safeguarding Berlin and West Germany through the many years of the cold war. The resolution also congratulates the courageous people of Berlin themselves, and our allies, Britain and France, who joined us in sustaining this effort.

I am confident all members will join in supporting this resolution as an expression of the pride that we as Americans share in the dedication of the brave men and women of our U.S. armed forces who served in Berlin during the cold war.

As they withdraw from a city now united, I hope the example they have set will remind us of our ability to defend freedom even in the face of the toughest adversaries. I ask all of my colleagues here to join in proudly saying aye to this measure as a tribute to the accomplishments of our departing Armed Forces in Berlin.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, H. Res. 476.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1250

URGING THE GOVERNMENT OF BURMA TO RELEASE AUNG SAN SUU KYI

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 471) to urge the Government of Burma (Myanmar) to release Aung San Suu Kyi, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 471

Whereas in 1988, the Burmese regime brutally suppressed nationwide pro-democracy demonstrations, resulting in the deaths of several thousand people and the imprisonment of several thousand others;

Whereas in 1989, the Burmese regime placed under house arrest Aung San Suu Kyi, the daughter of Burma's founding father and the most prominent figure in the pro-democracy movement;

Whereas in May 1990, the Burmese people in free and fair elections awarded over 80 percent of the National Assembly seats to the National League for Democracy;

Whereas the military regime responded to this expression of the will of the Burmese people not only by refusing to relinquish power, but by further cracking down on opposition politicians and those who supported democracy and human rights in Burma;

Whereas the inhumane practices of the regime prompted a quarter million Rohingya refugees to flee into Bangladesh, where most remain today in refugee camps;

Whereas in 1991, Aung San Suu Kyi was awarded the Nobel Peace Prize for her efforts on behalf of a peaceful transition to democracy in Burma;

Whereas in 1993, several past winners of the Nobel Peace Prize, having been denied permission to visit Burma, traveled to Thailand to call for the release of Aung San Suu Kyi;

Whereas martial law remains in effect in Burma today, with hundreds of political prisoners in custody, human rights frequently violated, and national minorities driven into exile;

Whereas the Government of Burma has denied international humanitarian agencies free and confidential access to prisoners;

Whereas credible reports continue to link Burmese Government officials to the illegal trafficking into Thailand, for purposes of forced prostitution, of approximately 10,000 Burmese women and girls each year, many of whom are deported back to Burma infected with the virus that causes the acquired immune deficiency syndrome (commonly referred to as the "HIV virus");

Whereas the national convention convened by the Burmese Government in January 1993 to begin work on a new constitution does not have the mandate of the Burmese people, nor appear to be progressing toward putting political power in the hands of a freely elected civilian government;

Whereas the United Nations Commission on Human Rights and United Nations General Assembly have adopted consensus resolutions deploring the human rights situation in Burma and expressing grave concerns about the lack of progress toward democracy as well as abuses such as summary and arbitrary executions, torture, forced labor, and oppressive measures against women and ethnic and religious minorities;

Whereas Burma has for many years been the world's largest producer of opium and heroin;

Whereas the United States Government in each of the past 5 years has denied the Government of Burma certification under chapter 8 of part I of the Foreign Assistance Act of 1961 due to a lack of cooperation on narcotics control efforts;

Whereas the problem of drug production and trafficking in Burma cannot be adequately addressed until there is a restoration of democracy in that country;

Whereas credible reports continue to link Burmese Government officials and military officers to drug trafficking;

Whereas since 1988 the United States has been in the forefront of international efforts to promote democracy and human rights in Burma;

Whereas in 1992, the House of Representatives adopted House Resolution 473, which condemned human rights abuses in Burma and called upon the President to seek a mandatory international arms embargo against Burma;

Whereas in fiscal year 1993 the Congress earmarked $1,000,000 to support assistance for Burmese refugees and students on both sides of the Thai/Burma border;

Whereas United States corporations are under increasing pressure from stockholders to divest their holdings in Burma and otherwise to refuse to do business in Burma so long as the current military regime continues to abuse the political and human rights of its people;

Whereas the Government of Thailand has invited the Burmese regime to participate in some of the meetings of the Association of Southeast Asian Nations (ASEAN) in July 1994;

Whereas the Government of Thailand has prohibited senior officials of the National Coalition Government of the Union of Burma from entering Thailand;

Whereas July 19, 1994, will mark the 5th anniversary of Aung San Suu Kyi's imprisonment;

Whereas in March 1994 the United Nations Commission on Human Rights noted measures taken by the Government of Burma (including the reopening of universities, the release of over 2,000 political prisoners, the signing of a Memorandum of Understanding providing for a United Nations Commission on Human Rights presence in Arakan province to monitor the voluntary repatriation and reintegration of Rohingya refugees from Bangladesh, and the achievement of cease-fire agreements with several ethnic and religious minority groups in Burma), but at the same time deplored the continued seriousness of the human rights situation in Burma; and

Whereas the Government of Burma has for the first time permitted meetings between foreign visitors and political prisoners (including Aung San Suu Kyi), but continues to deny the United Nations special rapporteur access to Aung San Suu Kyi: Now, therefore, be it

Resolved,

SECTION 1. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF BURMA.

It is the sense of the House of Representatives that the Government of Burma should—

(1) immediately and unconditionally release Burma's political prisoners, including Aung San Suu Kyi;

(2) permit the transfer of political power to an elected civilian government based upon the results of the 1990 election;

(3) fully respect the human rights and fundamental freedoms that are the birthright of all peoples;

(4) end the practice of forced labor, including portering for the military;

(5) allow free and confidential access to all prisoners, including prisoners of conscience, by international humanitarian agencies;

(6) permit international human rights organizations regular access to villages and detention centers to monitor the repatriation of Burmese victims of illegal trafficking into Thailand for purposes of forced prostitution;

(7) implement fully the Memorandum of Understanding with United Nations Commission on Human Rights and create the necessary conditions to ensure an end to the flows of refugees to neighboring countries and to facilitate the speedy repatriation and full reintegration, under conditions of safety and dignity, of those who have already fled Burma;

(8) respect fully the obligations set forth in the 1949 Geneva Conventions, in particular the obligations in common article III, and make use of such relief services as may be

offered by impartial humanitarian bodies; and

(9) take effective law enforcement actions against those individuals within the Burmese Government (including the Burmese military), as well as those outside the government, who are engaged in the production and trafficking of illicit narcotics.

SEC. 2. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF THE UNITED STATES.

It is further the sense of the House of Representatives that the President, the Secretary of State, and other United States Government officials and representatives should—

(1) urge the Government of Burma to release, immediately and unconditionally, Aung San Suu Kyi and other political prisoners;

(2) maintain the current United States ban on all forms of nonhumanitarian assistance to Burma;

(3) disperse the funds previously appropriated to support assistance for Burmese refugees and students along the Thai/Burma border;

(4) maintain current limitations on the provision of bilateral narcotics control assistance to the Government of Burma until that government demonstrates a genuine commitment to combating the scourge of illicit narcotics production and trafficking while continuing, and if appropriate, strengthening international efforts through the United Nations Drug Control Program to reduce and eliminate the massive heroin production and trade from Burma that now threatens the world;

(5) continue to oppose loans to Burma in accordance with chapter 8 of part I of the Foreign Assistance Act of 1961;

(6) consider imposing further economic sanctions against Burma, and encourage other members of the international community to take similar steps;

(7) elevate the issues of democracy and human rights in Burma in the conduct of United States relations with other members of the international community, particularly in coordination with Japan, China, and the members of the Association of Southeast Asian Nations;

(8) maintain United States support for the appointment by the United Nations Secretary General of a special envoy to focus on conflict resolution as the basis of national reconciliation and the restoration of democracy in Burma;

(9) urge the Government of Thailand to work with the Government of Burma to investigate the involvement of border police in both countries in the illegal trafficking of women and girls into Thailand for purposes of forced prostitution;

(10) ensure that, during the July 1994 Post-Ministerial Conference of the Association of Southeast Asian Nations, the Secretary of State calls on the members of the Association of Southeast Asian Nations to support the international consensus on Burma by urging the Government of Burma to unconditionally release Aung San Suu Kyi and to indicate its willingness to cooperate with a special envoy appointed by the United Nations Secretary General;

(11) maintain the unilateral United States arms embargo against Burma, and encourage the other members of the international community, most particularly People's Republic of China, Thailand, and the other members of the Association of Southeast Asian Nations, to prohibit arms sales and transfers to Burma;

(12) encourage other members of the international community to halt all nonhumanitarian assistance to Burma or, at a minimum, to condition any new official assistance on significant progress by the Government of Burma toward respecting the human rights and fundamental freedoms of its people;

(13) encourage the legislatures of other nations to call for the restoration of a democratic government in Burma, including the release from prison of Aung San Suu Kyi and the other parliamentarians elected in 1990; and

(14) continue to encourage the United Nations and its specialized agencies operating in Burma—

(A) to use particular care to ensure that their activities meet basic human needs, do not benefit the present military regime in Rangoon, and promote the enjoyment of internationally recognized human rights, and

(B) to work through nongovernmental organizations to the greatest possible extent.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 471, originally offered by Representatives ACKERMAN and LEACH, seeks to support democracy and human rights in Burma.

This resolution expresses the sense of the House that the military authorities in Burma should hand over the reins of government to those who in 1990 were elected to govern.

It restates our admiration and support for the imprisoned pro-democracy activist and Nobel laureate Aung San Suu Kyi;

It calls on the U.S. Government to elevate democracy and human rights in Burma in our diplomatic dialog;

It urges greater international pressure on the military regime in Rangoon;

And, it sends a forceful message that we are not prepared to deal with the regime in Burma on the basis of "business as usual."

As many of my colleagues know, Burma has been governed since 1988 by one of the world's truly odious regimes, known as the SLORC.

In 1990, in a monumental miscalculation, the SLORC permitted the holding of free elections.

To the regime's surprise and consternation, the Burmese people gave their overwhelming support not to the junta, but to the National League for Democracy, whose leader Aung San Suu Kyi languished under house arrest.

The regime responded not by relinquishing power, but by simply ignoring the election results and stepping up its repression.

Last week marked the fifth anniversary of Aung San Suu Kyi's imprisonment.

I can think of no more fitting way to express our support for this courageous woman than by adopting this resolution.

House Resolution 471 is supported by the administration and has widespread backing, on both sides of the aisle, in this body.

So it is with great pleasure that I urge my colleagues to support adoption of this resolution.

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

Mr. Speaker, as a cosponsor of House Resolution 471, this Member rises in the strongest possible support for this clear and unequivocal denunciation of tyranny in Burma.

This Member would like to commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], and the ranking Republican on the committee, the gentleman from New York [Mr. GILMAN] for their support and assistance in moving this resolution in a timely manner. In addition, this Member would recognize the continuing efforts of the chairman and ranking minority member of the Asia and Pacific Subcommittee, the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] for their unswerving efforts to restore democracy to Burma.

Five days ago marked the fifth anniversary of Aung San Suu Kyi's imprisonment. It is shocking that a Nobel Peace Prize winner can be jailed for 5 years in a Burmese jail while most of the world continues business as usual with those that imprison her.

According to the State Department's annual report on human rights, the junta known as the SLORC that rules Burma "routinely" uses forced labor "for its myriad building projects," especially large road and railroad construction.

On July 17, the New York Times documented another massive forced labor program where tens of thousands are being paid nothing to reconstruct tourist attractions so that the government can gain access to hard currency. The junta in Burma has decided that the solution to its economic crisis is to become a tourist mecca, exploiting its natural beaches. And to that end, many of the very students who protested on behalf of democracy have been thrown into the labor gangs that are building roads to these new "resorts."

Far worse than the building projects, human rights groups inform us, is the army's policy of abducting young men and women to serve as porters for the military. According to the State Department's annual human rights report, hundreds of porters are thought to have died just last year "from disease and overwork, though reports of

mistreatment and rape were also common.'' Many of the porters are left unattended to die when they can go no further.

In addition to the massive human rights violations perpetrated upon the Burmese people our own citizens suffer tremendously from SLORC's rule.

The vast majority of heroin being sold in our Nation's school yards is refined from Burmese opium. Ever since the SLORC stole the election from the freely elected winners of the 1990 election, our law enforcement officials have never before seen such enormous amounts of the drug being sold in such purity so cheaply.

This Member sincerely hopes that next year there will be a democratic government in Burma—a democratic government that cuts the flow of the chip cheap and terrible poison that is pouring into our Nation. And one that respects the human rights of its own citizens.

Accordingly, this Member urges his colleagues to support the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, let me join with the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] in supporting this resolution. Aung San Suu Kyi remains under house arrest by the Burmese military regime, after 5 long years.

She is a prisoner of conscience.

Her crime is that she speaks out against repression and in favor of freedom. She is a symbol of the desire of Burmese people to be free.

Recent reports that Burma is using forced labor merely underscores the importance of this resolution. The American people have always made common cause with people who are fighting for their freedom.

In that spirit, this brave young woman deserves the support of the American people. The Government of Burma must be told in clear terms that their pattern of repression is unacceptable to the Congress, to the American people and to the world community.

Mr. LEACH. Mr. Speaker, let me thank Chairman ACKERMAN, our full committee ranking member, Mr. GILMAN, as well as Representative ROHRABACHER for their leadership in supporting this very timely and important resolution on Burma.

All Members are of course familiar with the tragic circumstance afflicting Burma today. The Burmese people continue to be ruled by a military dictatorship—appropriately known by the sinister acronym SLORC—that is one of the worst human rights abusers in the whole of East Asia, if not the world.

Particularly distressing is the continuing house arrest of Nobel Prize Laureate Aung San Suu Kyi, the negation of the results of the May, 1990, elections, and the ruling junta's efforts to manipulate a constitutional convention in order to ensconce and legitimize continuing military rule.

Meanwhile, very credible allegations of grave human rights abuses continue: including torture, forced labor, abuse of women, lack of fundamental freedoms, and oppressive measures against ethnic and religious minorities.

While limited measures have been taken by the SLORC since April, 1992, to address the grave human rights concerns of the Burmese people and the international community, they have been clearly insufficient to date to demonstrate that change is real and not merely cosmetic. At a minimum, the SLORC needs to immediately begin a genuine dialog with Aung San Suu Kyi.

From a congressional perspective, the challenge facing the United States in advancing our democratic, humanitarian, and counternarcotics objectives in Burma is to maximize our limited leverage to promote progressive change. Herein lies a vexing policy dilemma.

The instinct of many at home and abroad is for Washington to take the lead in heightening the economic and political isolation of the Burmese regime, multilaterally if possible but unilaterally if necessary.

But the strong instinct of the parties with the greatest influence on Buma—ASEAN, China, and Japan—has been to downplay public criticism of the regime while to some degree urging Rangoon to moderate its behavior and open up to the outside world.

And the stark political reality with which we must contend is that there is virtually no international support for imposing additional economic sanctions against Burma—certainly none in East Asia. Even our ally Australia, which itself has a strong record of promoting human rights, is rethinking the wisdom of a purely punitive policy for dealing with Rangoon.

In this regard, it would appear that the administration has had some difficulty in reconciling a unilateral policy of isolation with other and possibly more nuanced alternatives.

With great fanfare, President Clinton announced last May a comprehensive review of United States policy toward Burma. Some 10 months later, in March, 1994, the review was only nominally complete. Overarching and common-sensical U.S. policy goals, such as establishing priority to promoting democratic and humanitarian objectives, were boldly embraced. But most hard issues—such as designing a roadmap for future relations with the Burmese regime—were quietly deferred. Most unfortunately, we are now some 14 long months into the policy review with no date certain for its completion.

Meanwhile, the United States is bereft of ambassadorial leadership in Rangoon, experienced working level hands within the State Department—such as Deirdre Chetham and John Finney—will be moving on to other posts, and more senior policymakers within the East Asia Bureau appear preoccupied with more vital foreign policy issues. In fact, it has been difficult to consistently identify any senior official with the formulation of United States policy toward Burma.

Frankly, this awkward circumstance has become an increasing source of bipartisan exasperation in the Congress. While Burma is clearly not a pressing geopolitical concern, United States interests are far from trivial. Indeed, the administration recognized such when it purported to elevate Burma on the United States foreign policy agenda. Worse yet, a vacuum in U.S. policy could not materialize at a less propitious time.

Internally, the situation is still largely grim. Despite widespread antipathy to the SLORC's iron-fisted rule, there appears to be little prospect that their military regime will either collapse or cede power any time soon. As already mentioned, the National Convention to rewrite the Constitution is of course a stage-managed sham.

On the other hand, the SLORC has recently negotiated cease-fire agreements with Burma's ethnic insurgents, suggesting an end to—or at least hiatus in—the country's long-running civil war. Whether such agreements will prove politically durable, facilitate external humanitarian assistance and sustainable development, as well as end refugee flows remains to be seen.

Burma has also signed an MOU with the U.N. High Commissioner for Refugees to facilitate the safe return of hundreds of thousands of Rohingya refugees from Bangladesh. Whether or not Rangoon will fully implement the agreement, however, remains uncertain.

Over the past year the regime has also provided unprecedented access by official U.S. visitors to political prisoners, including Congressman BILL RICHARDSON's remarkable February visit with Aung San Suu Kyi. But similar access by U.N. officials continues to be denied. The SLORC has also given tantalizing hints that it may at last begin a genuine dialog with Aung San Suu Kyi. And in Bangkok at the annual ASEAN meeting the Burmese Foreign Minister reportedly suggested that Rangoon was amenable to beginning discussions with the U.N. Secretary General on human rights.

Needless to say, the executive branch as well as the Congress will be watching all these developments closely and expecting positive results.

Externally, Burma is casting aside its traditional policy of isolation and rapidly deepening diplomatic relations with Southeast Asia. For example, this week Burma is making its maiden appearance before the ASEAN post-Ministerial Conference in Bangkok, attending as a guest of Thailand. Significantly, its commercial relations with China and the ASEAN States, and potentially others outside Southeast Asia, also show signs of dramatic expansion.

In short, while United States policy may be frozen in place the situation in Burma is not. In this context, it is fair to ask whether U.S. policy—or at any rate the interminable policy review—is being outstripped by events.

Here I would only reiterate my long-held view that the United States should provide humanitarian assistance to displaced Burmese as well as refugees and students, work to expand the presence in Burma of various U.N. agencies and particularly nongovernmental organizations, while making much more concerted efforts to coordinate with our friends in ASEAN and Japan—and when possible with China—on a broad approach to promoting more humane governance in Rangoon.

In addition, the United States should continue to seek the appointment of a U.N. Special Envoy to Burma, as well as use other

U.N. fora to call attention to and seek redress of the ongoing serious human rights situation in Burma, such as the unconditional release of nonviolent political prisoners including Aung San Suu Kyi. While I am very sympathetic to any possible arms embargo, prospects for negotiating such appear quite dim.

While the resolution before us does not speak to the issue of U.S. representation in Rangoon, I continue to believe that U.S. interests would be better served if we sent an ambassador with a strong human rights record and extensive background in working with opposition democratic groups. The dispatch of an ambassador to Rangoon would in no way signal approval of the current regime, or lend it any legitimacy. After all, the United States routinely sends ambassadors to countries whose policies we find abhorrent.

Mr. Speaker, few Americans would believe today that Burma was once one of the most energetic and fastest growing countries in Southeast Asia. Today it is being left behind by its dynamic neighbors.

Why has it failed to live up to its rich potential? Some blame it on history and culture; that Burma is destined to be the world's "odd man out," that free markets and free ideas can't take root in this unique and isolated land.

My own view is that is the SLORC's egregious misrule—rather than any complex historical legacy—which is chiefly responsible for Burma's recent isolation and underdevelopment. Indeed, that was the verdict of the people of Burma in the May, 1990, elections, when they delivered such a devastating rebuke and vote of no-confidence in the military regime.

To quote the symbol and inspiration of Burma's prodemocracy movement, the indomitable Aung San Suu Kyi, "The quest for democracy in Burma is the struggle of a people to live whole, meaningful lives as free and equal members of the world community."

All Members can thoroughly identify with those universal, democratic ideals. And while there may be some tactical differences of approach to dealing with Burma, the Congress is certainly unanimous in its support for restoring democratic governance, in demanding respect for human rights and fundamental freedoms, and in ending the production and trafficking of illicit narcotics.

There could be no more appropriate time for this Congress to urge the military leaders in Rangoon to unconditionally release Aung San Suu Kyi and all other political prisoners, as well as to fully respect the human rights and fundamental freedoms of the people of Burma. I urge the adoption of the resolution.

Mr. ACKERMAN. Mr. Speaker, I rise in enthusiastic support of House Resolution 471, regarding democracy and human rights in Burma.

I wish it could be otherwise. I wish we did not have to take up this resolution, but the military despots in Burma leave us no alternative. Eighteen months ago, some Burma watchers thought they detected tantalizing hints of change in that country. A national convention had been called, ostensibly to draft a new constitution. The Rangoon Government had released some of its political prisoners, and had given family members and foreign visitors access to others still in detention. American businesses were being courted by a regime hungry for outside financing.

Alas, our hopes that these developments represented something more than mere cosmetic changes seem to have been illusory. Repression remains the lot of the Burmese people. The victors in 1990's election are still denied the opportunity to form a government based upon the freely expressed will of the Burmese people. Aung San Suu Kyi, the embodiment of Burma's desire for democracy—whose brave defiance of tyranny won her not only the Nobel Peace Prize, but also the admiration of literally millions of people around the world—continues to languish under house arrest, while the Rangoon regime's hold on power appears firmer than ever.

So it is with great pride that I voice my support for this resolution, which Representative JIM LEACH and I have drafted.

Mr. Speaker, few of our constituents will know of our actions today in adopting this resolution. but I can guarantee you one thing: The people of Burma will hear of it. And be cheered by it. Cheered in the knowledge that they are not alone—that the world has not forgotten them in their time of trial—that freedom-loving peoples around the globe salute their courage, laud their steadfastness, and admire their devotion to the ideas of liberty and self-determination.

And so, I urge my colleagues not simply to support this resolution, but to redouble their efforts on behalf of Aung San Suu Kyi and the ideals for which she and her people continue to struggle. The forces of evil cannot and will not prevail. The day of triumph for those who cherish freedom will soon be at hand.

Mr. PORTER. Mr. Speaker, I support passage of House Resolution 471, which supports human rights and democracy in Burma and urges the Government of Burma to release Aung San Suu Kyi, the leader of the democratic opposition party in Burma. Because Aung San Suu Kyi's dedication to freedom and commitment to human rights made her a threat to the State Law and Order Restoration Council, the military regime that rules in Burma, they placed her under house arrest in 1989. Despite her incarceration in May, 1990, the Burmese people elected her party, in a free and fair election, to represent them. In 1991, Suu Kyi was awarded the Nobel Peace Prize for her nonviolent efforts to bring democracy to Burma. This year, the SLORC extended Suu Kyi's sentence for 1 more year. Today, martial law remains in effect in Burma. Human Rights Watch/Asia states that hundreds of political prisoners remain behind bars. Torture, ill-treatment, forced labor, denial of freedom of speech and association, and other human rights violations continue unabated. As Members of the U.S. Congress we must condemn these violations. Last week 28 Members of the House and 26 Members of the Senate joined me in sending a clear and unambiguous message to the SLORC leadership that stated increased political and economic relations with Burma should only occur if there is concrete progress in terms of their human rights conditions.

House Resolution 471 calls for the release of Aung San Suu Kyi and other political prisoners in Burma, it considers imposing further economic sanctions against Burma, and it asks for the appointment of a U.N. Special Envoy to focus on the conflict in Burma. I urge my colleagues to support these recommendations by adopting House Resolution 471. I commend Mr. ACKERMAN and Mr. LEACH for their work in exerting pressure on the Burmese military to improve its dismal human rights performance and I call on my colleagues to join us in this effort.

Mr. GILMAN. Mr. Speaker, I want to commend Chairman HAMILTON and the chairman and ranking Republican member of the Asia and Pacific Subcommittee, Mr. ACKERMAN and Mr. LEACH, for bringing this resolution before us today, just days after the fifth anniversary of Aung San Suu Kyi's imprisonment. I especially want to commend Mr. ROHRABACHER for his leadership and personal interest in this issue.

It is a sad anniversary for all of us. Five years ago there was so much hope for Burma. Along with the promise of democracy and human rights for the Burmese, the international community won honest assurances from freely elected Burmese Government officials that they would actively pursue strong drug interdiction efforts.

Unfortunately, the military government refused to step down. And recently it made deals with drug growing minorities such as the Wa and Kokang that they can continue to grow opium as long as they set aside their armed rebellions.

The SLORC profits from a Burmese drug trade that supplies three-quarters of the heroin reaching America's streets. Burma is the world's largest source of illicit opium and heroin today. In New York, the drug's quantity and purity are higher than ever, and free samples are often provided our young children on the streets to hook them on this powerful narcotic.

Last week, in Bangkok, the SLORC for the first time, was seated as observers at the annual meeting of ASEAN. I hope that our Secretary of State who will be present at the ASEAN meeting registers his strong disapproval.

A recent alarming 44-percent increase in United States hospital related heroin admissions over a similar 6-month period not long ago, is stark and alarming evidence that the Burmese heroin problem cannot be ignored here at home. This is a tragic war that we cannot afford to lose and we need to focus our resources and attention on those that benefit from the destruction of our Nation's very fabric. Admittedly, the Burmese Government's involvement in the drug trade has made it difficult for us to find a way to apply our resources to adequately tackle the problem.

Fortunately, the U.N. International Drug Control Program [UNDPC] is on the ground doing good work.

The resolution before us calls on the U.S. Government to work with the UNDCP and continue those counternarcotics efforts, and where appropriate, we must seek to expand the efforts of the UNDCP. The entire world has a stake in the struggle and UNDCP is our best hope today for any progress in this critical area.

Accordingly, I urge my colleagues to support the resolution and I hope that next July Suu

will be released and the world will have a government in Burma that will work with us against drug traffickers.

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

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the resolution, H. Res. 471, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1300

CONCERNING MOVEMENT TOWARD DEMOCRACY IN THE FEDERAL REPUBLIC OF NIGERIA

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) concerning the movement toward democracy in the Federal Republic of Nigeria, as amended.

The Clerk read as follows:

H. CON. RES. 151

Whereas the people of the Federal Republic of Nigeria and the international community had been led to believe that the presidential election held in Nigeria on June 12, 1993, would result in a return to full democratic civilian rule in Nigeria;

Whereas General Ibrahim Babangida, the head of Nigeria's military government at the time of the June 12, 1993, election, interrupted the release of the election results on June 23, 1993, and later annulled the election, thereby preventing a return to civilian rule;

Whereas the election process indicated that voters in Nigeria—a country with a population of approximately 90,000,000 individuals comprising 250 ethnic groups and spread across 357,000 square miles—were expressing a spirit of national unity that transcended ethnic, religious, and regional allegiances;

Whereas reported returns suggested that Moshood Abiola of the Social Democratic Party was receiving a substantial majority of the votes cast, leading the poll in 20 of the 30 states in Nigeria;

Whereas the annulment of the presidential elections resulted in various forms of civil unrest, which in turn led to the death of more than 100 individuals;

Whereas an interim government established by General Babangida on August 27, 1993, and headed by Ernest Shonekan, failed to win the support of the Nigerian people;

Whereas General Sani Abacha took power on November 17, 1993, appointing an unelected provisional ruling council to govern Nigeria;

Whereas General Abacha and the provisional ruling council, upon taking power, stated their commitment to an early return to civilian and democratic rule, and named several prominent democratic political figures to serve in the government;

Whereas the political and economic conditions in Nigeria have continued to deteriorate in the months since Abacha took control of the country;

Whereas the faith of the Nigerian people in the viability of the nation as a unified whole must be preserved, and the balkanization of Nigeria guarded against;

Whereas the people of Nigeria have not accepted the continuation of military rule and have courageously spoken out in favor of the rapid return of democratic and civilian rule;

Whereas on May 15, 1994, a broad coalition of Nigerian democrats formed the National Democratic Coalition calling upon the military government to step down in favor of the winner of the June 12, 1993, election;

Whereas the confidence of the Nigerian people and the international community in the provisional ruling council's commitment to the restoration of democracy can only be established by a sustained demonstration of a commitment to human rights, due process, and the return of civilian rule;

Whereas the United States would prefer to have a relationship with Nigeria based upon cooperation and mutual support but cannot, and will not, condone or overtook the denial of democratic civilian rule—against the clear wishes of the Nigerian people—by the provisional ruling council or any other body in Nigeria;

Whereas the lack of support from the Nigerian authorities on drug trafficking issues has recently forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics proliferation issue;

Whereas continuing credible reports of widespread corruption and questionable business practices in the Nigerian Government, and the lack of cooperation in addressing these problems by the Nigerian Government, further undermines Nigeria's credibility in the international community;

Whereas the steps taken by the international community in response to the refusal of the Nigerian military to relinquish power serve both to encourage the people of Nigeria in their legitimate struggle for democracy and to limit the ability of the military to entrench its rule; and

Whereas Nigeria's leadership role on the African continent and its international influence will be severely compromised by its failure to rejoin the world community of democratic nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to support the Nigerian people in their commitment to unity and democracy as evidenced by their participation in the June 12, 1993, presidential election in the Federal Republic of Nigeria, and in their subsequent insistence on the return to full civilian and democratic rule;

(2) endorses the steps taken by President Clinton and the Administration—specifically the restrictions on assistance to agencies of the Nigerian Government, the suspension of military cooperation between the United States and Nigeria, the restrictions on travel to the United States by officials of the Nigerian military regime, and the insistence that full normalization of United States—Nigeria relations depends upon the restoration of civilian democratic rule—to demonstrate United States opposition to the annulment of such election and to encourage the restoration of fully democratic and civilian rule in Nigeria;

(3) urges the Administration to continue all actions designed to encourage the restoration of civilian rule in Nigeria, especially the restriction on travel to the United States by officials of the military regime, until concrete and significant steps have been taken toward a genuine transition to a democratically elected civilian government in Nigeria;

(4) encourages the Administration to explore additional measures that might be taken, either unilaterally, in cooperation with other nations, or through multilateral institutions such as the International Monetary Fund and the International Bank for Reconstruction and Development, to constructively encourage the restoration of democratic and civilian rule in Nigeria;

(5) requests that United States officials, both in the United States and in Nigeria, consistently reiterate United States insistence upon the rapid return of civilian and democratic rule in Nigeria, and that United States Government agencies such as the United States Information Agency and the Agency for International Development, as well as publicly supported agencies such as the National Endowment for Democracy, should provide support for activities aimed at strengthening democratic forces and democratic institutions in Nigeria;

(6) condemns the recent arrests by the Nigerian military authorities of Chief Abiola and other political leaders and democracy advocates, as well as the new restrictions imposed on freedom of expression; and

(7) urges General Abacha and the provisional ruling council in Nigeria, in order to maintain the viability of Nigeria and restore political stability and to avert the further deterioration of relations between Nigeria and the United States, to—

(A) fully restore freedom of the press, with access to all contemporary political and electoral information, fully respect human rights, and fully restore the independence and authority of the judiciary in Nigeria;

(B) immediately release Chief Abiola and the other political leaders and human rights activists who have been arrested or detained;

(C) decisively move to resolve the political crisis in Nigeria by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military; and

(D) positively respond to United States and other international efforts to constructively encourage the restoration of democracy in Nigeria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 151 is a timely bill to encourage a return to democracy and civilian rule in Nigeria. It is timely because in the last few weeks Africa's largest and most prosperous country is experiencing a major oil strike called to demand the release of Moshood Abiola, a Social Democrat, who has been imprisoned for announcing his claim to the Presidency. At least 20 people were killed during protests in different locations in Lagos on Monday of last week. Demonstrations were also reported in

Ibadan, Nigeria's second largest city. House Concurrent Resolution 151 was initiated following the June 12, 1993 annulled election for President in which Chief Abiola was reported leading in 20 of the 30 states in Nigeria. The election was significant because Nigeria's 90 million people comprising some 250 ethnic groups, were voting across ethnic lines and expressing a spirit of national unity that transcend religious and regional allegiances.

As we view daily the stream of hundreds of thousands of Rawandan refugees we should remind ourselves that as serious as this is, it may only be a prelude to a larger disaster that could happen in Nigeria if timely action is not taken. House Concurrent Resolution 151 traces the history of one promise after another by former military dictator Babangida and his successor General Abacha to reinstate civilian rule. These have yielded no positive results.

The resolution points out the lack of support from the Nigerian authorities on drug trafficking issues that forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics issue. An issue that effects the youth of our land—not just Nigeria, but right here in the United States—in your community and mine.

The U.S business community is complaining about the widespread corruption that is destroying trade relations, and the lack of cooperation in addressing these problems by the Nigerian Government. For instance, last week the Northeast Indiana Better Business Bureau reported more than 120 of their firms have been subject to Nigerian scams.

We need to send a strong and clear message to the military dictatorship in Nigeria that: first, we support the Nigerian people in their quest for democracy and civilian rule.

Second, that we endorse the steps taken by President Clinton to restrict assistance to the various agencies of the Nigerian Government and especially the suspension of military cooperation between the United States and Nigeria. I congratulate President Clinton for enforcing the ban on travel to the United States by officials of the Nigerian military regime, including the recently held World Soccer Cup.

The bill further encourages the Clinton administration to explore additional measures that might be taken through the IMF and World Bank that will further encourage the restoration of democracy in Nigeria.

At the same time the bill encourages increased efforts by AID, USIA, and the National Endowment for Democracy to support activities aimed at strengthening democratic forces in Nigeria.

The bill condemns the arrests by Nigerian military authorities of Chief Abiola and other political leaders and democracy advocates, and urges their immediate release.

Finally, the bill calls upon General Abacha and the Provisional Ruling Council to resolve the current political crisis by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military.

Since Nigeria received their independence in 1960, they have been under military rule for 24 out of 34 years. As the largest and potentially most prosperous nation in Africa, a major oil producer, a country that the United States depends upon for regional conflict resolution such as providing peace keeping troops in Liberia, we can hardly allow Nigeria to retreat from the trend toward democracy being embraced by South Africa and other African countries.

Mr. Speaker, this bill is the result of a very fruitful process of discussion and compromise with our colleagues on the other side.

What we have is a truly bipartisan effort that will both encourage the democratic forces in Nigeria and put the Nigerian military dictatorship on notice that the United States rejects their cynical efforts to manipulate international public opinion.

I look forward to the day when Nigeria can take its rightful place as a leader among progressive and democratic countries in Africa. With our action today, we can hasten the arrival of that day.

I urge all of my colleagues to join me in voting in favor of this resolution.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Nigeria is a very important African country, rich in human and natural resources. But it will continue to squander those resources in an outrageous fashion as long as the present military junta fails to respect the democratic expressions of the Nigerian people.

The United States must make it clear to the military regime in Nigeria that this Nation cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the chairman of the Africa subcommittee, Mr. JOHNSTON, and the ranking Republican member, Mr. BURTON, and especially the distinguished principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus.

Mr. Speaker, I support their effort and urge adoption of House Concurrent Resolution 151.

Mr. GILMAN. Mr. Speaker, I strongly support the adoption of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Next to South Africa, Nigeria is the African country best situated to contribute to the successful stabilization of the African Continent. Unfortunately, the failure of the present military junta to respect the democratic expressions of the Nigerian people threatens to retard any hopes of progress.

This country cannot ignore the current political and economic crisis in Nigeria. The Nigerian people have been promised true democratic reform for too many years now, but have been continually frustrated. The recent strikes by the oil workers is only the latest expression of that frustration. We must make it clear to the military regime in Nigeria that the United States cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the distinguished chairman of the Africa Subcommittee, Mr. JOHNSTON, and the able ranking Republican member, Mr. BURTON, and the principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus. I support their effort and urge adoption of House Concurrent Resolution 151.

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

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the four resolutions just considered.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 151, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUBURN INDIAN RESTORATION ACT

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill. (H.R. 4228) to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California, as amended.

The Clerk read as follows:

H.R. 4228

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 "Auburn Indian Restoration Act".

SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any other provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 3. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 7, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 4.

SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Placer County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) FORMER TRUST LANDS OF THE AUBURN RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include fee land held by the White Oak Ridge Association, Indian owned fee land held communally pursuant to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

SEC. 5. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted pursuant to section 7, an individual shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, possesses at least one-eighth or more of Indian blood quantum, and if—

(A) the individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85–671;

(B) the individual was not listed on, but met the requirements that had to be met to be listed on, the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85–671; or

(C) the individual is a lineal descendent of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 7, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll shall be of United Auburn Indian Community ancestry and shall not be an enrolled member of another federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN COMMUNITY ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

SEC. 6. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 7, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim council shall meet the enrollment criteria set forth in section 5(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

SEC 7. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll under section 5(a) and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 6.

(4) The term "member" means those persons meeting the enrollment criteria under section 5(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 4.

(7) The term "service area" means the counties of Placer, Nevada, Yuba, Sutter, El Dorado, and Sacramento, in the State of California.

SEC. 9. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4228.

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

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4228 is a bill sponsored by Chairman GEORGE MILLER to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California. This was a tribe which was terminated in 1958. The termination policy has been expressly repudiated by Congress. Most terminated tribes have been restored. The bill is similar to other restorations of terminated tribes Congress has passed over the last several years. It provides for the establishment of a membership roll, a constitution, and the election of officials. It provides that the United Auburn Indian Community is to have all rights and privileges of a federally recognized tribe.

The bill is supported by the administration and has bipartisan support.

I urge my colleagues to support it.

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

□ 1310

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of H.R. 4228, a bill to restore Federal recognition to the Nisenan Southern Maidu people of the Auburn Rancheria.

At the outset, let me point out that although this bill is titled an act "to extend Federal recognition" to the United Auburn Indian Community, that is not entirely correct. This bill is actually restoration legislation. There is a significant legal difference between the two, and one that is key to my support. Recognition is extension of a government-to-government relationship between the United States and an Indian tribe for the first time. Restoration, however, means the reextension of that relationship to a group which once enjoyed it but for some reason had that status terminated. While I strongly oppose recognition legislation, I continue to support restoration legislation such as this.

Mr. Speaker, while the history of United States-Indian relations is a sorry one, the fate of the tribes in California is—if possible—more so. The flood of non-Indians into California as a result of the gold rush had devastating effects on the tribes. Thousands were hunted down and killed so that their lands could be taken from them. Thousands more died as a result of forced relocations and disease.

In 1851, the United States entered into a series of 18 treaties—the Barbour Treaties—with several California tribes providing for the relinquishment of all aboriginal land claims in California in exchange for 8.5 million acres of territory and other goods and supplies. But because of pressure from the California congressional delegation the treaties were never ratified—in fact, they were purposefully hidden for decades. No one informed the tribes of the failure of ratification; white settlers proceeded to occupy their lands anyway, and they never received their due.

Over the years a great many tribes ceased to exist, others were broken up and settled on less than desirable lands that no one else wanted. The Indians went from self-sufficiency to almost total poverty and dependence on the State for support.

After World War II, the Federal Government began to look at ridding itself of the Indian problem. In 1948, the BIA declared its intention to terminate or derecognize the tribes by ceasing all services to Indians and dividing their tribal assets—land and resources—among individual tribal members. This so-called new policy was little more than a warmed-over version of the allotment period of the late 1800's, which had been a dismal failure. Its implementation, like that of the Allotment Act, would detribalize native groups and put their property on tax rolls while repudiating the Federal Government's moral and legal commitments and responsibilities to aid the people whose poverty and powerlessness it had created.

California tribes were to be the first targets of termination. The Commissioner of Indian Affairs who inaugurated this policy, Dillon Meyer, was principally known as one of those responsible for administering the Japanese-American internment camps during World War II. In 1952, the BIA began to push energetically for termination. The Indian Service introduced to Congress several termination bills aimed specifically at California, and in anticipation of passage ended all Indian Service welfare payments to pauper Indians in the State. In addition, the Indian Service began an accounting and inventory of all Government property, while the BIA sold 129 allotments and closed the accounts of hundreds of Indians having money in trust accounts.

A further step in completely eradicating the tribes was taken in 1953, when Congress passed Public Law 280, which brought California Indian reservations under the criminal and civil jurisdiction of the State. That same year, Congress declared termination to be the official policy of the Federal Government, whether the Indians wanted it or not. House Congressional Resolution 108 expressed the aim of Congress as being,

> As rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, [and] to end their status as wards to the United States.

In California, Indians were coerced by the Government into selling their lands. The State illegally withheld pension and welfare payments, with a promise to restore payments to those individuals who caved in. In 1958, Congress accelerated its policies by passing the Rancheria Act—(27 Stat. 619 as amended) effectively extinguishing a great number of tribes in California.

The Auburn Indians were one of those terminated. Actually Nisenan Southern Maidus, part of the Penutian linguistic family, have occupied the drainages of the Yuba, Bear, and American Rivers for hundreds of years. At the beginning of the 19th century, there were over 100 Nisenan villages in this area. The people were hunter-gatherers, and the principal staples of their diet were acorns, roots, and deer or similar game.

The Nisenan were not at first affected by the influx of white settlers, but the discovery of gold on Nisenan lands in 1848 changed that. Their lands were overrun in a period of 2 or 3 years. Thousands of miners moved into Nisenan territory; widespread killing, destruction of villages, and persecution of the tribal members—who the miners pejoratively called diggers—followed.

Their numbers dwindled, and they were quickly destroyed as a viable culture. Those that remained lived at the margins of foothill towns, and found work in logging, ranching, and agriculture. In the 1870's there was a brief resurgence of native culture and modified ceremonialism under the influence of the Ghost Dance revival, but this faded by the 1890's. By the early 1930's there was not a tribal member alive who could remember times before white contact. By the time they were terminated in 1958, many had disappeared into the dominant culture. Those that remained lived in abject poverty.

Mr. Speaker, we have rightly repudiated the termination policy and restored Federal recognition to many of the tribes. It is high time that we added the United Auburn Indian Community to the list. I urge my colleagues to support H.R. 4228.

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

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WATT). The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 4228, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN DAMS SAFETY ACT OF 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1426) to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes, as amended.

The Clerk read as follows:

H.R. 1426

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 "Indian Dams Safety Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Secretary of the Interior has identified 53 dams on Indian lands that present a threat to human life in the event of a failure;

(2) because of inadequate attention in the past to problems stemming from structural

deficiencies and regular maintenance requirements for dams operated by the Bureau of Indian Affairs, unsafe Bureau dams continue to pose an imminent threat to people and property;

(3) many Bureau dams have maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property;

(4) safe working dams on Indian lands are necessary to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats; and

(5) it is necessary to institute a regular dam maintenance and repair program, utilizing the expertise in the Bureau, Indian tribes, and other Federal agencies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs.

(2) The term "dam" has the same meaning given such term by the first section of Public Law 92-367 (33 U.S.C. 467).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

SEC. 4. DAM SAFETY MAINTENANCE AND REPAIR PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a dam safety maintenance and repair program within the Bureau to ensure maintenance and monitoring of the condition of each dam identified pursuant to subsection (e) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act pursuant to the Dam Safety Program established by the Secretary of the Interior by order dated February 28, 1980, and all Bureau of Indian Affairs personnel assigned to such program as of the date of enactment of this Act are hereby transferred to the Dam Safety Maintenance and Repair Program. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Dam Safety Program is deemed to be a reference to the Dam Safety Maintenance and Repair Program.

(c) REHABILITATION.—Under the Dam Safety Maintenance and Repair Program, the Secretary shall perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (e) to a satisfactory condition. In addition, each dam located on Indian lands shall be regularly maintained pursuant to the Dam Safety Maintenance and Repair Program established pursuant to subsection (a).

(d) MAINTENANCE ACTION PLAN.—The Secretary shall develop a maintenance action plan, which shall include a prioritization of actions to be taken, for those dams with a risk hazard rating of high or significant as identified pursuant to subsection (e).

(e) IDENTIFICATION OF DAMS.—

(1) DEVELOPMENT OF LIST.—The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classification of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

(2) DAM SAFETY CONDITION CLASSIFICATIONS.—The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

(A) SATISFACTORY.—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) FAIR.—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) CONDITIONALLY POOR.—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) POOR.—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) UNSATISFACTORY.—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

(3) RISK HAZARD CLASSIFICATION.—The risk hazard classification referred to in paragraph (1) is one of the following classifications:

(A) HIGH.—Six or more lives would be at risk or extensive property damage could occur if the dam failed.

(B) SIGNIFICANT.—Between one and six lives would be at risk or significant property damage could occur if the dam failed.

(C) LOW.—No lives would be at risk and limited property damage would occur if the dam failed.

(f) LIMITATION ON PROGRAM AUTHORIZATION.—Work authorized by this Act shall be for the purpose of dam safety maintenance and structural repair. The Secretary may authorize, upon request of an Indian tribe, up to 20 percent of the cost of repairs to be used to provide additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs. This Act is not intended to preclude development of increased storage or benefits under any other authority or to preclude measures to protect fish and wildlife.

(g) TECHNICAL ASSISTANCE.—To carry out the purposes of this Act, the Secretary may obtain technical assistance on a nonreimbursable basis from other departments and agencies. Notwithstanding any such technical assistance, the Dam Safety Maintenance and Repair Program established under subsection (a) shall be under the direction and control of the Bureau.

(h) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes (under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended, to carry out the Dam Safety Maintenance and Repair Program established under this Act.

(i) ANNUAL REPORT.—The Secretary shall submit an annual report on the implementation of this Act. The report shall include—

(1) the list of dams and their status on the maintenance action plan developed under this section; and

(2) the projected total cost and a schedule of the projected annual cost of rehabilitation or repair for each dam under this section.

The report shall be submitted at the time the budget is required to be submitted under section 1105 of title 31, United States Code, to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act. Funds provided under this Act are to be considered nonreimbursable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1426 establishes a dam safety maintenance and repair program within the Bureau of Indian Affairs at the Department of the Interior. It authorizes the Secretary to perform such rehabilitation work as is necessary to bring dams located on Indian lands up to satisfactory condition. The bill requires the Secretary of the Interior to develop a maintenance action plan for those dams with a high or significant risk hazard rating.

Finally, it requires the Secretary to submit to the Congress an annual report which includes a list of the dams located on Indian lands, a status report for each dam, the projected total cost of repairs for each dam, and a schedule of projected annual costs.

Mr. Speaker, of the 69 dams administered by the BIA, 53 are high hazards and 11 present significant hazards. The GAO reports that 38 Indian dams have a safety rating of poor or conditionally poor. Although, we have seen some progress made to improve the safety conditions of these dams, it is vitally important that the Secretary take the steps necessary to implement an ongoing safety maintenance and repair program for dams located on Indian lands.

Mr. Speaker, H.R. 1426 provides the necessary framework to ensure that dams located on Indian lands do not threaten the lives and property of the people living in their shadow. This legislation reflects the views of Indian country and enjoys bipartisan support. I urge my colleagues to support it.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Dakota has more than adequately set forth the provisions of this legislation, so I will be brief.

H.R. 1426 deals with an important issue in Indian country: Dam safety. Safe, working dams on Indian lands are necessary to supply irrigation, flood control, municipal and tribal water supplies, and fish and wildlife habitat. Some 54 dams administered by the BIA have structural problems which are classified as presenting high or significant hazards to human life and property in the event of failure.

Two of these dams are on the Wind River Reservation in my State of Wyoming: Ray Lake Dam and Washakie Dam. Problems at Ray Lake include cracks in the eastern structure, extensive erosion due to waive action, inadequate spillway capacity, and deteriorating concrete structures and supports.

While the problems at Ray Lake are serious, those at Washakie Dam are critical. They include seepage and high foundation pore pressures underneath the main embankment, the inability of the dam to safely accommodate floods greater than 47 percent of the probable maximum flood, the possibility of a failure in dike No. 2, and others. The gentleman from New Mexico and I saw the physical manifestations of these structural defects when we visited the dam last year. We also saw the probable outcome in case of failure. Maps on the wall of the joint business council chamber highlighted in yellow the path of destruction a wall of water speeding down the valley would cause, sweeping countless homes and businesses before it.

As we have learned, these types of problems are not unique to this reservation. I hope that by passing H.R. 1426 and investing in a solution now, we will avert a tragedy later. I urge my colleagues to support passage of this important legislation.

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

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], chairman of the Subcommittee on Native American Affairs.

Mr. RICHARDSON. Mr. Speaker, I thank my colleague from South Dakota for dealing with these bills.

I just came in from National Airport. I want to say that Indian issues are in good hands with the gentleman from South Dakota. I think there is no individual in our subcommittee that has worked more on native American issues.

What we have done with this Indian dams bill, as the gentleman from Wyoming, the very able minority member knows, is that we have problems with the safety of Indian dams. What we have done in this bill is transfer the authority to the Bureau of Indian Affairs where it should be. This is a trust responsibility.

There is also a trust responsibility to provide dam safety and proper operation and maintenance to dams on reservations. We visited some in the district of the gentleman from Wyoming. This legislation respects the sovereignty of tribes and delineates what is vital here and what the subcommittee's main thrust is, and that is to protect the native Americans and the Bureau of Indian Affairs and the Secretary of the Interior's trust responsibility.

So I am here to thank the gentleman from South Dakota, the very able nonpartisan member from Wyoming, a good friend who has done outstanding work on this subcommittee.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 1426, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m.

Accordingly (at 1 o'clock and 18 minutes p.m.) the House stood in recess until 4:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCDERMOTT) at 4 o'clock and 45 minutes p.m.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess until 5:45 p.m.

Accordingly (at 4 o'clock and 46 minutes p.m.) the House stood in recess until 5:45 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 5 o'clock and 45 minutes p.m.

ANNOUNCEMENT OF APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. The Chair, without objection, announces the appointment of the following additional conferees on the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes:

As additional conferees from the Committee on Energy and Commerce for consideration of sections 410 and 413 of the House bill, and sections 606–07, 701 of the Senate amendment; and for the following provisions of titles II and IV of the House bill and titles II and IV of the Senate amendment and modifications committed to conference to the extent to which they relate to the replication of proven technologies: that portion of section 202 of the House bill which adds section 301(d) to the Stevenson-Wydler Technology Innovation Act of 1980; section 203 of the House bill; section 401 of the House bill; those provisions of section 211 of the Senate amendment which amend the Stevenson-Wydler Act Technology Innovation Act of 1980 by adding subsection 102(b) and section 103; those provisions of section 212 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding new subsections 24(e)(2)(J), 24(f)(3), 24(f)(7), and 24(g)(1); those portions of section 214 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding a new subsection 25(a)(7) and 25(b)(3); section 216 of the Senate amendment; and section 401 of the Senate amendment: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. MOORHEAD.

As an additional conferee for consideration of those portions of section 206 of the House bill which add sections 4(20), (21) and (22) to the Stevenson-Wydler Technology Innovation Act of 1980, and modifications committed to conference: Mr. MANTON.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs

of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves to strike out all after the enacting clause of S. 2182 and to insert in lieu thereof the text of H.R. 4301 as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. SPENCE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2182 be instructed to insist upon the provisions contained in section 1044 of the House amendment to the text.

□ 1750

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. DELLUMS. Mr. Speaker, will the distinguished gentleman yield?

Mr. SPENCE. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding. We have taken a look at the motion to instruct conferees referred to as the Kasich amendment. As my colleague is aware, this amendment began in the Subcommittee on Armed Services, moved to the full committee, was not perceived as controversial, and I think it is important. We have no objection to the motion to instruct conferees.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I appreciate the concurrence of the gentleman from California.

Mr. Speaker, this motion instructs House conferees to stick with the House position on the so-called Kasich amendment to the defense authorization bill dealing with the military readiness implications of deployment of United States peacekeeping forces in Bosnia.

The Clinton administration has made repeated commitments to deploy up to 25,000 American troops as part of a U.N. peacekeeping operation in Bosnia should the warring factions ever sign a peace accord.

At the same time the administration has proposed to cut the defense budget by $156 billion over a 6-year period, it has made similar commitments to deploy forces to Haiti and Rwanda and is waiting for the other shoe to drop in Korea.

With all this in mind, the Kasich amendment is a modest attempt to force the administration to focus on the very real military readiness implications associated with deploying over a division of our front line forces to peacekeeping duties in Bosnia.

The issues involved with this amendment are simple. At the same time we are drastically and rapidly cutting the size of our military, we are asking it to do more and more.

Yes, the cold war is over. But our forces have never been busier. Today our forces are operating in Iraq, the former Yugoslavia, Rwanda, off the coast of Haiti and Somalia as well as holding down the usual other routine commitments we have throughout the world. Simply put, we are burning our forces up and squandering the military readiness levels that shone through in our magnificent military victory in the Persian Gulf.

In its recently released report, the DOD task force on readiness acknowledged that the U.S. forces are "running too hard" and are suffering from too many simultaneous operations that are burning up supplies and the morale of the troops.

General Shy Meyer, chairman of the task force, has admitted that with the continuing operations in Somalia, Bosnia, Haiti, Iraq, and other hot spots, troops are getting too little rest between deployments, and they have expressed a desire to leave military service.

The most recent example of this was the incredible decision to redeploy the Marine Corps Amphibious Ready Group that steamed off Somalia for 6 months to Haiti after only 12 days of shore time in the United States, just 12 days. We cannot treat people that way without sooner or later paying a price. We have seen this before in the 1970's, and we seem to be making the same mistakes over again.

Another recent example comes from the report on the tragic accidental friendly fire shoot-down of our United States helicopters in Iraq. The subsequent investigation revealed that the AWACS crew on station for that day was operating in excess of the 120-day-per-year operating limit that the Air Force considers prudent for AWACS crews. Again, we are pushing our forces too hard and too long for reasons largely unrelated to our U.S. national security.

Mr. Speaker, I could go on and on for some time listing more and more examples where the indications are clear that we are about to enter into a deep slide in readiness levels. It is against this backdrop that the administration continues to contemplate deploying 25,000 of our troops to Bosnia to police a conflict we have no business policing in the first place.

As the Pentagon well knows, a decision to deploy 25,000 troops is only the tip of the iceberg. This level of forces ties up a rotation base of another 50,000 troops that are either preparing to deploy or returning from deployment at any given 6-month cycle. So the effects of such a decision are far from trivial and will impact overall military readiness and our ability to fulfill our national security strategy of being prepared to fight two regional conflicts.

The Kasich amendment highlights these very important questions and will hopefully force a rational and informed debate on the serious implications of such a decision.

Therefore, Mr. Speaker, I offer this motion to instruct to ensure that this important provision is retained by the defense authorization conference, and that the many questions surrounding the administration's plan for Bosnia get the proper level of attention and visibility.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to strongly urge my colleagues to vote in favor of this motion to instruct, directing the House conferees to insist upon the retention of section 1044 of the Defense authorization bill, H.R. 4301. This provision, authored by the gentleman from Ohio [Mr. KASICH], requires a report on the impact upon the overall readiness of United States Armed Forces of the deployment of thousands of United States ground forces to implement a peace plan in Bosnia.

It is estimated that we would have to send approximately 25,000 troops into

Bosnia for an indefinite period of time, if the administration decides to have the United States military participate in the implementation of a peace plan along the lines of that agreed to by the so-called contact group of diplomats in Geneva.

The administration previously stated its intention in such a case to seek congressional authorization for the deployment. If called upon to grant such an authorization, I firmly believe the Members of this body would greatly benefit from the information contained in the report called for in section 1044. Indeed, such information would be essential for the Congress to make an informed judgment on such a deployment.

We need to bear in mind that as our armed forces are experiencing significant reductions in manpower and funding, the potential demands placed upon them by possible United Nations-led operations in places like Haiti, Rwanda, and other places may be significant.

Along with a majority of the Members of this body, I voted last month to direct the President to lift the illegal and immoral arms embargo against the Government and people of Bosnia. We believed then, and still remain convinced today, that providing the Bosnians with the means to defend themselves was preferable to having our military help implement a partition of the territory of Bosnia along ethnic lines. This administration wishes to deploy our military to participate in U.N. peacekeeping. Therefore we must exercise our responsibility to the American people to ensure that participation in operations like Bosnia, where threat to vital United States national security interests is marginal at best, does not erode our capability to respond to true threats to our interests.

In Bosnia, we may well face the greatest drain on our assets and manpower ever in a United Nations peacekeeping operation. Failure by the conference committee to agree to this provision would significantly degrade the ability of the Congress to make an informed judgement on the possible deployment of our armed forces in Bosnia. Accordingly, I urge my colleagues to join in supporting this motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

□ 1800

Mr. TALENT. I thank the distinguished gentleman for yielding me this time. I doubt that I will use the 5 minutes.

But I wanted to make a couple of points where I think this amendment is important and why we ought to keep it it in the conference report.

It is a modest step, but a step in the right direction. I will mention a couple of trends I am deeply concerned about that I think the study this amendment directs may cast some light on.

The first is the effects on readiness and on the quality of the force of the fight which we are losing unfortunately to keep military pay up with inflation. It has been falling behind. I think the trend is similar to what happened in the late 1970's. If we continue throughout the rest of this decade as in the manner projected under the President's budget, then the men and women of America's military will be earning 10 to 12 percent less because of inflation by the end of this decade than they earned at the beginning of it.

At the same time, I think this study will bring this to light, they are being called upon to do more and more, and they are being deployed abroad sometimes for lengths of times longer than they have been used to in the past on behalf of these various peacekeeping missions. An example is what happened to the 24th Marine Expeditionary Unit recently which came back out from 6 months' deployment abroad in Somalia and Bosnia, and after only 5 days of leave had to go immediately back onto ship and is currently now near Haiti waiting for orders there.

You cannot continue to pay people less and less, have them lose money vis-a-vis inflation, and ask them to do more and more and expect that the force is going to maintain its quality. In fact, the trends, while certainly not disastrous at this point, are not in the right direction.

The number of recruits who do not have a high school diploma is going up, the number of recruits in the lowest level of trainability is going up, and again while those factors are still at a stage where we can control them, the trends are moving in the wrong direction.

The other point where I have major concern, and I think the study may throw some light, has to do with the Bottom-Up Review end-strength projections for the Army. As everybody here knows, the Bottom-Up Review projects 10 active divisions in the U.S. Army. When we had testimony in the Military Forces Subcommittee on the House Committee on Armed Services on the Bottom-up Review, indication was, well, we can make do with 10 active divisions and still meet the 2 MRC requirements on the assumption that we can move forces quickly out of peacekeeping into major regional contingencies if need be, into Korea or into the gulf. And yet other witnesses who testified, retired four-stars and retired general officers, indicated that is very, very difficult to do.

First, you have to find allies who will take over the peacekeeping mission. Then you have to pull the people out of peacekeeping and you have to retrain them, because the training for peacekeeping is very different than the training required for combat. In other words, it is a very, very difficult thing to do.

Their testimony was that, in fact, you should consider these peacekeeping troops unavailable for the purpose of determining whether the end strength in the Bottom-Up Review is adequate to meet the requirements that we be able to fight two MRC's at the same time.

A lot of concerns have been raised in the last year and a half, in my time on the Committee on Armed Services, and I think we are going to have to address them, if not this year, then certainly in next year's budget.

This study will help us in doing so, and I think it is a good amendment. I hope the conferees will fight hard to keep it. I support the motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH], the author of this amendment.

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding.

You know, the purpose of this amendment was essentially to say that we want to avoid some of the very difficult problems we encountered when we went to Somalia. We think it makes sense to ask the Secretary of Defense to define a number of problem areas including, of course, the readiness of forces both there and here, what we are expected to do, when we are expected to go, when we are expected to get out, a whole variety of things that are absolutely critical in terms of guaranteeing any kind of a mission that would involve U.S. forces.

I just think it is a very good probability that the United States could find itself literally being asked to go over and perform this peacekeeping mission, and there are so many questions involved in terms of an operation like that. The last thing, I know, this Congress wants to do is to move into that situation with any fuzziness or any uncertainty that would surround that issue, regardless of how we would feel about whether this mission is right or wrong; we certainly want to know exactly what all the cards are on the table so that we can make these kinds of decisions with full knowledge of the implications.

And so I just want to compliment the gentleman from South Carolina [Mr. SPENCE] and the chairman, the very fit chairman, from the State of California [Mr. DELLUMS], and would say that I think this is appropriate, because it does emphasize something that I believe we are going to have to deal with in a relatively short period of time.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the ranking member and the chairman for this discussion, and I

want to thank the gentleman from Ohio [Mr. KASICH] for bringing the issue up.

The issue clearly is the readiness of our military forces, and I think the danger that we are returning to the hollow military forces of the late 1970's. You know, as we look at the reports that have been emanating from DOD ever since the so-called McCain report, and that was the danger of going hollow report that Admiral Kelso spearheaded 6 or 7 months ago, we have seen a drop in ammunition reserve levels. We have seen a drop in training time. We have seen a drop in repair levels of our military equipment, and we have seen also a drop in a very important category, and that is the number of aircraft and other military equipment with respect to being fully mission capable.

If you remember back to the days of the 1970's, we had about 50 percent of our military aircraft that were fully mission capable. The rest of the aircraft were being taken apart for spare parts so that the few aircraft that we thought we could keep running had adequate spares to stay in the air.

So after rebuilding defense in the 1980's, bringing down the Berlin Wall with that strong America and emerging once again the only superpower in the world, we are seeing our military readiness being reduced, and I have to go back to a point that the ranking member, the gentleman from South Carolina [Mr. SPENCE], brought out that I think is very important.

The DOD task force on readiness has acknowledged recently that U.S. forces are running too hard. What does running too hard mean? It means you cannot take President Clinton's cuts in defense of $127 billion and continue to go to all of these trouble spots in Africa and Haiti and Bosnia and Korea and around the world and stretch these forces without the equipment or the reserves; that is, the personnel to free these people up so they can spend a little time at home after they come off a 6-month deployment. We are not doing that. We are stretching our people too thin.

What does that mean? That means we may go back to the hollow forces of the 1970's when we had 1,000 petty officers a month getting out of the military. Those are the people who knew how to make the Navy go, who knew how to repair the ships and keep them steaming and repair the aircraft.

I want to thank the gentleman from Ohio [Mr. KASICH] for ringing this alarm bell with this motion to instruct, and I want to thank the ranking member and all the members of the Committee on Armed Services, Republican and Democrat, who are concerned about the Clinton administration cutting too deep and stretching our forces too thin.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BUYER].

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

Mr. Speaker, I rise in strong support of this motion to instruct conferees on the military readiness implications of the Bosnia peacekeeping deployments.

President Clinton has repeatedly reiterated the U.S. commitment to provide half of the expected 50,000 peacekeepers required to implement a peace settlement in the Balkans.

But 25,000 U.S. troops is not the whole story. Given these troops would be on the ground for a long haul, a year or more, a possible 6-month rotation of these forces would probably be implemented, but I do not know; with one unit on the ground, one unit preparing to deploy, and one unit having just returned, we quickly find this commitment to Bosnia ties up 75,000 of our quickly dwindling combat-ready force.

With one division on the ground in Korea and one in Europe, 75,000 troops tied up in the Bosnia rotation represents a significant portion of our fighting force, this at a time when the administration is facing a serious foreign policy challenge with nuclear implications in Korea as well as a commitment of unknown size and duration in Haiti.

Despite this rhetoric that we hear here in Washington, Washington, I think, is best known for a little secret right now in the military, and that is that the President's Bottom-Up Review force cannot meet the two major regional contingency requirements as set out in that Bottom-Up Review.

□ 1810

You certainly cannot do it with the 75,000 troops tied up in a rotation of peacekeeping in the former Yugoslavia, Bosnia. I say let us do what is reasonable and prudent, and that is Mr. KASICH's amendment on military readiness implications on the peacekeeping deployment to Bosnia, asking the Secretary of Defense to submit a report to the Congress to answer some really specific questions as extremely necessary.

Matters to be included in that report which are incredibly important are the total number of force in fact required, the estimate of the expected duration of such operation. It sure is nice to know if we are going to get into an operation when we are going to get out of that operation so we can set forward the necessary rotation.

The estimate of the cost. Now, that one makes a lot of sense in time of dwindling budgets; we sure would like to know what the cost is going to be and also the timeframe. The assessment of the effect of the operation on the ability of the U.S. Armed Forces to execute successfully two nearly simultaneous major regional conflicts is very important. Those of us on the Subcommittee on Military Forces Personnel have gone in great detail into that question and have discovered that even if we had a scenario of war in Korea and a regional conflict in the Middle East we may not be able to successfully participate in peacekeeping operations in Bosnia.

Looking into the readiness of our forces because of that example is extremely reasonable and prudent.

Mr. Speaker, I also must rise on the question about the assessment of the number of type of combat support, combat service support necessary to meet the 25,000 requirement in Bosnia. Not only from the active force, but you have to remember we are operating under the total force concept.

That concept talks about the total integration of the National Guard, Reserve, and active forces. Most of the combat service support comes out of the National Guard and the Reserve. So when we find ourselves in a total commitment of 25,000 combat troops in Bosnia, we are also talking about activating some National Guard and Reserves. I think it is important for us to know that. What is the assessment coming out of the Secretary of Defense?

So I ask my colleagues to vote in favor of the Kasich amendment for that which is prudent and reasonable as we try to assess our national security values.

Mr. SPENCE. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think when we look at the United Nations control of the peacekeeping forces, we need to take a look at the armed services itself, the military cuts, the foreign policy and how that relates to the man or woman in uniform of the United States. I would like to go through several ways in which many Members, some members of the committee, are attacking defense, trying to destroy everything they can which relates to defense.

First of all is the $177 billion cut in defense; $50 billion from the 102d Congress and $127 billion from this administration.

If you take a look at those individual cuts and take $177 billion out of the deficit, then you can claim that you have got a lower deficit. But if you do not fund BRAC, the military through 1994 is funded in a bare-bone minimum.

1995 and out largely depends on the dollars saved from base closings. If we do not close those bases, which we are not, and we are not funding BRAC fully, then those savings are not evident. So you are eating the military; right on top we are going to have the Base Realignment and Closure Commission in 1995 topped onto that.

What is going to happen if you do not fund BRAC? For example, you see in San Diego the commanding officer just took $30 million out of training money because BRAC did not have the money to give it to him. So what is he doing? He is taking out the training money's hide the dollars.

When you draw down F–14, F–15, F–16 and military equipment, including A–6's, then you push out the research and development new airplane, the joint airplane, beyond the year 2000. There is no way under a Republican President or a Democratic President beyond 1996 can you make up anywhere close to the lost inventory to meet the BRAC requirements.

BRAC was $50 billion shortfall, which is where we are supposed to be able to fight two conflicts. This administration is not risking just the United States, it is risking other countries of the world, which is evident in Bosnia, North Korea, Somalia, Haiti, and, yes, even Rwanda.

California itself has lost over a million jobs.

Another way they are trying to cut the military budget is take out of the budget the limited budget that they do give them and put it into socialized spending.

The Committee on Education and Labor tried to take $1 billion out of education for impact aid. Thanks to our chairman, we stopped that, but I believe he will have hearings on that.

But every committee is trying to take it out as well.

On the House floor it is still the thing to do, to cut defense.

When we take a look at a failed foreign policy with military cuts of $177 billion, in Somalia, 22 killed Rangers and 77 wounded, and we look at U.S. under U.N. control, it cannot be bright for the future. If we want to take a look at Bosnia, 50 divisions of Germans could not control Bosnia. It is only right to ask what the cost would be for peacekeeping units to go in there and to control it, because in this Member's opinion you cannot control it.

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

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I would like to bring us back to the reality of what brings us to this moment. This is a motion to instruct conferees on a particular provision of the bill, H.R. 4301. It is referred to as House sections 1044, report on readiness implications of Bosnia peacekeeping deployment.

Mr. Speaker, let me tell you very briefly what the provision does. The provision would require a report from the Secretary of Defense within 90 days of enactment or 30 days of a peacekeeping deployment to Bosnia on the readiness implications of such a deployment.

The report would include estimates of size, duration and cost of the deployment as well as the impact on combat readiness, need for reserve forces and capability to meet the requirements of regional contingencies in the Bottom-Up-Review.

Mr. Speaker, how this provision came to be was a provision that was initiated by my colleagues, members of the committee on the other side of the aisle, sponsored by my distinguished colleague from Ohio [Mr. KASICH]. It was accepted in advance into the readiness subcommittee mark; it appeared in the full committee mark of the bill, H.R. 4310, as it was reported out of the House Armed Services Committee, and continued to be part of the provisions as the bill passed the House of Representatives.

Mr. Speaker, in this gentleman's opinion, the Department of Defense would indeed have some difficulty in providing some of the information required in the provision. For example, until they know the exact nature of the peace accord, if and when there is one that takes place.

So the number of troops that would be deployed, as this gentleman sees it, would have to do with the nature of the specifics and the particulars surrounding that particular peacekeeping peace accord as it existed.

Second, the question of what our role would be, whether it would be peacekeeping, peacemaking, or peace enforcement, both of these considerations have force and equipment implications.

But that notwithstanding, Mr. Speaker, in this gentleman's opinion, the request for the motion to instruct conferees is appropriate and on this side we have no objections, and I would urge my colleagues to support the motion to instruct.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

□ 1820

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Messrs. HUTTO, SKELTON, and MCCURDY, Mrs. LLOYD, and Messrs. SISISKY, SPRATT, MCCLOSKEY, ORTIZ, PICKETT, LANCASTER, EVANS, BILBRAY, TANNER, BROWDER, MEEHAN, SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON, KYL, DORNAN, HEFLEY, MACHTLEY, and SAXTON.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of Rule XLVIII:

Messrs. GLICKMAN, RICHARDSON, and COMBEST.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346–47, 643, 924, 1051, and 1082 of the Senate bill and sections 351–54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

Messrs. FORD of Michigan, CLAY, WILLIAMS, GOODLING, and GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157–58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

Messrs. DINGELL, SHARP, SWIFT, MOORHEAD, and BILIRAKIS.

Provided, Mr. WAXMAN is appointed in lieu of Mr. SWIFT and Mr. BLILEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of section 708 of the Senate bill.

Provided, Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of sections 324, 2821(e)(3), 2849, and 3157 of the Senate bill and section 1055 of the House amendment.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221–22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016–18, 1021(a), 1021(b), 1022–23, 1024(c), 1031–32, 1041, 1065, 1070, 1074, 1078–79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022–25, 1038, 1041, 1043, 1046–49, 1052, 1054, 1058–60, 1201–14, and 1401–04 of the House amendment, and modifications committed to conference:

Messrs. HAMILTON, GEJDENSON, LANTOS, GILMAN, and GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

Messrs. CONYERS, TOWNS, SYNAR, CLINGER, and MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1052–53, 1089, and 3505 of the Senate bill and modifications committed to conference:

Messrs. BROOKS, HUGHES, MAZZOLI, SENSENBRENNER, and MCCOLLUM.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501–05

of the Senate bill and sections 522–23, 527, 531, 601–02, 1137, and 3134 of the House amendment, and modifications committed to conference:

Messrs. STUDDS, HUGHES, TAUZIN, FIELDS of Texas, and COBLE.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference:

Messrs. MILLER of California, VENTO, ABERCROMBIE, YOUNG of Alaska, and DUNCAN.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331–334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference:

Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

Messrs. MINETA, APPLEGATE, TRAFICANT, SHUSTER, and CLINGER.

Provided that Mr. DUNCAN is appointed in lieu of Mr. CLINGER solely for the consideration of section 2827 of the Senate bill.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232–33, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217–18, 223(a), 1112–15, and 3141 of the House amendment, and modifications committed to conference:

Messrs. BROWN of California, VALENTINE, SCOTT, WALKER, and ROHRABACHER.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

Messrs. MONTGOMERY, SLATTERY, APPLEGATE, STUMP, and BILIRAKIS.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEKAS. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on Tuesday, July 26, 1994, I will offer the following motion to instruct House conferees on the bill H.R. 3355 to insist on the language of two of my amendments contained in the House-passed version. The first guided the discretion of the jury in returning a death penalty finding and was adopted in a record vote by a clear majority of the House of Representatives. The second, easily adopted by the Judiciary Committee, dealt with the determination by the appeals court as to the existence of adequate aggravating factors to justify a jury's death penalty finding:

Mr. GEKAS of Pennsylvania moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3355, be instructed to insist upon the House passed language regarding "Return of a Finding Concerning a Sentence of Death" contained in section 3593(e) of title VII and "Review of a Sentence of Death" contained in Section 3595 of such title.

MOTION TO CLOSE PORTIONS OF CONFERENCE COMMITTEE MEETINGS ON S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, pursuant to clause 6(a) of rule XXVIII, I offer a motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELLUMS moves that conference committee meetings on the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The SPEAKER pro tempore. On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 363, nays 1, not voting 70, as follows:

[Roll No. 350]

YEAS—363

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen

Torres	Vucanovich	Wyden
Towns	Walker	Wynn
Traficant	Walsh	Yates
Unsoeld	Waters	Young (AK)
Upton	Watt	Young (FL)
Valentine	Waxman	Zeliff
Vento	Williams	Zimmer
Visclosky	Wolf	
Volkmer	Woolsey	

NAYS—1

DeFazio

NOT VOTING—70

Ackerman	Hansen	Ridge
Applegate	Hastings	Rose
Baker (LA)	Hoagland	Rostenkowski
Becerra	Inglis	Santorum
Blackwell	Inhofe	Schaefer
Brown (CA)	Jacobs	Serrano
Brown (FL)	Johnston	Shepherd
Burton	Kingston	Slattery
Carr	Kleczka	Slaughter
Clement	Lowey	Studds
Conyers	Machtley	Sundquist
Cooper	Mann	Swett
Dickey	McCandless	Taylor (NC)
Engel	Meehan	Torricelli
Ford (MI)	Mica	Tucker
Ford (TN)	Miller (FL)	Velázquez
Frank (MA)	Minge	Washington
Gallegly	Murtha	Weldon
Gallo	Nadler	Wheat
Gekas	Orton	Whitten
Gillmor	Owens	Wilson
Gingrich	Porter	Wise
Glickman	Ramstad	
Gordon	Rangel	

□ 1851

Mr. DIXON changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, I was unavoidably detained by airline flight delays and, therefore, was not able to be present for the vote on the motion to close portions of the conference on S. 2182, the fiscal year 1995 Defense Authorization bill.

Had I been present for this vote—rollcall No. 350—I would have voted "yea."

PERSONAL EXPLANATION

Ms. SHEPHERD. Madam Speaker, I was unavoidably detained in Utah, and, therefore, I missed one vote on a motion to close the defense authorization conference. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HOAGLAND. Mr. Speaker, I would like to submit for the record that I missed one recorded vote due to an unexpected weather delay during air travel from Omaha, NE to Washington, DC.

Had I been present I would have voted in support of the motion to close portions of the conference on S. 2182, the Defense Authorization Act and the Military Construction Act for Fiscal Year 1995.

POSTPONING FURTHER PROCEEDINGS ON VOTE ON HOUSE RESOLUTION 476, CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF U.S. TROOPS FROM BERLIN AND REAFFIRMING U.S.-BERLIN FRIENDSHIP

The SPEAKER pro tempore (Mrs. THURMAN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings on House Resolution 476 on which the yeas and nays were ordered until tomorrow, Tuesday, July 26, 1994.

CRIME PREVENTION MONTH

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 363) to designate October 1994 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Madam Speaker, reserving the right to object, and I do not object, I should simply like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I rise in strong support of House Joint Resolution 363, designating October 1994 as "Crime Prevention Month."

I am pleased that the House of Representatives is discussing this important resolution. By incorporating organized community action with the efforts of local law enforcement officials, I believe that we will encourage and prevent crime within our local communities. Through continued community programs and neighborhood watches, local leaders, both young and old, can work together with law enforcement to make a difference in crime prevention.

By designating October 1994 as "Crime Prevention Month," we are demonstrating our true conviction and determination toward fighting violent crime. Symbolic gestures, such as Crime Prevention Month, serve a valuable purpose in promoting an awareness that will assist in the implementation of additional crime control initiatives. Furthermore, this measure will honor the brave efforts of individual citizens and law enforcement officers who have done so much to fight the violent crime that plagues our communities.

Madam Speaker, accordingly, I urge my colleagues to join in supporting this important resolution, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 363

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;

Whereas crime prevention is central to a sound criminal justice system at National, State, and local levels;

Whereas millions of citizens have demonstrated that by working together, they can reduce crime, drug abuse, and fear of crime;

Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods prevent crime and build safer more caring communities;

Whereas all kinds of community organizations (including individuals, law enforcement, other State and local agencies, civic and community groups, religious institutions, schools, and businesses) have vital roles to play in reducing crime and building safer, move vibrant communities;

Whereas it is important to honor annually those throughout society who work to prevent crime and to build and sustain communities; and

Whereas the National Citizens' Crime Prevention Campaign (featuring McGruff the Crime Dog and sponsored by the Department of Justice, the Crime Prevention Coalition, and the National Crime Prevention Council) encourages effective partnerships to reduce crime and to improve life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1994 is designated as "Crime Prevention Month" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month with appropriate ceremonies and activities.

The joint resolution 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.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 374) designating August 2, 1994, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Madam Speaker, reserving the right to object, I yield for an explanation to the gentleman from Michigan [Mr. STUPAK], who is the chief sponsor of House Joint Resolution 374.

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I rise today in support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day" to commemorate the National Night Out.

Madam Speaker, this resolution enjoys widespread support in this Chamber, as it took me less than 48 hours to obtain over 200 signatures from my colleagues.

Madam Speaker, National Night Out is designed so communities across our country can band together to show law enforcement officials that we stand ready to assist them in taking back our streets and neighborhoods from criminals, drugs and violence.

National Night Out involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local elected officials from 8,650 communities from all 50 States, United States territories, some Canadian cities, and United States military bases world wide. In all, it is estimated that 26.5 million people participated in National Night Out 1993.

To help make National Night Out more successful in 1994, I urge my colleagues to ask their constituents to turn their lights on between 9 p.m. and 10 p.m. on August 2 to show our Nation's law enforcement officials that we support them.

House Joint Resolution 374 takes National Night Out a step further. This resolution, with Presidential approval, would solidify into law the commemoration of the National Night Out program in 1994.

Madam Speaker, our Nation's law enforcement officials have accepted great responsibility, subjected themselves to great personal risk and often made the supreme sacrifice to keep America's streets and neighborhoods free from crime.

But, law enforcement cannot single-handedly defeat these tragic elements in our society. It has been proven that when communities band together with law enforcement, be it Neighborhood Watch or other programs, they demonstrate the kind of moral resolve that sends a much stronger message to criminals than anything law enforcement can do by themselves.

Madam Speaker, next Tuesday outdoor lights will hang in cities, towns and neighborhoods throughout this country to celebrate National Night Out. A variety of events, like cookouts, visits with local police officers, and other youth programs will also take place. National Night Out has proven to be an effective and inexpensive way for communities to show that they want to help law enforcement reclaim their streets and neighborhoods.

Madam Speaker, I urge my colleagues to bring this message to cities, towns and neighborhoods in your congressional districts. Tell your local police officers that you stand with them in their fight against crime.

The SPEAKER pro tempore. I thank my colleagues who cosponsored and I thank the Chairman, the gentleman from Missouri [Mr. CLAY], for his prompt attention to this resolution.

Mr. GILMAN. Madam Speaker, further reserving the right to object, as a cosponsor, I rise in strong support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day."

Statistics on violent crime are alarming, indicative that something must be done. Crime affects virtually every neighborhood and every citizen in our great Nation. Violent crime is an evil that lowers our potential, robs us of our youth, and tears away at the very heart of America.

One tactic that has proven to be especially successful in our fight against crime is neighborhood crime prevention programs that confront violent crime on a block-by-block, neighborhood-by-neighborhood basis. Communities have joined together with law enforcement officials and refused to give in to the scourge of crime, showing that positive changes can be wrought at the most local level in our society.

Madam Speaker, it is in recognition of this success that we pay tribute to the National Neighborhood Crime Watch Program. Neighborhood watches and community policing have succeeded over the years in uniting citizens to protect their homes and their communities. Neighborhood crime watch programs across the country have provided a beacon of hope and a bastion of safety in areas formerly feared for their dangerous crime rates, making communities across the Nation better places in which to work, play, go to school, and raise a family. The Neighborhood Watch Programs have helped to weaken the foundations of this national problem, making it more difficult for violent crime to grow and flourish.

In recognizing National Neighborhood Crime Watch Day, we are paying tribute to a special group of brave and dedicated Americans who have taken a stand and are doing their part to fight crime and violence. Their involvement in neighborhood crime watches not only improves their quality of life, but also provides an invaluable service to our Nation. These community leaders deserve our praise, our recognition, and our heartfelt thanks.

Madam Speaker, I urge our colleagues to join in supporting this important resolution.

□ 1900

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 374

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 9 o'clock postmeridian on August 2, 1994, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 2, 1994, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. WYNN

Mr. WYNN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. WYNN: In the last whereas clause strike "8 to 9" and insert "9 to 10".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Maryland [Mr. WYNN].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered and passed.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMEMORATION OF 50TH ANNIVERSARY OF WARSAW UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening in support of the resolution which passed this House earlier today that pays tribute to the courageous people of Poland on their upcoming 50th anniversary of the Warsaw uprising.

House Joint Resolution 388, sponsored by myself with the staunch support of the full Foreign Affairs Committee, its chair, LEE HAMILTON of Indiana, and its ranking member, BEN GILMAN of New York, commemorates the 50th anniversary of the Warsaw uprising of August 1, beginning August 1, 1944, through the middle of September of that year in which 250,000 Polish citizens lost their lives defending against Nazi and Communist aggression. I ask my colleagues to join me this evening and the American people in remembering the history of that period and memorializing those that withstood the cruelest annihilation because they stood in the path of two brutal aggressors. The Warsaw uprising lasted nearly 2 months. During the revolt, the Soviet Army stood on the east bank of the Vistula River and let the Nazi forces brutally destroy Polish resistance and reduce Warsaw, that nation's capital city, to rubble.

The Poles, caught between two terrible, destructive ideologies, put up a courageous effort for 63 days led by the Polish Home Army, the armed hand of the Polish Underground State, supported by elements of the Polish underground partisan groups, and the entire Warsaw population of ordinary people, men, women, and children. Although severely outnumbered and armed with only hand-held weapons and gasoline filled bottles, they fought valiantly against German Panzier Divisions. The resistance held major portions of the city against insuperable odds, and suffered extreme hardship, retribution and personal sacrifice.

The nations of the world stood by without giving effective help at a time when Polish Army units were helping to liberate France, Belgium, and Holland. Appeals for food, arms, ammunition, and antiarmor weapons answered by Allied air drops, were all too late and ineffective—none at the proper time nor anywhere near the size of the need. The air drops were made at great cost to the human lives of the members of the Polish Squadron of the Royal Air Force, the Canadian Air Force and daylight flight of 110 United States Flying Fortresses.

After the revolt was crushed, under direct orders from Hitler to annihilate the capital, the German Army systematically destroyed the city of Warsaw. At the war's end, Warsaw, the center of the national life, culture, and religion, had nearly 70 percent of her buildings in ruins.

The loss in Warsaw, which history must remember, was staggering. But due to the Communist takeover of that nation after the war, so much of their tragic history was suppressed. More people died in the Warsaw insurrection than in Hiroshima and Nagasaki combined, and the destruction of Warsaw was more complete than either of those cities. During the war, Warsaw lost more dead than the total number of American soldiers killed on all fronts.

President Clinton paid special tribute to these important days in Polish history during his recent visit to Warsaw. The Nations of the World and our Vice President will assemble in Warsaw on August 1 to commemorate the 50th anniversary of this tragic and unnecessary loss of human life and the heroism that it represents.

During this week in order to commemorate this poignant reminder of the triumph of human spirit over adversity, I would like to offer a chronology of events surrounding that massacre and insert into the RECORD and read into it during extension of remarks throughout this week excerpts from the book, "The Forgotten Holocaust: The Poles Under German Occupation, 1939 through 1944," by Richard Lucas.

This evening, I submit for the RECORD a chronology of those events, along with the beginning of that history, and just reading one passage from that book:

> The murdering reached so feverish an intensity by August 7 that one eyewitness had the impression everyone in Warsaw would be decimated: When we passed No. 9 Gorczewska Street (a house which belonged to nuns), we were called into the house and ordered to carry out the corpses which were there. The courtyard was a dreadful sight. It was an execution place. Heaps of corpses were lying there; I think they must have been collecting there for some days, for some were already swollen and others quite freshly killed. There were bodies of men, women and children, all shot through the backs of their heads. It is difficult to state exactly how many there were. There must have been several layers carelessly heaped up. The men were ordered to carry away the bodies—we women were to bury them. We put them in anti-tank trenches and then filled them up. In this way, we filled up a number of such trenches in Gorczewska Street, I had the impression that during the first days of the Rising everybody was killed.

This evening, let me say that on behalf of all those who believe in freedom, in the cause of freedom, and the people of Poland who built that city of Warsaw back brick by brick after the war, our hearts are with them during this most poignant memorial period of a most tragic part of their history.

Madam Speaker, I include the following documents referred to in my special order, as follows:

THE WARSAW UPRISING: CHRONOLOGY

(Prepared by the Congressional Research Service)

September 1, 1939.—Germany invades Poland.

September 16, 1939—Warsaw falls to German forces.

September 17, 1939—Soviet forces cross eastern Polish border.

October 5, 1939.—Poland surrenders to Germany.

October 1940.—Germany establishes and seals Warsaw Ghetto. Over 100,000 die of starvation or disease before Ghetto uprising in 1943.

June 22, 1941.—U.S. Government states that Polish borders are "immutable."

April 19, 1943.—Warsaw Ghetto uprising begins. German forces attack the ZOB (Jewish Fighting Organization). When uprising quelled on May 16, 56,000 in the Ghetto have been killed.

November-December 1943.—Teheran Conference. Stalin tells FDR, Churchill that he wants East Prussia and territory west to the Curzon Line. FDR apparently gives ambivalent responses, concentrating on efforts to keep Russia in the war, engage Russia in the Pacific War, then estimated to last at least another 2 years. Churchill later tells Poles' London government that in interests of security, Curzon Line should be west Russian border, but that Poland will be "compensated" with part of eastern Germany. The three leaders discuss the make-up of the UN and the Security Council, having in mind the postwar order and how they would manage it.

December 1943.—FDR tells Mikolajczyk, provisional Prime Minister of Polish government-in-exile in London, that US will not go to war with Russian to defend Poland interests. FDR apparently indicated that, in principle, he favored border alterations for Poland, with Russia moving frontier west to the Curzon Line.

June 7, 1944.—Russian forces invade German-held Poland. Over the next 6 weeks they push German forces back, despite some setbacks in northern Poland.

July 28, 1944.—German officials in Warsaw call 100,000 Warsaw youths to duty to build "fortifications" around Warsaw against Russian forces. The call-up raises tensions in the city, with families recalling earlier instances in which those called were sent to concentration and labor camps.

July 31, 1944.—Russian forces reach Warsaw suburb of Praga, on eastern banks of the Vistula.

August 1, 1944.—Warsaw uprising begins. The lightly armed "Home Army" of Gen. Komorowski succeeds in gaining of much of the city for a week. German forces counterattack, using the Luftwaffe to bomb sectors to the city beginning Aug. 4, then moving in the armored forces to level buildings and set neighborhoods on fire. Aug. 12–14 FDR and Amb. Harriman ask Stalin to allow U.S. bombers from Italy and France to bomb German positions, drop supplies to Home Army. Stalin refuses.

September 1944.—Rebels' resistance steadily weakens. By mid-month Stalin allows a few US, British, and Soviet supply flights; in smoke over city, air drops often fall into German-held sectors. Mikolajczyk, desperate for Soviet help, agrees to give 14 of 18 cabinet seats to representatives from Soviet-controlled Lublin Committee.

October 2, 1944.—Uprising collapses, and Germans regain control of the entire city. Home Army suffers 15,000 killed or missing in action; 250,000 civilians die. Germans lose 17,000 killed or missing in action.

January 1945.—Russian forces enter the city as German forces retreat.

February 1945.—Yalta Conference. US favors a "free and independent Poland", but recognizes Soviet control there. Churchill endorses western Polish border at the Oder-Neisse line. Big Three agree that Lublin Committee under Edward Osobka-Morawski, a Soviet puppet, should organize a government. But Stalin refuses US-British request to allow their observers into Poland. Final settlement or borders to be left to a peace conference and a resulting treaty.

July 1945.—US, Britain withdraw recognition from London-based Polish government and recognize Osobka-Morawski's provisional government.

January 17, 1947.—Elections take place in Poland. Supporters of Boleslaw Bierut, Osobka-Morawski's successor, gain 382 of 444 seats, US, Britain denounce the elections as neither free nor fair.

FORGOTTEN HOLOCAUST: THE POLES UNDER GERMAN OCCUPATION, 1939–1944

(By Richard Lucus)

The Poles had planned for years to launch an uprising when the Germans were at the point of collapse, and there was a possibility of securing assistance from the western Allies. After the battle of Stalingrad, it was apparent that Poland's liberation would come from the East, not the West, and thus there was a great deal of discussion concerning what the policy of the AK (Polish Home Army) should be toward the advancing Soviets.

* * * in eastern Poland during the early months of 1944, military cooperation by the AK with Soviet armed forces broke down, resulting in the dissolution of AK units by the Russians and the conscription of Polish soldiers into the Soviet army. There were also several instances of the Soviet killing Polish officers. In the face of these Soviet actions against the Poles, Bor asked for a western Allied Commission to be sent to Poland and witness what was going on there. Mikolajczak raised the matter with Churchill even arguing at one point that a British liaison officer dispatched to Wilno would at least help the AK in the region to function independently as the representative of the Polish government in London. Churchill demurred on the grounds that the Soviets would assume that any westerner there was a spy.

Warsaw, the last major city between the Soviet front and Berlin, was tenuously held by the Germans.

On July 22, the German commandant of the Warsaw garrison ordered the evacuation of women and auxiliary service help from the city. Large numbers of soldiers and police were stripped from the capital for service elsewhere, leaving for a time only SA units. The moment Varsovians had waited for for five years had finally arrived: the liberation of Warsaw.

German residents sold their possessions for almost nothing and clogged the roads leading westward to their own country.

As Germans streamed out of the city, Poles were told, unconvincingly not to believe the rumors that the Russians were at Warsaw's doorsteps and not to abandon their places of work.

Hitler was aware of the panic that gripped his people in Warsaw. Shaken and injured in the right arm by the attempt on his life at the Wolf's Lair at Rastenburg, the aging leader of the Germans had no intention of abandoning Warsaw, the loss of which would have been a major catastrophe in the continuing ability of the Wehrmact to keep the Russians from the German homeland. Within a week of the assassination attempt, Hitler appointed an ascetic Austrian intellectual, General Reiner Stahel, to take charge of the defense of Warsaw. A courageous man with steel-like nerves, Stahel's specialty was defending cities.

In the last days of July there was a considerable increase in the numbers of arms dumps liquidated by the Gestapo; and, by arrests of Poles responsible for organization, the Germans indicated preparations for an attack on Polish military formations. Machine-gun posts were simultaneously set up at various points in the streets, while at a few key points, like Zoliborz Viaduct, tanks were drawn into position. These preparations supported claims that German authorities were on the verge, any day, of putting into execution their long-completed but hitherto not implemented plan for the wholesale removal of the male population of the capital.

In an effort to crush Polish hopes that they would be able to assist the Russians from within the city, the Germans went on a spree of arrests, deportations and executions. And just a few days before the uprising actually occurred, the Germans found an AK cache of 40,000 grenades, which reduced by half the number available to units on the day of the upheaval.

Most Poles, in anticipation of liberation, continued to train themselves in the use of weapons and ammunition. People who never had military experience gathered in private homes, six or seven to a group, once a week. And once a month they had maneuvers; in order to not cast suspicion of what they were up to, they left Warsaw for their practice. One man used to stand in front of a mirror for hours to see how he was demonstrating the use of a rifle; he did this repeatedly, so he would be flawless in making a presentation to a group of neophytes.

For some time prior to the summer of 1944, Moscow Radio urged the Poles to rise up against the Germans. In May 1994, * * * the Communist Poles in the Soviet Union * * * criticized the AK for its alleged lack of action against the enemy.

* * * the Chairman of the Union of Polish Patriots, Wanda Wasilewska, chimed: "Do not believe those who call up to idleness and inactivity. Our slogan is merciless, a deadly fight with the enemy at every doorstep."

Although such pleas had been repeated with monotonous regularity for some time, those that came during the last days of July, when Soviet forces were at the Vistula, had special significance.

At 8:15 P.M., on July 28, the day the Russians formally announced the shelling of Praga, a Warsaw suburb, Moscow Radio broadcast:

Fight the Germans. * * * The Polish Army now entering Polish territory, trained in the USSR is now joined to the People's Army to form the corps of the Polish Armed forces, the armed arm of our nation in its struggle for independence. * * * They will all together with the Allied Army, pursue the enemy westward, wipe out the Hitlerite vermin from the Polish land, and strike a mortal blow at the beast of Prussian imperialism. * * *

Again the next day, another impassioned plea called the Poles to arms repeated several times on the Russian-sponsored broadcasting station, Kosciuszko.

The closeness of Soviet armies to Warsaw, the mood of the Poles in the capital, and the large political stakes involved convinced Bor and some of his key advisers that Warsaw was ripe for an uprising. Based on faulty intelligence information * * * Bor gave an order—authorized by Government Delegate Jankowski, who had been given plenipotentiary power in this matter—to launch an uprising in the capital on August 1, 1944.

UNIVERSAL HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. DERRICK] is recognized for 60 minutes as the majority leader's designee.

Mr. DERRICK. Madam Speaker, who is it we are trying to help in this effort to reform our health care system? The very poor have their health coverage through Medicaid. The very rich don't need our help since they can buy health coverage at any cost. The truth is middle-income Americans should be the focus of health care reform. Everyone agrees we must move cautiously to make sure these Americans are treated fairly.

Many policymakers and opinion shapers are saying we should take health reform a step at a time for this very reason. However, a new study shows this approach would hurt the very people we are trying to help.

The study shows health care reform promising anything less than universal coverage will increase the cost of health care for middle-income Americans. Once again, asking those struggling to support their families to foot the bill.

The study, commissioned by the Catholic Health Association, analyzed several of the most prominent health plans currently before Congress. The study looked at how each of the plans would affect the American family. Specifically, it analyzed which families would pay more for their health care and which would pay less based on household incomes.

Listen to the findings of the study:

Our analysis shows that premiums are lower under universal coverage than under insurance market reform linked to subsidies. Further, we estimate that middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage. In addition, for currently insured households earning less than $100,000 annually, health spending will decline under universal coverage with an employer mandate and cost constraints.

The number that jumped out at me when I looked at the study was $344. That's how much more a year a family making $35,000 annually will pay for health coverage under incremental reform.

That same family would save $165 per year under a system offering universal coverage. And your next question is, "How can that be?" "How is it that more people can have health care for less cost." The answer is very simple.

The more people there are to spread the cost around, the lower the cost will

be for any given family. That is why universal coverage is so important.

Without universal coverage, insurance reforms will only exacerbate the already critical situation for middle-income Americans. If we require insurance companies to offer insurance to anyone regardless of their medical background or other criteria but not require everyone to have insurance, the young and the healthy will opt out of health insurance altogether, and the risk pool will become less stable. The result will be higher premiums for everyone and only a small reduction in the number of uninsured.

But this is exactly what many would have us do. A managed competition approach to health care reform with insurance reforms and subsidies for the poor, but without universal coverage, would really sock it to middle income American families. And that is not right, and it's not what any of us want to do.

Some would-be reformers are saying: "Let's go slow on health care reform." They say: "Let's only go part way and see what happens." They say: "What's wrong with taking this one step at a time by passing the reforms we all can agree on?"

To go slow and enact nonuniversal health care reform is to do the very harm we are trying to avoid. We knew it would cost us in human terms if we failed to achieve universal coverage. Now we see it will also cost us financially.

The incremental approach to health care reform proposed in the Dole plan, the Cooper bill, the Senate Finance bill, the Rowland-Bilirakis bill, and others will benefit the poorest Americans through subsidies. The wealthiest Americans don't need our help. It is middle-income Americans who will suffer. The overwhelming majority of Americans will bear the weight of our timidity. These are real Americans and their families that are simply struggling to make ends meet. We must not make their job any harder.

Before we look at exactly what the study found, let me say a word about the study. This is an independent examination by Lewin-VHI, a nonpartisan, nonpolitical, well respected analysis firm that looks at numbers—not opinions.

As the firm looked at different likely scenarios for health care reform, they started with the simplest: insurance reforms alone. What they found was these reforms would only bring in 1.1 million more people to the health insurance system. These are people who previously couldn't get or maintain their coverage due to the high cost of an individual policy or because of a preexisting condition. These are people who currently lose their health coverage when they change or lose their jobs. It is a step in the right direction, but a small one since this amounts to only 3 percent of all the currently uninsured.

When they combined insurance reforms with subsidies for the poorest Americans, the number of the uninsured dropped by 40 percent. Again, this would be a welcomed change, yet the number of those without health insurance would remain high at 22 million.

"Fine," some say, "that's a good start, and we can do it without disrupting all those people who are happy with their health insurance coverage today. What's wrong with that?"

The study found, and the experience of New York State proves, that with insurance reforms and subsidies, more higher risk individuals will be brought into the system. Medical costs to the insurer will increase, and these increases will be passed onto the consumer in higher premiums.

With these higher premiums, many of the young and healthy will decide they can do without health insurance for the time being—gambling they can pick it up when they need it. The result of this nonuniversal reform is the elderly and sick will maintain their insurance, racking up higher and higher medical costs. The young and healthy won't be there to offset these costs, and the premiums for those who currently have insurance will increase tremendously.

Keep in mind, under these nonuniversal reforms, 22 million Americans will still be without health insurance. And as is the case today, none of them will be turned away from a hospital emergency room when they need care. The cost of this care—projected to be $25 billion annually by 1998—will continue to be passed on to paying consumers. Under nonuniversal reform, the cost shifting onto hard working, middle-income Americans continues.

While the study found such incremental reforms raised the annual premium for a middle-income family by $344, a program of universal coverage actually lowered that same family's costs by $165 a year.

Mr. Speaker, I have given a general overview of why it is so very important to pursue a universal approach to health care reform. Middle-income Americans should not have to foot the bill, once again, for the rest of the country. This study should be a giant wake up call to this Congress that unless we have the courage to confront this problem head on, we will be hurting the very people we profess to be trying to help.

□ 1920

But that is not the case. The reverse, the absolute opposite of that, is the case.

If we do anything less in this House on health care than universal coverage, it is going to be the middle income, those who have insurance now, that are going to end up picking up the tab, and the rates are going to go up more than they are now tremendously, because if we do not have a universal coverage and a mandate, what is going to happen is that those who need insurance like those who have preexisting illnesses, those who have an unhealthy situation or are getting to an age where they are more concerned about their health care, are going to keep their insurance, and it is going to mean that the healthy people in this country will tend to back away from it right now, and it will mean that the average family with an income between $30,000 and $39,000 a year will pay $344 more a year for insurance. If we have universal health care, they will pay $165 less a year, and under this plan, we still have 22 million Americans who are uninsured.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have to ask ourselves tonight, and as we complete this debate on national health care, is it worthwhile to provide limited health care reform without guaranteeing affordable insurance for everyone. Well, put another way: Is doing something always better than doing nothing?

The gentleman from South Carolina, with his eloquent remarks, along with the presentation of the Catholic Health Association study, gives us that answer, and that answer is "no."

You know, Democrats and Republicans, and generally all Americans, agree on the need for health care reform and the need to eliminate preexisting-condition coverage exclusion, to bar lifetime limits which allow insurance companies to cut off coverage after certain dollar amounts are claimed, to prevent insurance companies from denying certain people coverage, and generally Americans agree that subsidizing health care coverage for the poor is a noble and important mission.

But these insurance reforms on their own will not result in real health care reform benefiting working-class Americans. The only way insurance will be affordable is to have everyone insured and to enact cost-containment measures to make health care affordable.

By involving all Americans in health care coverage and applying cost-control mechanisms, there will be several phenomena which will occur very immediately. Insurance companies will no longer be able to deny coverage to anyone including the elderly who are not yet eligible for Medicare. Insurance companies will not be able to deny coverage to everyone who has some type of disease, and insurance companies will no longer be able to deny coverage to everyone just because they have been sick at some time.

You know, if cost controls are not part of the health care reform, the new

insured population will drive up premiums and will lead to healthy people dropping their coverage. Anyone will be able to obtain insurance when they get sick, since incremental health care will prevent insurance companies from refusing to cover people, but the fact is that the remaining insured pool will become older, less healthy, and the pool's insurance premiums will skyrocket. That is what occurred in New York last year, and it would spread nationwide.

Let me quote the Wall Street Journal from June 15, 1994:

> For the past year, New York State has tried community rating without a law requiring everyone to have health insurance. Now, insurance companies are raising prices again in order to cover the medical needs of those sicker people left in the pool. State Insurance Department figures show that as of January 1, 9 months after the new law took effect, 25,477 fewer people had health insurance individually or in smaller employer groups.

As the Catholic Health Association study reports and as the gentleman from South Carolina pointed out, families making from $20,000 to $30,000 will have to shell out an additional $200 a year for insurance premiums, and families making between $30,000 and $40,000 will have to pay $344 dollars more a year for the same coverage they have now.

Well, folks, the people in Oklahoma that I represent do not make over $40,000 a year, by and large, and I cannot and will not ask them to absorb the costs of health care reform. We need to make sure all Americans are insured, but that the costs are kept under control.

I have 120,000 people in my congressional district in Oklahoma who have no health care insurance, but what is extremely disturbing is that 105,000 of these people are in working families.

But what is Congress going to tell these people if we do half a loaf package of reform? It will be really great if you are elderly or if you have a preexisting condition, but if you are healthy and just starting a family, you will find you are out of luck, because the premiums will be too expensive to afford.

Is that what we want to take back and tell the citizens of our districts and our States? It is certainly not what I want to tell 701,000 Oklahomans who are without insurance.

We have come too far not to complete the whole job, which is affordable health care for all Americans. That is what Americans are demanding. That is what Americans are expecting. And that is what we should deliver and nothing less.

Mr. DERRICK. Madam Speaker, I yield to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman very much for yielding, and I thank the gentleman for his leadership in calling this special order this evening; thank you for your other work on this important issue, universal coverage for all Americans.

I was so pleased to see the recognition the gentleman received at the White House, not only from the President and the First Lady but also from small business people across America, joining our colleagues in saluting your work in this effort.

My colleagues, our colleague, the gentleman from South Carolina [Mr. DERRICK], has talked about the analysis of the Catholic Health Association of America which shows that premiums are lower under universal coverage than under insurance market reforms linked to subsidies.

I have a couple of charts I want to go into further detail on that, but first I did want to mention that the need for this universal coverage, we all know that the strength of our country should be defined in the health and well-being of our people. We also know that there are tens of millions of people in our country, because of having a precondition, diabetes, a heart condition, the list goes on, every person in America, everyone in a family with a precondition knows that list, cannot have access to universal coverage.

We also know that there are many people in America who in any given year may have run out of their lifetime limits for access to health care. For that and other reasons, there are 37½ million Americans who are uninsured.

It is important for us to have real health care reform also because of the fiscal health of our Nation. We all know that the largest single, largest rising increase in our deficit springs from rising costs of health care. And so for that reason, I think it is important that we have true health care reform which truly addresses the needs of our people.

First of all, I want to show a chart that demonstrates what the gentleman from South Carolina [Mr. DERRICK] was informing us on earlier: Partial reform does not help the middle class. Make no mistake, if we do partial reform, the middle class gets socked.

I call my colleagues' attention to this chart. On this chart, the red indicates the number of people who have health care, who would have health care coverage under partial reform. Those families with $15,000 and below income, the number of those uninsured is reduced drastically down to this, but as we get closer to $15,000 to $23,000, the number of uninsured is just a very small bit to those who are now insured. When we get to families with an income of $30,000 to $46,000 a year, the red indicates those who are uninsured now, and the yellow indicates those who will be uninsured under partial coverage. The middle class gets no improvement in its coverage, and in some cases, the premiums are increased for less coverage.

□ 1930

As income goes up, it does not change drastically, but as our colleague, the gentleman from South Carolina [Mr. DERRICK] mentioned, for those in the very high-income bracket we do not have as much concern as those in middle income who can be pauperized by someone in their family becoming ill.

On another chart I want to indicate in another way what happens under three different scenarios. The current system, of course, 37.2 million uninsured. That does not include the underinsured, which brings the number even higher, but talking about the uninsured for a moment, 37.2 million. Under insurance market reform only, 1.1 million Americans would be covered. We have a net increase of 1.1 million Americans covered, leaving 36.1 million Americans still uninsured.

That is a percentage reduction of the uninsured of 3 percent.

Insurance market reform with subsidies, some of it we have seen in managed competition, 14.9 million become insured. We still have 22 million people uninsured, a 40-percent reduction.

These charts I think indicate that middle-income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage, for a number of reasons that I will go into.

For currently insured households earning less than $100,000 annually, health spending will decline under universal coverage with employer mandate and cost constraints. I wanted to indicate that the insurance market reform, just this scenario, 1.1 million includes guaranteed renewability and portability, limits on preexisting condition exclusions and community rating for individuals in small group markets. That is markets under 100. With all of that reform, still only 1.1 million.

As specified in the Managed Competition Act, which is a partial change, 100 percent premium subsidy for persons with income below poverty, and sliding-scale subsidies for persons up to 200 percent of poverty. The act also includes changes in the tax deductibility of premium payments.

In any case, we estimate that the insurance reforms alone are not sufficient.

How does this translate into dollars? The uninsured would consume about $45.5 billion in health services in 1998. Persons who remain under the Managed Competition Act, if that were to become law, would continue to consume about 55 percent of this amount, or $24.8 billion. That amount of money would still have to be spent on the uninsured should the Managed Competition Act prevail. This amount

includes out-or-pocket spending, free care provided by physicians, hospital uncompensated care, and care provided in public hospitals and clinics.

Much of the remaining care for the uninsured would continue to be financed through cost shifting to the privately insured. As markets become increasingly competitive, physicians and hospitals will be put under increasing pressure to either avoid the uninsured or lose financially. In this way partial reform could perpetuate the destabilizing effects of the cost shifts. That is the reason so many businesses who provide health insurance support reform, universal coverage. They are paying the price right now for those who are uninsured.

The charts give us a message. This analysis, the Catholic Health Association of America gives us a message, the information, but I want to put the message further into the words of one of my constituents who sent me a copy of a letter she sent to the President:

DEAR MR. PRESIDENT: I'd like to applaud your efforts on behalf of health care reform. Just recently, I have quit my job and plan to move out of state. To continue my medical and dental benefits would have cost me $215.41 a month (for single coverage). I'm single with no dependents and in excellent health. Because I cannot afford this, I will opt to go without health insurance coverage until I'm employed again. If I get sick (I pray that I won't), I will simply go to a County Hospital or emergency room. This is an appalling state of affairs. I'm single with no dependents and in good health, but cannot afford to be covered until and unless I get a job.

She goes on to say, as Mr. DERRICK said earlier, "Health care reform is a middle-class issue, not simply an imperative for the poor, elderly, sickly or homeless. This legislation securing universal health care coverage must be passed this year". She also goes on to say, "Mr. President, get on with the job of health care reform. Pass legislation that will benefit everyone".

As Mr. DERRICK said earlier, some of these plans help those at the low end of the scale, and those at the high end of the scale we are not as worried about. It is the middle class.

Under a 95 percent coverage reform plan, Americans in the $30,000 to $46,000 income bracket see no decrease in the number of those uninsured. It was George Bernard Shaw who said, "The sign of a truly intelligent person is someone who is swayed by statistics." I think these statistics send a very eloquent message that the middle class has a problem with anything but universal coverage. I am pleased to join my colleague, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentlewoman from California very much for her articulate presentation of why we need universal health care.

Madam Speaker, I am pleased to yield to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. I thank the gentleman for yielding to me.

Madam Speaker, in the ongoing health care debate, we hear discussions over and over again on the kind of health care our Nation's citizens will have, both with and without universal coverage.

We hear a lot about those who are satisfied with their coverage. We also hear much about the uninsured, but, Madam Speaker, I want to concentrate for a few minutes on the core of America—the working men and women who make up what we often call the middle class—and how their health insurance will be affected by what we may or may not do.

Allow me to paint two pictures for you. Two pictures of America after health care reform, one with universal coverage, and the other without universal coverage. And then you decide where you and your family would most like to live.

If you are a middle class, working taxpayer, making between $20,000 and $75,000 a year in the Sixth Congressional District of South Carolina—or any other congressional district in the country, for that matter; and if we were to pass a plan which covers only 91 percent of Americans, such as that under the Cooper, managed competition bill, you can expect to see an increase in your yearly premium.

Let us take a look at the figures on this chart. The first picture I want to paint.

The columns represent changes in health care premiums, if we only do incremental reform, as many opponents of universal coverage are advocating.

You can readily see that the biggest increase in premiums is the column which represents those who make over $30,000 but less than $40,000 a year. And if you make between $20,000 and $30,000 a year, you can expect an increase of over $200 per year in your annual premiums.

If you make over $40,000 a year, but less than $50,000, you will experience an increase of $137 per year. Under this plan, you will only experience a decrease if you make less than $20,000 or between $75,000 and $100,000 a year.

Now, I do not know about you, but to me and the people of my district, that could mean a car payment for those who make between $30,000 and $40,000 a year, or child care payments for those who make between $20,000 and $30,000 a year, and a college student's textbooks for those who make between $40,000 and $75,000 a year. And, my fellow colleagues, I wage my bet that you have many people who fit into this average American household category living in your districts as well.

This picture, as all can see, shows that the managed competition concept of health care reform delivers devastating body blows to middle-income Americans at almost every level.

If you are a middle-class, working taxpayer and we pass a health care reform bill with universal coverage, you can expect to pay less than you are currently paying for health insurance premiums each year.

Let us look at another chart, the other picture, if you please.

What you can readily see is that the same people who would see a dramatic increase in their premiums under the incremental reform plan would experience a large decrease in their annual premiums under universal coverage.

If you make between $30,000–$39,000 a year, your savings could be as much as $165 each year. Again, that's $165 hard-earned dollars that you could save with universal coverage.

Under universal coverage, everybody in America making less than $100,000 a year will experience dramatic savings.

And those making over $100,000 a year would experience only a $210 increase in their annual premiums.

Health care reform, without universal coverage, will mean significantly higher—not lower—health care costs for middle-class Americans who presently have health insurance.

By implementing universal coverage, the increase in average premiums is averted because, not only would the sick and medically needy be included in the insurance pool, but also the young and healthy people who do not require as much medical service.

By including everyone, the people who do not regularly use the insurance services drive down the premiums for everyone.

Just think of this concept in simple terms. If the only people in the pool are the elderly and medically needy who require excessive amounts of medical attention, the premiums will be high because these high-use patients will be supporting the costs of others just like themselves.

However, if universal coverage is implemented, many more young, healthy people will be in the insurance pool. When this diversity is reached in the pool, the picture is quite different.

The low-use people who rarely use medical services will cause the costs to drop dramatically because the total dollar amount of medical care required by all of those in the pool is much lower. When this happens, the premiums dramatically go down for all of those in the pool. That's the beauty of universal coverage.

Besides, without universal coverage young, healthy people will opt out of the insurance market when premiums are raised thus causing higher premiums for the medically needy who remain.

Also, without universal coverage, many employers who presently provide health insurance for their workers are likely to reduce coverage or stop coverage altogether.

With 9 out of 10 insured Americans currently receiving health care

through their employers, we cannot afford to risk reducing their share of health care coverage. When dealing with the employer share of the costs, it is important to notice the significant savings, once again, by passing health reform legislation with universal coverage.

Now let me summarize for you the first picture I showed you earlier of the Nation's workers who make over $20,000 a year and less than $75,000 a year. For them alone, the total increase spending on premiums adds up to $7.8 billion.

That Madam Speaker, is money that could be saved if we pass health reform legislation with universal coverage.

Now to summarize the second picture.

These same people will experience a $5 billion reduction in spending for themselves and their employers, if universal coverage is enacted.

Again, I ask, what kind of health care legislation you and your family would be better off with? I believe the answer is universal coverage.

Finally, Madam Speaker, one of the things which has been often overlooked in this debate is the fact that the majority of uninsured persons fall between the ages of 30 and 44, which is the age category with a highest percentage of working persons. Of uninsured Americans, 84 percent are from working families. It is these people who will be forced to pick up the tab for health insurance if only partial, rather than universal, coverage is erected.

Madam Speaker, I continue to hear the talk show hosts and many of my friends on the other side ask, "Where is the promised middle class tax cut?" I maintain it is right here in health care reform with universal coverage, and those of us who fail to recognize or acknowledge it are either short sighted or a bit disingenuous.

The middle class of America is deserving of universal coverage and the men and women of this Congress, in my opinion, are duty-bound to grant it.

□ 1940

Mr. DERRICK. Madam Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN] for his excellent and very articulate remarks on the need for universal coverage.

Madam Speaker, it is with a great deal of pleasure that I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Speaker, I want to thank the gentleman from South Carolina, both my friends from South Carolina, for their contributions this evening. The gentlewoman from California [Ms. PELOSI] and I from the other side of the country have come together with those two gentlemen, and certainly with others like the gentleman from Oklahoma [Mr. SYNAR] and have reached a very similar conclusion based on the work of the Catholic Health Association and its very important study. Results are evident. I think all of us have heard the message tonight; it is loud and clear. Plans for reform that do not provide universal coverage really will not add up to much at all.

In fact, Madam Speaker, I think I, for one, am unwilling to go back to my constituents in northern California and say, Yes, Congress has passed a health reform bill, but you will be paying more and getting less. You'll still be at risk of having your insurance taken away. You'll pay taxes for the health care costs of other people, many of whom don't work, and, despite all of that, we still cannot guarantee you that you will have coverage, and if you're fortunate enough to get it, you'll pay more for it, and or course if you're a small business, if you own a small business trying to compete in this environment, you'll continue to pay more for your own insurance and for your employees as well.

Partial reforms just do not get the job done. As tonight's discussion has clearly demonstrated, as the gentlewoman from California [Ms. PELOSI] outlined in her presentation, insurance market reforms alone will have little impact on the number of people who are covered.

□ 1950

We are only going to cover an additional 3 percent of all the uninsured, if we just do some tinkering with the insurance laws at the State level and so-called reform insurance. Even with subsidies, which will be hard to come up with, but even if we obtain subsidies in addition to those insurance reforms, we still cover only 40 percent of the people who today in our society are uninsured.

So after hearing all the evidence presented in this study, the Catholic Health Association study that we are referring to this evening, I think the middle class is being stuck with a pretty big bill for a plan that would only get 40 percent of the uninsured covered, and at the same time a plan that potentially leaves them out of the picture.

Now, some might say, well, covering 40 percent is at least a good start. But I think it is important that we remember the real live consequences of this debate and who it is we are going to stick with the bill for health care reform.

The poor are helped. You can see the benefit on the left side of this chart. You actually do eat into the people who make less than $15,000 a year. They do benefit.

The wealthy at the other end of the spectrum, off this chart, are doing quite well, thank you. We do not have to worry about their ability. They are left in good shape.

But the middle class, as usual, pays the freight. And you can see as a result of this chart almost no impact, moving from the red down to the yellow, in the middle income from $50 to $70 thousand a year, a very little gain is made at all in whittling away the uninsured in those particular income brackets.

We have to go further. We have to do more. My northern California district may be a good example. There are 105,000 people without health insurance. Over 85 percent or 90,000 of them, are uninsured, and still working every day, working hard at their jobs, juggling family responsibilities, trimming their family budgets in order to make things meet, still going to bed at night worrying about whether they will cover the bills if anyone got seriously ill. They live with a constant question mark. How will they afford to pay for their family's health care? Some 25,000 of those 105,000 people are children. As hard as their parents work to put a roof over their heads or assure they receive a good education or provide a healthy environment for them, they cannot afford health insurance for their family on modest incomes. No matter how hard they try to work to get ahead, they are priced out of the insurance market today.

But under these suggested partial reforms, and I think the Dole bill is perhaps the best example of them, it would take a tremendous amount of effort to cover even 60 percent of those people. So some 42,000 people in my district, mostly hard working middle class people, would be left with the following assumption: We reformed health care, but we are asking you, you folks in the middle class, to foot the bill, and at the same time we simply could not find a mechanism to come up with a plan that would guarantee coverage for you.

Incrementalism is not the solution. Plans that do not have the courage to go to the ultimate goal of universal coverage fail in so many ways that this report finally brings to light.

I find it particularly troubling that there are those in Congress that think an incremental insurance reform-only bill would be the safe political compromise for reform. Let there be no doubt about what this report is saying Congress would do if we passed a bill that enacts insurance reform that only offers universal access. That is the key word.

This is a quote from the Catholic Health Association study:

> Middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage.

Sometimes I think it is counterintuitive. We think if we cover everybody it will cost us more money. Yet what we found in this study is that in fact it will cost us less if we get everybody into a health care system, contributing in good times as well as bad,

when you are healthy as well as when you are sick.

Incremental reform will force families making between $20,000 and $75,000 per year to spend more on health care, while giving them no added security in return.

For example, by 1998, a family premium would increase by $260 per year under a plan for reform, which would increase access to health care, but not guarantee universal coverage. If we passed a partial reform bill, we would be helping the poor with subsidies, the rich would be able to maintain their coverage, and the middle class would be left to fend for themselves. And we have a very good example of what happens in this sort of approach.

Look to New York State. It is pretty easy to see how partial reform would encourage more gaming of the insurance system, driving costs up for those that we want to stay in the system. Insurance reform alone creates the incentive to stay out of the health care system until a health problem develops. If you know you are going to be able to get coverage when you are sick, why buy it when you are healthy? What is the incentive to pay for coverage before that time?

Perhaps you are a young family and you decide to wait until you decide to plan to have children. But you fail to contribute up until that year when your health care costs in the insurance system are particularly high. The spiraling cost problem with partial health reform can be seen right now in New York as a result of legislation enacted a little over a year ago.

Last year New York put health insurance reforms in place which created community rating and open enrollment. In other words, insurers have to offer insurance to anyone seeking it, regardless of their health status. However, this State reform does not require that every one be in this system. It is the incremental plan we have been talking about here, the Dole plan.

The dynamic which this study describes is exactly what is happening in New York today. Insurance reforms extended coverage to the sick and older people who are traditionally higher users of health services. There were no more prior conditions. People could enter into the system that perhaps discriminated against them before. But without universal coverage to ensure that healthier, low-risk individuals and families are included in insurance pools, the level of costs increased for everyone left with insurance in the system. Higher risk insurance pools resulted in premium increases for those with insurance, causing many healthy young people and small businesses to drop out. They could not handle the additional costs. The risk pool shrunk further, increasing the level of risk for those that remained, and, as a result, we have premium increases all over again.

Additional premium increases drive out more young families, more healthy people, small businesses, and the spiral continues. We go round and round. Costs go up, more people drop out. Costs go up further, more people drop out again.

So the people that are left in the system are paying exorbitant rates, while other people are waiting for the day they think they will need insurance, the day they are sick.

In New York, as of January 1st, 9 months after the new law took effect, over 25,000 fewer people had health insurance individually or in small employer groups, plus these groups saw an average rate increase of 18 percent. Some insurers increased rates by as much as 35 percent. And this was the result of a law designed to increase access to affordable insurance.

This State's experience with partial health reform gives us some fair warning about the problems with this approach. Universal access is not universal coverage. Everyone needs to be in the system. Let us contrast New York with the reform experience with the State of Hawaii, a State that implemented health reform with universal coverage.

Under the Hawaiian system of universal coverage through an employer mandate, health insurance premiums are about 30 percent less expensive, even though as we all know, in Hawaii almost everything else costs more than it does on the mainland. Under Hawaii's reform, which included universal coverage, costs are lower and almost everyone is covered.

The plan for health reform that does not bring everyone into the system will just continue to shift costs around within the system, most often sticking the hard working middle class with the final bill. The vast majority of the millions left out under the partial reforms would be middle class working families, families who work hard every day, play by the rules, and, after this debate, they can end up worse off then before we started.

□ 2000

What a cruel hoax after 2 years of debate over health care reform.

So this study reinforces just what is at stake in a plan without universal coverage. Every American remains at risk of having their insurance taken away. Middle class families will pay taxes for the health care of millions of others who do not work. But they will not be able to get coverage or if they do, they will pay far more than they should.

Health premiums will continue to spiral upward. And business, particularly small business, will continue to pay even more.

So you can see health reform without universal coverage is no reform at all. So we have to move beyond the lowest common denominator, politics, that so many like to use in this institution. We have to be bold because if we fail, we will fall short. We will fall short of the goals we have set for ourselves and for our constituents.

People will continue to pay much more. We will have no cost-containment for people who desperately need it and will make only incremental improvement in the number of people in our society who are uninsured today.

I wanted to thank my colleague from South Carolina for his leadership in that this Catholic Health Association study really changes the dynamic of the political debate that we are just about to begin here in Congress. It brings clearly to the fore the stake the middle class has in bringing about universal coverage. It is not something we do with a bleeding heart concern for the poor. It is something that is in the economic interest of the people who work every day and earn from $15,000 to $75,000 a year.

I want to thank my colleague for giving us a chance to reiterate this study's important point to our colleagues and to our constituents.

Mr. DERRICK. Madam Speaker, I thank the gentleman from California for his very articulate statement. Once again, making us understand that to do just a little is not enough and that there are things worse than doing nothing. And that would be to come up with a plan that many advocate that would not be universal coverage.

What we would end up with would be we would have fooled the American people into thinking that everyone was going to be covered and that there was going to be a reduction in the cost to them. That is just not the case unless we have universal coverage.

I know as I looked at the figures in the beginning, it was hard to really understand this, because our traditional image of Government is that whatever we do, it is going to sock it to the middle income people in this country and they are going to end up paying for it. And they do end up paying for most of our taxes that support this Government. But in this particular case, if we do not go to universal coverage, the very people, not the very rich who can afford the best health care, not the very poor who are taken care of on Medicaid, but the very people that we are trying to help we will not help.

I think there is also another misconception in this country. That is, that poor people are running up our health care bills and do not have coverage. It is not them. It is men and women, four out of five people in this country who do not have insurance coverage are either working every day or a part of a family with a working member that just can no longer afford insurance coverage.

It is so very, very important that I would ask my colleagues, but also ask

those folks back home who may be watching us here tonight, to urge their Members to support universal health care coverage.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentleman for calling this special order tonight. As he was speaking, he reminded me, as did our colleague from California, of the many more reasons that we do not have time to go into tonight but that our colleagues on other evenings will go into about why we cannot make incremental change.

There is a constituency for change out there now that understands in each person's personal life why it is important for us to have universal coverage for all Americans. It is about a person's health and well-being.

I mentioned earlier, and it has been mentioned many times, why it is important to our own national budget. But in terms of the economy of our country beyond individual personal good health and physical health of our national budget, it is important that we make real change, too, because working-class Americans, people who work, as the gentleman from California [Mr. FAZIO] said, work every day, trying to make ends meet and still do not have health insurance, they would be less likely, for example, to leave their jobs to go start a new business. Or less likely to change jobs and take a chance doing something else.

The dynamic and the vitality, the dynamism and the vitality of our own economy is hurt, is harmed by that job lock or that lack of bold necessary, which people have to, if they have family and the rest, they cannot take the same kinds of chances. So I think individuals are well-served in their personal well-being, certainly our national budget is well-served by our making this bold step. But our economy, also, and the dynamic of our whole country is well-served by people not being menaced by being sick, not being pigeonholed by not having mobility.

Mr. DERRICK. Madam Speaker, I yield to the gentleman from California.

Mr. FAZIO. Our colleague was very eloquent in describing the burdens of middle-class people. This chart shows exactly what will happen if we fail to have the courage to move to universal coverage, something that every other industrialized nation in the world has done long ago.

If we go the incremental route, people earning between $20,000 and $75,000 a year are going to pay an additional $7.8 million out of their pockets to pay for what, in some cases, will not be adequate health care. In other cases, it will be fine, but at greater cost.

On the other hand, if we can move to universal coverage, those very hard-pressed people that the gentleman from South Carolina [Mr. CLYBURN] was discussing and the costs that they are fighting to overcome, the costs of books and the cost of educating a family in general, for example, we will give them a $5 billion savings, a reduction in spending for health care that could translate into meeting all those other needs.

We talk about a tax cut for the middle class, as the gentleman from South Carolina [Mr. CLYBURN] said, this is something significant in the family budgets of people who have insurance today. They do not think this is all about them, because universal coverage is to bring other people into the system. But they will be the ones who benefit most, because when we get working in a health care system as a country together, we can see real reductions in the family budgets of many, many millions of middle-class families.

Mr. DERRICK. Madam Speaker, in closing, let me just say that this is a health care issue. If we do not have universal coverage, we do not, we miss about 22 million people who will still not have health care coverage in this country. The average middle-income person will see their insurance premiums go up. But not only that, we miss our opportunity to do something about the economic issue. It would truly be a celebration for the free enterprise system in this country, because we spend 30 to 40 percent more on health care in this country than any other of the major industrialized nations, which causes us to have to charge more for what we make.

For instance, the automobile manufacturers spend more for health care than they do for the steel that goes in their automobiles. It amounts to $1,100 or $1,200 a car, whereas many of our competitors only spend $500 or $600 a car. It is not only just automobiles. It goes on and on and on throughout our economy.

It will go a long way to creating more jobs, to bringing down our deficit, so let us pass universal health care.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. THURMAN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BUYER] is recognized for 60 minutes as the designee of the minority leader.

HEALTH CARE REFORM

Mr. BUYER. Madam Speaker, it was a real pleasure for me to be here and listen to my colleagues from the other side of the aisle try to convince America about universal access universal coverage for health care.

□ 2010

I think those who are listening and paying attention, they firmly believe in the sincerity of their heart that government is the solution to what ails you. I say they just do not understand that that is at times what ails the American people, is so much government intrusion into our daily lives and that of our family.

There are some who look out a window into a parking lot, and when they look out into that parking lot they think that every person in America ought to have the same kind of car. When I look out into the parking lot, I believe that everyone should have the same opportunity to get whatever car they want, to achieve whatever level they seek.

There are many of us here that will vote on a lot of different issues. Whether it is health care or welfare reform, somehow we have to have a real good set of principles when you move into this Congress. I analyze it like this. I say, Does it promote individual liberty and protect it? Does it enhance economic opportunity? Does it promote personal responsibility? Does it promote high standards? Does it protect American citizens at home and abroad?

Members can even apply that to health care. I salute my colleague, the gentleman from South Carolina [Mr. DERRICK], who just said a few moments ago, "Let us not fool the American people." I agree with that.

What I am prepared to do here tonight for you, the American people, is to talk about not only the politics of health care, the pragmatism of health care, and the plans of health care. The only way I can do that is that I have prepared a chart, a road map of my thoughts. I am going to explain this, because it helps explain the actual debate that is going on right now about health care.

Madam Speaker, right here along this section, this is where we presently are in America. This is the present hybrid health care system that we have in America. The reason I call it a hybrid system that we have is because we have Medicaid, Medicare, the VA, the Veterans' Administration hospitals and clinics, and we have the military health care delivery system. We really, technically, have a hybrid health care system.

In the hybrid system that we have, we have come along and said the present system that promotes the greatest quality health care system in the world, and the system that also preserves the greatest choice of an individual, of doctor or facility or alternative methods of treatment, is at 85 percent. Right now we are right here, right here at this square, at 85 percent.

So we, because of our compassion and sincerity for the uninsured and underinsured, we seek to do better. We also recognize that there are growing costs, and we try to seek cost containment.

How do we want to do that? Do we want to move forward this way, or do

we want to take this direction? Let me explain.

Madam Speaker, here at the 95 percent, or actually I should write 94 percent, there is a system that is referred to in Washington here a lot called the Hawaiian health care system. It has 94 percent coverage. It is a universal coverage system. It has been in effect for 20 years and has only been able to achieve 94 percent.

Think about this for a moment. If we are presently at 85 percent and the A model universal coverage health care right now is the Hawaiian system, and it is exempt, it is exempt from whatever plan is going to be passed here, so they must like the 94 percent, now think about this. Utilize common sense.

When you were in school and you got a 85 or an 87 on a test, how did you feel? You probably felt pretty good. You did not say, "Oh, my gosh, my 87, 85, is a failure. I have to go out and get an all new method of learning." No, you did not say that.

If you want to get to 94, you work harder at what you are presently doing. You don't go out and say, "I need to get a brain transplant to move to 94 percent."

What we seek to do is increase the access, maintain the quality, and have cost containment. How do we do that? We do it by working on what is wrong with the present system and not moving to brain transplant.

Let us think about what is really happening out there. It is wonderful to get up and talk to America and say, "I'm going to be the protector of the middle class. I'm going to deliver to you less. It is not going to cost you." Incredible. The American people did not wake up yesterday. It almost reminds me of a knock-knock joke:

"Knock, knock."

"Who is there?"

"The Government."

"The Government who?"

"I am the Government and I am here to save you."

Come on. The American people are much smarter than that.

So if we are paused right here, this is where we are, at 85 percent, there are those of us that believe and support incremental reforms to the present system, to open up the access, to permit greater risk pooling out there.

We also recognize, when I say open up the access, I am referring to allow small businesses, whether it is local chambers or associations, to create greater risk pools so there is greater integration in the health care economy, both vertically and horizontally.

As we do that, Madam Speaker, we also, as we are paused right here, there are those here in the Congress that say, "You know what we need to do is, we should have incremental reforms to a single-payer system." They are not saying that, they are not going to say that, because they want to fool the American people. You see, the real goal is a single-payer plan, a Canadian-style universal coverage system for America, but they are not going to say it. They are not going to say it.

The ones that I respect in this body are those who come out and say, "I believe in a Canadian-style health care system for America." I respect them because they come right out and look you in the eye and say, "That is my sincere belief."

The ones in America that you should be scared of and frightened of are the ones that finesse it. They finesse it by saying, "Well, we are just going to have some triggers, we are going to help out the small business sector, we are going to help out the middle class, we are going to protect you, we are going to look out for you."

Let me explain what this is. We are right here. They are sophisticated. They, meaning the liberal side of the Democrat Party, is sophisticated enough that they cannot make a hard left turn and take America directly to a single-payer plan. They cannot move from here to a single-payer plan. America will say "no" and reject it.

What is their answer? Their answer is substantive incremental reforms to a single-payer system, so they want to move from here and take America this direction. That is the debate that is going on right now.

The President is going to say, "I might loosen up a little bit." Vice President GORE yesterday said, "We might relax. Maybe 10 years out may be acceptable, it may not be acceptable. We will have to look at it."

What are they really talking about? They are talking about how to move America to a single-payer plan without telling you, without telling you. So what they seek to do here, Madam Speaker, is move America from the 85 percent and go this direction. They want to turn left and take America this direction.

Now, this time period could last anywhere from 7 to 10 years, time enough to pull America into a malaise. Then when they get out here in the year 2000, 2002, they turn around and say, "Those of you who, like Congressman BUYER, back in 1994 said we need incremental reforms from the present system," they will say, "See, Steve, you were wrong. We tried but we could not make it."

Think about this. They tried? What they are going to do is, in the reforms they are going to rewrite up there in the back room, that we may or may not get a chance to see before we are voting on it—which is an incredible thought, they control the process. When they control the process, they can then control the substance and predetermine the outcome of legislation. Get it? I got it.

So what they are going to do is set unrealistic expectations in different sectors of the health care economy that cannot be achieved. That is why they are saying out here 95 percent.

We have Hawaii that has been doing it for 20 years, and which they are exempting, and they cannot even reach 95 percent. So the goal, the goal is, by the liberal side of this body, is to move America to a Canadian-style health care system, but they are not going to say it. They are not going to say it because they are scared to death. They are scared to death that you will not send them back to this body, and their job, to them, is so important.

□ 2020

What is it they are going to try to do? They are going to try and fool the American people.

I agree with my colleague, the gentleman from South Carolina, let us not fool the American people. There are those of us that firmly believe that we do not need a brain transplant when it comes to health care. What it is we support are incremental reforms to the present health care system that increases the access and permits greater risk pooling to occur. We seek tort reform, medical malpractice reform, 100-percent deductibility of insurance premiums, the list goes on and on.

There are many things that we can do to the present system without sacrificing the quality, without diluting the quality, without restricting the freedom of choice of doctors and facilities and alternative methods of treatment, let alone of its impact upon jobs and small businesses.

If we want to talk about the protector of the middle class, it will be the conservatives who are the protectors of the middle class.

Madam Speaker, I would like to yield to a gentleman from the Seventh District of Michigan. He represents eight counties just above Indiana. It is the southern tier, the farmland counties of Michigan, in Battle Creek, there with Kellogg's and Post.

I yield to the gentleman from Michigan, NICK SMITH.

Mr. SMITH of Michigan. Madam Speaker, I thank the gentleman from Indiana for yielding.

The gentleman sort of perked my interest when he mentioned jobs because I chaired a health care task force forum in Jackson, MI, at Foote Hospital a couple of weeks ago. Joining me were Representative DENNIS HASTERT of Illinois and Representative PETE HOEKSTRA, my colleague from Michigan. That is what we were doing.

We were asking: "How is this going to affect you as a small business and how is it going to affect those jobs in your business if you cannot pass on that health care reform?"

Madam Speaker, they gave us an earful. We had 16 witnesses that testified and they were unanimous in their testimony that if this liberal plan of Government takeover of health care

passes, it is going to hurt business, but what it is going to do to the American people is hurt jobs. It is critical, it seems to me, that Congress listen to these businesses and that the American people start talking to their neighbors in their towns and villages and cities.

"What will this do if this is forced on your business? Is it going to make a difference in jobs?"

Madam Speaker, some of the things that people testified at this health care forum, businessmen and businesswomen, were very concerned whether they could absorb this additional cost. It seems to me that the lure of some people suggesting, "Look, let us lower the cost of health care, do it our way. Go to universal coverage, go to a single payer system," we need to be very careful that we do not get sucked into a new socialistic program of health care by the suggestion that we are going to save money. We already know how to reduce the cost of health care. The Democrats know how, the Republicans know how. In fact, we have joined together in many of these bills to deal with tax reform and pooling and tort reform and cutting down the overzealous regulations.

At this hearing a couple of weeks ago, Noelle Clark of Hasselbring-Clark, Inc. of Lansing said:

My point is this: Many small businesses do not provide health insurance because they simply can't afford it. Just because it's forced on us doesn't mean the money will be there.

Sharon Roy, an accountant from Onsted, testified that many of the 40 to 50 small business accounts, that they were not going to be able to afford an additional Government mandate. She said that if you force on us this up to 7.9-percent payroll,

It's going to mean jobs. They don't have the profits to cut and they cannot pass costs through to consumers. Who are they going to pass it on to? They're going to price many of these small businesses right out of the market because they cannot compete with the big chain outfits. So you're going to force some out of business and definitely a lot of layoffs.

Jim Ahearn, a pipeline oil salesman of Jackson said that of his business, the best he could calculate it, would be charged an additional $55,000 and he could not pass that on in his business with increased prices. So it meant several things.

He said, probably getting rid of people and not buying the additional trucks that they need.

Charlie Owens of Michigan's branch of the National Federation of Independent Businesses [NFIB] came up with the calculation that it was going to cost our State, Michigan, alone 32,604 jobs and it is going to affect another 817,000. We asked that witness what he meant by "affect," and he said that it is going to mean that we reduce their paychecks. If we are forced to provide health insurance, we cannot pass it on in increased costs. It is going to have to come out of their pay. So instead of them having the choice of what health care system they buy, we are going to mandate the health care system and will have to reduce their pay to comply with the Federal Government.

Richard Todoroff had a good statement, of Todoroff's Restaurant in Jackson. He said, "This is pure socialism. I see the United States of America getting what the U.S.S.R. got rid of."

He also stated:

"I do not need government to tell me how to operate my business, and, damn it, that's what they're doing. Every time you turn around there is another mandate. If this health care plan passes, this will be the final nail in the coffin."

Virginia Atayan of a car dealership in Charlotte summed it up when she said that Government mandates of this magnitude would take away the incentives that entrepreneurs have to invest and work hard to be successful.

She said:

I've already paid the OSHA prices, paid to get safety features in place. I've paid for Work Comp., I've paid for Unemployment Comp., I've paid all these high taxes. I've done all these things. It takes work time on my part to figure out how to keep this Government happy. Now to place these additional burdens is going to drive us out of business, or we're going to have to increase the price of our product, in this case automobiles, to the consumer.

Madam Speaker, I think we have got to be careful not to fool ourselves that there is some secret way to reduce the price of health care in this country. I think we have got to be careful not to fool ourselves that when liberals say, let us start a new expansive socialistic program in this country, a new entitlement, that somehow we are going to magically provide greater health care for a lower price.

I am excited about moving ahead. I am excited about the possibility of Democrats and Republicans joining together to do some of the things that we know can reduce the price of health care in this country.

Mr. BUYER. Madam Speaker, I would like to thank the gentleman from Michigan [Mr. SMITH] and ask him to stick around here for a little bit if he can.

I yield to the gentleman of the 22d District of Texas, a district that spreads in all directions, at Allen's Landing on Buffalo Bayou and home to Johnson Space Center in Houston, TX, Mr. TOM DELAY.

Mr. DELAY. I appreciate the gentleman yielding to me.

It is also the home of Albo Pest Control, a wonderful small business that I own. It is through the ownership of that small business that brings me to the understanding of what this administration is trying to do and what this Democrat-controlled House and Senate is also trying to do to small business people.

Let me say from the outset that Albo Pest Control provides a very good health care group plan for their employees. But I have got to say that is amazing to me, and I understand what President Clinton is trying to do. What he is trying to do is to bring universal coverage to every American and to in some way control the cost of health care. The problem is they have no clue about what free enterprise is, how it works, what the effect of Government mandates are on small businesses and how they affect jobs and our overall competitiveness in this world.

I could give a very real example. I built my company from scratch. I built the company up and had more and more employees come on board. They were great employees, and for many reasons, but not the least of which I wanted to be very generous to my employees because they were doing a great job for me, and for themselves, I bought a health care plan that was 100 percent coverage for my employees. None of my employees at that time, and there were some nine of them, none of my employees at that time were over the age of 35, so you can imagine. They were in very good health, their wives were in very good health, their children were in very good health. They really did not need a health care group policy that covered them 100 percent. But I bought it, anyway.

I immediately found out in just a little over a year, that was the dumbest thing that I could have done to me and to them. Because they would go to the emergency room to get a Band-Aid. If they had a cold, they would go to the doctor because they were not paying the bill.

□ 2030

Immediately, as it follows anywhere else when you do these kinds of things, immediately the cost of my health care started rising, and I could not understand why. As I checked into these costs, I found out that these 35-year-old and below families were using the doctor for things that most people do not use the doctor for. Why? Because they were not paying the bill.

What is the answer to the Clinton plan and this universal coverage plan and mandated plan, single payer plan? They want to take a failed system and expand it and make it even worse.

I think Medicare has a lot of problems that can be corrected if we bring consumer choice and market pressures to bear. Medicaid is a disaster. It is going to cost, if we do not do something to reform Medicaid, it is going to drive costs through the roof. Why? Because the people who are receiving the care are not paying the Medicaid cost, not paying the bill, and that drives up the cost, because you overuse the service.

The same thing happens to every small business person in this country if

you take a single payer plan and expect it to hold down the costs and expect it to be reformed.

Mr. BUYER. Will the gentleman yield on that point?

Mr. DELAY. I yield to the gentleman from Indiana.

Mr. BUYER. The gentleman mentioned a couple of failed systems, Medicaid and Medicare. Does the gentleman realize that under the Great Society when it began back in the early 1960's, in 1965 Medicare Part A was predicted to cost $8.8 billion by the year 1990, but the actual cost today is $71 billion.

Mr. DELAY. The gentleman makes my case absolutely. The case history shows that if you do not provide into the mix making the choice of what kind of health care they want, and what kind of health care they need, and bring costs in the market system to bear on that and all of the pressure and intricacies of our system included in that, you are doomed to failure. That is what we are facing. This administration and the Democrat leadership of this House and Senate do not understand what this economy is all about and what the ultimate result is going to be, at least in Texas.

The American Legislative Exchange Council projected that job loss in Texas alone would be 68,300 jobs. Of course, this does not account for all of the wage reductions that the gentleman from Michigan was mentioning earlier. CONSAD Research Corp. estimates that almost 1½ million workers will face reduced wages, hours, and benefits.

It is really interesting that some people are trying to disguise employer mandates in the form of these hard and soft triggers. No matter what you call it, when you implement employer mandates, that means job loss and lower wages.

I would like to quote the ranking Republican member on the Small Business Committee, who may have already been quoted. JAN MEYERS from Kansas said it very well when she said:

> It defies logic to suggest that we would eliminate someone's job to provide them with health insurance coverage. The uninsured become the unemployed. What kind of tradeoff is that?

That is what the Republicans are all about in insisting on a market-based plan. We have a plan. It is market-based. It understands what the problems are and brings a market-based solution to them.

I appreciate the gentleman from Indiana taking this special order.

Mr. BUYER. I appreciate the gentleman's leadership here on the Republican side that he has shown on health care. I am really pleased to hear the gentleman talk about personal and individual responsibility here on the House floor. It is amazing when you use the words morality or personal responsibility in Washington, people look at you as if you are not supposed to say those kinds of things. It is incredible. So I salute you for sticking to traditional values which we are trying to instill in this country.

Another thing you mentioned was the effects in the small business sector. The gentleman could not be more correct or on point.

When the gentleman talked about family orientation, there is a strong district in Arkansas that has 16 counties in the northwest corner of that State, in the Ozarks, the great rounded green mountains that the sun shines in would seem like forever in those mountains with traditional-minded people, very family-oriented, and they are represented by a true statesman, TIM HUTCHINSON. And I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding. May I say it is the home of some of the great entrepreneurs in America and some of the great companies that are going to be hit very, very hard by the mandates that we have been discussing this evening.

I want to commend the gentleman from Indiana for organizing this special order. It was interesting to be able to hear Members from the other side of the aisle discuss health care prior to our special order, and I heard a familiar refrain over and over again during that hour. They said there is something worse than doing nothing. And I very much want to join in doing something. I think we can do something. I think we can accomplish meaningful and substantive health care reform that will help control costs, that will expand coverage to more people, that will maintain quality, maintain choice in our health care system.

But I agree with them, there is something worse than doing nothing. What would be worse than doing nothing would be to turn the best quality health care system in this world over to the Government to run, a Government to run, a government that has never demonstrated its capacity to run anything efficiently or compassionately.

I was in this Chamber January 25, 1994, this year, when the President said, "Hear me clearly. If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen," and he showed us the pen, "veto that legislation, and we'll come right back here and start over again." That is what he said January 25.

Last week he said, "You can't physically cover 100 percent. It's impossible. Nobody can do that." That's what he said to the National Governors Association.

So we see the weaving and the bobbing, the defining and the redefining. We hear of the triggers, the hard triggers, the soft triggers, the mandates, the global budgets, the price controls. I suggest that that is the language of a fatal cure for the health care system of the United States.

Last week supporters of a Clinton style health care bill embarked on a campaign-like bus tour designed to drum up support for Government-run health care. The buscapade, as it has been called is a public relations gimmick financed by special interests. Organizers are asking various special interests, labor unions, businesses, other groups to finance the venture by paying $20,000 for each bus, and requiring sponsors to promise that they are going to support, in advance, whatever bill comes out of the House and Senate from the Democrat leadership, bills that have not yet been drafted. So prospective sponsors do not even know the details of the legislation that they are endorsing and promising to support.

That is the tragedy that we may well face, a bill the first 2 weeks of August that the American people have never even had an opportunity to read or study and in fact that many Members of this institution of Congress will not have had an opportunity to study either because congressional committees that have been able to pass health care plans developed markedly different kinds of bills. The leadership will now meld those in, bring those into one bill, and at the last moment we will be presented with that legislation. The American people ought to have at least 30 days to read and study that legislation. Congress ought to have time to study that legislation. Hearings ought to be held on the specific bill that is brought before this body before it is endorsed.

We have heard a lot about employer mandates this evening. I would like in the few minutes that I have left to speak to two or three other issues that are very important when we talk about Government-run health care. I want to talk about rationing. I want to talk about the abortion coverage inclusion in the health care bill, and I want to mention its impact on families because the Members on the other side of the aisle kept talking about the middle class, what will Government-run health care really do to the middle class.

First of all, price controls, global budgets, Medicare reductions will inevitably, ultimately result in rationing of health care in our country. The administration is suggesting that we cut $124 billion out of the Medicare system. This is on top of a $56 billion cut in Medicare which occurred in 1993. Therefore, just for starters we are looking at a cut of $180 billion or 14 percent of total Medicare expenditures for the multiyear scoring window.

□ 2040

And then in the so-called Health Security Act, section 4114, it limits payments to physicians of high-cost hospital staffs. This provision would have the effect of withholding 50 percent of payments from physicians who treat severely ill elderly patients who need intensive treatments. This provision appears to be an explicit rationing provision for Medicare beneficiaries who are severely ill.

But regardless of what is done on Medicare, a global budget, and that is the concept that we are only going to spend a certain number of dollars on health care, will ultimately have to result in rationing of health care.

Price controls will have the same effect. Price controls will diminish the quality of care. One of the ways a producer responds to a price fixed below the true value of his product is to reduce the value of the product correspondingly until it equals the new lower price. That is what will happen in health care with price controls.

Doctors will spend less time seeing patients. Hospitals will either cut back on staff or cut back on expensive life-saving technology. Either way, the result for consumers will be a diminished quality of care. In some instances, patients will die who otherwise would have lived.

This happens now in England where the newspapers are full of stories of people dying while waiting in line for rationed medical procedures readily available in the United States. In Canada, which has fewer high-tech imaging machines in the whole country than can be found in a typical large American city, pets can receive CAT scans after regular business hours but people cannot.

Given the British and Canadian examples, it seems plausible to think that deaths will occur as a consequence of medical price controls and global budgets if we adopt them.

I want to give a very personal example of how this could impact people in the United States. My mom about a year ago, over a year ago, had triple bypass surgery. She was over 80 years of age at the time. She was having severe angina attacks several times a day.

We took her and tests were run. The physicians said she had severe blockage, that a heart attack, perhaps a fatal heart attack, was imminent. He was concerned whether or not surgery could even be performed quickly enough to save her life.

My mom had always said she did not want extraordinary means to save her when she got older, and I was frankly concerned whether a person of that age could take a triple bypass surgery. I asked the doctor, I said, "At her age, can she handle a major surgery like that?" The doctor said, "Well, she is otherwise healthy, and because she is otherwise healthy, it may take a little bit longer because of her age to recuperate, but she should do fine." I was wondering how Mom would react.

They brought her in at that point, and they told her that she had to have surgery and had to have it quickly. I was amazed at her response. She said, "Do it."

Because I think God has put within the soul of every human being an instinctive desire to live, and she wanted to live, and she knew that was the only way she could live.

They had to rush her into surgery before the following Monday, because the angina attacks had become so frequent they were afraid they would never get her in before the heart attack hit. She went through the surgery, and to make a long story short, she made a remarkable recovery. It has been a new lease on life. I do not know how many years my Mom has, but I do not know how you put a price tag on those years. She went back and became president of her Sunday school class. She made a trip to Oklahoma City, and she went to Branson, MO. She started a new class in her home. She has had a new lease on life.

This is what the surgeon told me before we brought my mom in to talk about choices. He said, "Mr. HUTCHINSON," and they always want to lobby you when they know you are in Congress, but he said, "I want you to know if your Mom lived in Great Britain that she could not get this surgery because of her age. Because of her age, they simply would not allow the surgery to be performed if she lived in Great Britain." And then he said, "If she lived in Canada, she would be put on a waiting list, and in your Mom's case, she would die waiting."

Now, ladies and gentleman, my colleagues, I know that there are very difficult choices that must be made in how we expend health care dollars towards senior citizens, but I believe, and I think the American people believe, that those decisions ought to be made by the family, by the patient, and by the doctor and not by some bureaucrat in Washington, not by the Government, and that is what happens when you ration health care, and that is what will happen under a Government health care system.

Mr. BUYER. It is interesting you brought up Great Britain and the notion. There was a question asked of Virginia Bottomley, Great Britain's Secretary for Health. The question was:

Question. The notion that many Britons wait an excessively long time for treatment is often used by critics of national health care in the United States to illustrate the imperfections of a British-style national system. Are the long waiters a "fatal flaw" in Britain's system?

Answer. The number of people waiting is not important provided they are treated within a reasonable time. It is the time people wait that matters not the total number waiting. Half of all admissions to hospitals are immediate. Of those admitted from waiting lists, half are admitted within five weeks, nearly 75 percent within three months and 98 percent within a year.

Mr. HUTCHINSON. And that in defense of the British system? I think again the gentleman makes the case very well that in fact if you are among those who have to wait, it could mean your life.

Let me touch very quickly upon a couple of other points. One is the inclusion of abortion services, because every health care bill that has come out of the major committees with the exception of the Committee on Veterans' Affairs, has included abortion services, and the Committee on Armed Services, but the major committees of jurisdiction, Ways and Means, Education and Labor, Energy and Commerce did not produce a bill, but these brought forth health care bills that include abortion services.

I think it is very ironic that our President has endorsed this concept when, in the State of Arkansas and during his 12 years as Governor of the State of Arkansas, he so eloquently made the case that regardless of your position on abortion, you ought not be required to violate your conscience by subsidizing that practice for others through taxes or through health care premiums mandated by the Government.

That is the issue. Our country is very much divided on the abortion issue, but we are not much divided on the issue whether you have to be forced to pay for somebody else's abortion.

Mr. DELAY. If the gentleman will yield, I had an experience just Saturday. I was in Minnesota up in the northern parts of Minnesota, actually, yesterday, Sunday, and I ran into a farmer who was very upset. He called me aside and said, "You are a Congressman from Texas?" I said, "Yes." He says, "Well, I welcome you here, but I am very concerned that the President of the United States is going to require me to fund abortions in this country." He says, "I am pro-life, but for me to fund abortions in this country is against my religion, and it will force me to do something I do not want to do." He says, "I am a very devout Catholic, and in the Catholic Church," but I am not a Catholic, but this is the farmer talking, "In the Catholic Church, if you help someone procure an abortion, you are supposed to be immediately excommunicated," and he feels very deeply about this, and he says, "I will be forced to not pay my taxes if this is passed, and I could go to prison." He was very upset about this particular provision that the Clintons just seem to accept willy-nilly without even understanding the impact of their actions.

Mr. HUTCHINSON. I appreciate that very eloquent example, because inclusion of abortion services will require

millions of Americans just like the one that you spoke of, conscientious Americans who have deep convictions in this area, and it will make them really participate in an act they find morally objectionable, and I think it is a tragedy that such a thing would be included.

Mr. BUYER. I noticed that the Senate Finance Committee had passed what they call a conscience clause, and to try to take the place of those out there in America who are uncomfortable with having to provide abortions, but really you have to play this out here even much further.

If you have a Catholic hospital out there that says, "We do not want abortions at our Catholic hospital, we do not believe in abortions," but they as a hospital and as an institution will be required to provide abortions in this minimum-benefit package for their employees, so the conscience can only go so far, because the Government will step in and say, "I do not care how you feel. We know what is best for you, America."

Mr. HUTCHINSON. I appreciate that example, and you are so right. I could give many examples.

For instance, a person who works in the VA health system, who has a moral, sincere objection to the practice of abortion, who may have spent a lifetime serving our veterans in the veterans' health care system, under the Clinton health care plan would be required to participate in the practice of abortion in that VA hospital, and I tell you that that would be replayed over and over again.

We could give many other examples. Let me just say this: This plan is not only going to ration health care, it is not only going to require Americans to violate their conscience, but it is going to hit middle-class families, and our colleagues spoke so much about the middle class, but according to the Lewin-V.H.I. study, almost 50 percent of American households are going to pay more under the Clinton health care, the Government-run health care system, and 61 percent of those families are going to pay over $500 a year more, and that is the middle class. They are going to be impacted negatively. They are going to pay more, and those who do not pay more may actually end up with less coverage than they have under their current plans.

□ 2050

I believe that Government health care is Government-assisted suicide for the best quality health care system in the world.

Mr. BUYER. I thank the gentleman for his contributions, a statement well-said.

I now yield to my good colleague, the gentleman from the State of Illinois, from the 15th District of Illinois. He and I share some contiguous counties along the border with Illinois in that good farmland called Brookston Home.

Mr. EWING. I thank the gentleman for yielding to me.

Madam Speaker, we certainly do share a common heritage along the Illinois-Indiana line.

Madam Speaker, I think we probably learn a lot from the people we represent. I was really moved by Congressman HUTCHINSON's comments about his mother. All of us who have older members in our families realize how important this is, very personal, how important it is to us as well as to all of our constituents.

I think you may know that I travel home almost every weekend, as other Members, as the gentleman from Indiana does, and I visit with our constituents. I would hope that every Member on the other side of the aisle would take a little time to go home and listen and visit on the very personal basis with members or people they represent about the health care issue.

I think it is great when I go home to go into the restaurants and sit around the round table and talk to the farmers and business people and just-retired individuals. They are asking me some questions.

They are saying to me, "Are you going to have a recess? I see in the paper here, on the television, they may cancel the recess and stay in Washington and do the health care bill." My response to them is, "The recess does not matter. When we come home, we are going to work anyway."

But we can stay in Washington and work. But the thing I do not want to do is stay in Washington until the leadership on the Democrat side of the House and the Democrat leadership in the Senate come together with a little plan and then drop it here on these tables maybe 24 hours, if that much, before they expect us to vote on it; and have it bulldozed through, using the recess as a reason to do that, to force a vote, because what we do here will last maybe for years. Its effects may go on and on.

So I think that question is easily answered. We should go home in the recess and listen to our constituents. If there is a plan from this side of the aisle, as vacant as it is tonight, we need to take that plan home and, as one of our colleagues said earlier, we should have hearings, we should have discussion. The American people should know what is in that plan.

Then I was asked the question: "Do you think that Congress can pass a plan before the election?" My response to that is: "We would be better not to pass a plan than to pass a bad plan."

Well, they said, "Are the Republicans, do they have any proposals?" Then I named a few. I named also some bipartisan proposals that many of us may be on. I named proposals that we on this side of the aisle have put forth. Yes, we have proposals.

Compromise comes, I believe, when both sides address the issues that you can agree upon.

Mr. SMITH of Michigan. I would like to mention the House Republican proposal now has 141 cosponsors. It is more than any other plan, including the President's plan. That is 80 percent of the House Republicans ready to move forward. Republicans are saying let us move ahead, let us do something. But the concentration is to improve accessibility, to improve portability, and to reduce cost of health care. We can do it. Both sides of the aisle know how to do it. I say let us not be blackmailed by a President that says either we go to socialized medicine or we do nothing.

Mr. EWING. I think the gentleman is absolutely right. There is the Rowland-Bilirakis bill, a Democrat-sponsored and a Republican-sponsored, bipartisan. There is much good in that plan that we should be debating and talking about.

If there is one thing I want to say, if I bring anything to this debate tonight, which I think is very well planned, it is that the American people deserve a chance to see what we are going to pass on their behalf, if we pass anything.

They have and should have an opportunity to visit with us, their elected Representatives, about it. Today there was one final thing that came down today from the courts. It is very important in this regard. Today in Federal court, Judge Royce Lamberth ordered that case against Hillary Rodham Clinton and the White House health care task force must go to trial. A great victory for the American people. This is a victory because this is going to allow the American people to know who are the donors, who are the people sponsoring the First Lady's health care plan.

Before, you know, that was all kept secret from the American people. "They don't have any right to know who the special interests are behind the First Lady's health care plan."

All health care bills will now be written by the Democratic leadership on Capitol Hill, and are based on the Clinton plan. We have a right to know who is sponsoring it, who is footing the bill, who are the main players.

I think it is a great victory for the American people.

With that I say let us all dedicate ourselves to working to be sure the American people do know what is in the health care plan. Again I congratulate you for this effort today.

Mr. BUYER. Reclaiming my time, I thank the gentleman for his contribution. I think we have had an excellent discussion tonight about what happens when the Government takes over health care. When we talk about a global budget, a global budget is a set amount spent on health care for America. That includes our advanced medical technologies, which means that when you dull the competitive edge of the advanced medical technologies, it has an impact upon the American family that will be detrimental.

The gentleman from Arkansas [Mr. HUTCHINSON] was very close when he started to talk about quality-of-life issues, when he was talking about the rationing of care, and the impact of a Government-run system has on the quality of health care.

Madam Speaker, I have 16 hospitals in my congressional district in Indiana. I have toured 15 of those hospitals. I have also toured Riley Hospital in Indianapolis, IN. Riley Hospital is a magnificent children's hospital. It is the only place in the world where I have ever been where I have seen more children who are ailing, who are dying, who are burned, who are crippled, who are diseased, who are very sick. But there is an incredible sense and feeling of hope inside that children's hospital, probably similar to other children's hospitals in America. Why is it these children have so much hope? Why is it the parents and the grandparents and the families and the friends also have that sensation and feeling of hope that you find in the children's hospital? It is because we understand the cutting edge of our advanced medical technologies and what they can do, the miracles and cures that we can deliver today. Why we would ever want to dull that is beyond me.

I found myself standing inside the neonatal ward with Dean Daly. He is the dean of the medical university. We were surrounded by 50 infant babies. That is what I call them, infant babies. The doctor calls them neonates. That is the first time in my life I have ever seen a human being whose weight was measured in grams.

The baby was a little more than 4 months old. There were many of them.

I turned to the dean and I said, "Dean, close your eyes. Now put yourself in Canada. Now open your eyes. Would we see this? Would we see it?" I looked down at the end and I saw a family, and I know that they could not have afforded the medical treatment. I asked the dean, I said, "Dean, what does this cost?" And he said, "It is costing approximately $1,500 a day on Medicaid."

Now let us be very raw here for a moment. This is not what is not being talked about in the health care debate, or the quality-of-life and value-of-life issues.

Now, think about this for a moment. Let us be raw. Here in America we say that a mother, if she chooses, she can either give life or take life.

□ 2100

If she chooses life, we, as a society, will expend up to $1,500 a day, or more, until that child reaches a viable state where that baby can be brought home with mom and dad.

Now let us go to the other end of life's spectrum, to senior citizens. We, as a society, again place such a value on life that, when we say that that senior citizen, if they choose, or it does not have to be a senior citizen, it can be anybody in our society above the age of 18, if they say, "I don't want to be hooked up on life support system," they can choose what we call death with dignity, execute a living will. But if they elect to be hooked up to a life support system, we, as a society, will pay for that. That is what we do today. Those decisions are made by our families.

I say, "America, if you want the Government to take those decisions from you and away from your family, and allow the Government and a system of accountants and lawyers to make those decisions for you, then just tell us. Just say to the United States Congress, 'We want the Government to take over the health care system. We want everybody in America to have the same type of health care.' Just tell us."

I do not think America is prepared for that.

I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Madam Speaker, I think it is a point that we need to say over and over again to the American people: "What sector of Government that you know does an outstanding and an excellent job of performing that particular duty?"

Mrs. Clinton and the President have suggested that, if we pass their plan, it is going to take 50,000 new Government employees to run this system, and Government really has not done that good a job on so many things we have been doing. As the rest of the world goes away from a strong centralized Government controlling the lives and taking away our freedoms, here we are going and telling, suggesting, that we take over 17 percent of the private sector economy, and we have Government take over health care when they really do not have a proven track record of doing many other things very well.

What it is is a transfer of wealth. It is a transfer of wealth like we talked about, from small business to big business. It is a transfer of wealth from the young to the old. As Government gets in trouble, if they take over this system, they will continue to tax the young people to pay for the people that need greater health care costs at their older age with some kind of an elusive promise such as we are now doing in Social Security that says, "Look, when you get old, we'll somehow tax those that are left working enough to pay for your Social Security and, in this case, your health care."

I plead with those people in America to not let this go by, to study the details, to consider the consequences, because the Government taking over health care in America is going to put middle class America dependent upon Government, and Government, as they go about trying to save money, they are going to pass all kinds of mandates and dictates on how we can run our personal lives.

Mr. BUYER. Madam Speaker, I thank the gentleman from Michigan [Mr. SMITH].

We can even take this to the personal level. It is easy to stand here and talk about what it is going to do to quality. Let me share with my colleagues and America that I was deeply moved at a visit of a young family farmer from my district. I think that all of us here that sit in this body seek to be responsible and responsive to the people that elected us to this body. I do not question the sincerity of those who believe that Government is the answer. I do not question their sincerity because they firmly believe that. I think they are wrong, but I do not question their sincerity.

I will never forget going to the home of a young farmer. This gentleman fell from the inside of a silo to the bottom, and I visited his house. He is now paralyzed from the neck down. He was there at the kitchen table in a wheel chair, and he can only now move forward or backward, right to left, by a straw that goes into his mouth by either sucking or blowing.

Now he is one of the most courageous individuals I have met. His young son was bouncing a balloon off the wall up in the ceiling and bouncing it toward his father with no understanding why dad this time does not bounce the balloon back to him.

My colleagues, this young farmer only had one message for this Congressman who sat at his table in his home. His request to me was: "Please do not let the Government take over health care because I understand that it will dull the advance of medical technologies," because he said his hope was that he might heal one day which rests in our advanced medical technologies. He understands that. He, of anyone, understands that.

Let me comment on some other people in Indiana.

On the issues that were discussed here tonight, whether it was abortion, or increasing taxes for health care, I recently had sent out a questionnaire back in Indiana. It was very interesting. I have now received over 5,000 responses in Indiana.

The first question was: "Do you favor increased taxes to pay for federally mandated universal health care?"

Overwhelmingly, of the 5,000, only 498 said yes; 4,479 said no to increased taxes.

The second question: "Should abortions be included as part of an overall health care coverage for all Americans?"

Of the 5,000 responses, Madam Speaker, 625 said yes; 4,370 said no to abortions in health care.

On the issues of the impact on the small business sector that the gentleman from Texas [Mr. DELAY] and

the gentleman from Michigan [Mr. SMITH] spoke about here tonight, let me share with my colleagues some comments from a health care questionnaire from Indiana. One is an individual, a small business person, from Williamsport, IN. They say:

We are a family owned business. It would be a financial hardship, and I would have to evaluate whether or not I can stay in business if the government would force me to pay for health care. A small company such as ours doesn't net very much, but we provide jobs which helps the local economy. Unexpected expenses could be major problems for us. If the government determines the cost of business such as ours, the amount is apt to be unrealistic. I don't believe they know what small really is.

Another small business in Demotte, IN. This small businessman writes:

We are a family owned feed business employing 14 people that is celebrating 40 years of business this year. Our dad taught us to manage funds carefully and grow in the free enterprise system. Frankly it scares me to see the government getting involved in health care reform because the costs always exceed the benefits. Our government just cannot operate as sufficiently as the private sector. Having said that, we feel it would be best to let the market adjust to health care as it is already doing.

I partly agree with the gentleman. I think there are things we can do right now, but not let the Government take over the health care system.

Another gentleman writes from Kokomo, IN:

Any employer mandate or mandate to force me into cover health insurance costs for my employees will result in nine unemployed people. If the government is so concerned about their needs, then they can take care of them. There are nine employees, seven wives and seven children.

I mean the list goes on, and on, and on. I think what is important though is in this health care debate, and what is real is that there are many different plans out there.

But what is pragmatic, my colleagues, is that I do not control the process here in the Congress. The process inside the Congress is not controlled by conservative Democrats either. It is controlled by the liberal side of the Democrat Party and their goal as a single payer plan for America, and they want it. They want it. It was Senator JAY ROCKEFELLER who said that we are going to pass health care reform whether the American people want it or not. That is his quote.

Now, Madam Speaker, when they say, "National health care reform," what they mean is government controls of health care. When conservatives say, "National health care reform," we are talking about incremental reforms to the present system to provide access. That is what we want to do, and the American people deserve no less than to have the opportunity to review a health care plan, not a plan that is drafted in the back rooms of this Congress. So, if a plan is drafted in the back rooms, demand an opportunity to see it, and that is what we will do.

□ 2110

GENERAL LEAVE

Mr. BUYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the special order just presented.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. LEHMAN (at the request of Mr. GEPHARDT), for today, on account of travel problems.

Mr. CLEMENT (at the request of Mr. GEPHARDT), after 5:45 p.m. today, on account of official business.

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 Member (at the request of Mr. BUYER) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 27, 28, and 29.

(The following Members (at the request of Mr. SYNAR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. LUCAS.

Mr. EMERSON in two instances.

Mr. BEREUTER.

Mr. MCDADE.

Mr. CRANE.

Mr. HORN.

Mr. MCINNIS in four instances.

(The following Members (at the request of Mr. SYNAR) and to include extraneous matter:)

Mrs. MALONEY.

Mr. PICKETT.

Mr. LAFALCE.

Ms. SLAUGHTER.

Mr. ANDREWS of Texas.

Mr. SYNAR.

Mr. KOPETSKI.

Mr. HOAGLAND.

Ms. KAPTUR.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles: On July 21, 1994:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need;

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building";

H.R. 3840. An act to designate the Federal building and United States Courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

On July 22, 1994:

H.R. 4322. An act to amend the Small Business act to increase the authorization for the development company program, and for other purposes.

ADJOURNMENT

Mr. BUYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, July 26, 1994, 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:

3568. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685, (H. Doc. No. 103-284); to the Committee on Appropriations and ordered to be printed.

3569. A letter from the Director, Federal Housing Finance Board, transmitting its annual report for the 1993 calendar year, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

3570. A letter from the Director of Employee Benefits, Farm Credit Bank of Baltimore, transmitting the Farm Credit District

of Baltimore retirement plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3571. A letter from the Vice President, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Banks of Texas pension plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3572. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1993 U.S. Courts: selected reports, containing the proceedings of the judicial conference, a summary of the activities of the administrative office, and a summary of the business of the Federal courts for the fiscal year, pursuant to 28 U.S.C. 331; 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

3573. A letter from the Secretary of Agriculture, transmitting the fiscal year 1993 report on advisory and assistance services, pursuant to Public Law 101-161, section 641(a)(1) (103 Stat. 986); jointly to the Committees on Appropriations and Agriculture.

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. MILLER of California: Committee on Natural Resources. H.R. 4228. A bill to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California; with an amendment (Rept. 103-619). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians (Rept. 103-620). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. 103-621). Referred to the Committee of the Whole House on the state of the Union.

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 Mr. SYNAR (for himself and Mr. LUCAS):

H.R. 4821. A bill to establish the Honey Springs National Battlefield and Washita Battlefield National Historic Site in the State of Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mr. SHAYS (for himself, Mr. SWETT, Mr. DICKEY, Mr. MANN, Mrs. FOWLER, Mr. MCHALE, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. MCKEON, Ms. SHEPHERD, and Mr. FINGERHUT):

H.R. 4822. A bill to make certain laws applicable to the legislative branch of the Federal Government; jointly, to the Committees on House Administration, Education and Labor, Government Operations, Rules, and the Judiciary.

By Mr. ANDREWS of Texas:

H.R. 4823. A bill to amend the Internal Revenue Code of 1986 to encourage the preservation of Civil War battlefields for public purposes; to the Committee on Ways and Means.

By Mr. DORNAN (for himself, Mr. DOOLITTLE, Mr. CRANE, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. SOLOMON, Mr. SANTORUM, Mr. LIVINGSTON, Mr. MCHUGH, Mr. LIPINSKI, and Mr. HYDE):

H.R. 4824. A bill to amend title 18, United States Code, to prevent the misuse of certain antiracketeering laws; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 4825. A bill to amend title 5, United States Code, to establish procedures for the handling of claims for compensation for work injuries; to the Committee on Education and Labor.

By Mr. SCHIFF:

H.R. 4826. A bill to amend the Wilderness Act to permit the landing of aircraft within wilderness areas for purposes of search and rescue under certain circumstances; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 4827. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. MCCOLLUM, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NADLER):

H.R. 4828. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. PORTER, Mr. FROST, Mr. SMITH of New Jersey, Mr. WOLF, Mr. JOHNSON of South Dakota, Mr. PASTOR, Mr. WAXMAN, Mr. MORAN, Mr. BERMAN, Ms. SLAUGHTER, Mr. HOCHBRUECKNER, Mr. ORTON, Mr. RICHARDSON, Mr. FLAKE, Mr. LANTOS, Mr. BATEMAN, Mr. TOWNS, Mr. WILSON, Mr. TORRICELLI, Mr. SERRANO, Mr. HASTINGS, Mr. LIPINSKI, Mr. GORDON, Mr. WALSH, Mr. MCNULTY, Mr. GILMAN, Ms. DELAURO, Mr. CARDIN, Mr. FISH, Mr. CLEMENT, Mr. SWETT, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mr. DELLUMS, Mr. HUGHES, Mr. ACKERMAN, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. BILBRAY, Ms. NORTON, Mr. MARKEY, Mr. APPLEGATE, Mr. DEFAZIO, and Mr. ROMERO-BARCELO):

H.J. Res. 393. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. ANDREWS of New Jersey (for himself and Mr. MEEHAN):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress regarding the termination of subsidies for the export of durum wheat from the United States; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. NADLER, and Mr. GILMAN):

H. Con. Res. 272. Concurrent resolution calling upon the Secretary of State to instruct the American Embassy and Consular officials throughout the world to convey the concern of the American people over the desecration of the dead and to assist groups and individuals who seek to protect the integrity of cemeteries and the repose of the dead; to the Committee on Foreign Affairs.

By Mr. SWIFT:

H. Res. 488. Resolution providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868; considered under suspension of the rules and agreed to.

By Mr. CONDIT (for himself, Mr. CLINGER, Mr. PETERSON of Minnesota, Mr. ROBERTS, Mr. PENNY, Mr. SCHIFF, Mr. PETE GEREN of Texas, Mr. MICA, Mr. PORTMAN, Mr. HAYES, Mr. CASTLE, Mr. STENHOLM, Mr. POMBO, and Mrs. THURMAN):

H. Res. 489. Resolution providing for the consideration of the bill (H.R. 140) to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

454. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to suspension of the enhanced automobile inspection and maintenance program; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LAZIO.

H.R. 70: Mr. COPPERSMITH.

H.R. 193: Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. CALVERT, Mr. CANADY, Mr. CRANE, Mr. DOOLITTLE, Mr. EWING, and Mr. HYDE.

H.R. 643: Ms. SCHENK.

H.R. 688: Mr. BACHUS of Alabama, Mr. MCDADE, Mr. LIVINGSTON, and Mr. KINGSTON.

H.R. 790: Ms. SCHENK.

H.R. 998: Ms. SCHENK.

H.R. 1572: Mr. TALENT.

H.R. 1621: Ms. SCHENK.

H.R. 1673: Ms. SCHENK.

H.R. 2036: Mr. SCHAEFER.

H.R. 2088: Mr. DEUTSCH, Mr. HOAGLAND, and Mr. RAHALL.

H.R. 2132: Mr. KENNEDY.

H.R. 2365: Mr. MCHALE.

H.R. 2420: Mr. JOHNSON of Georgia, Mr. SKELTON, Mr. GINGRICH, and Mr. ACKERMAN.

H.R. 2427: Mr. BALLENGER.

H.R. 2467: Mr. CUNNINGHAM.

H.R. 2767: Ms. SLAUGHTER.

H.R. 2873: Mr. PAYNE of Virginia.

H.R. 2959: Mr. STEANS, Mr. GILCHREST, Mr. HYDE, Mr. RAHALL, Mr. FROST, and Mr. PORTER.

H.R. 3207: Mr. HOAGLAND.

H.R. 3263: Mr. ABERCROMBIE, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. COLLINS of Illinois, Mr. KLEIN, and Mr. KREIDLER.

H.R. 3293: Mr. GUNDERSON.

H.R. 3305: Mr. DEFAZIO.

H.R. 3407: Mr. COLEMAN, Mr. NEAL of North Carolina, Mr. LEVY, and Mr. GEJDENSON.

H.R. 3475: Mr. FILNER, Mr. ZIMMER, Mr. TOWNS, and Ms. LOWEY.

H.R. 3642: Mr. GEJDENSON, Mr. DOOLITTLE, Mr. MCCLOSKY, and Mrs. UNSOELD.

H.R. 3673: Mr. MCHUGH.

H.R. 3687: Mr. COPPERSMITH.

H.R. 3705: Mr. PETE GEREN of Texas.

H.R. 3769: Mr. BROWN of Ohio.

H.R. 3873: Mr. TUCKER.

H.R. 3928: Mr. DOOLITTLE, Mr. BAKER of California, Mr. POMBO, Mr. CRAPO, MR. HUNTER, Mr. SAXTON, Mr. HALL of Texas, Mr. CLEMENT, Mr. PARKER, Mr. THOMAS of California, Mr. GILMAN, Mr. DOOLEY, Mr. MOORHEAD, Mr. DREIER, Mr. GILCHREST, Mr. KIM, Mr. HORN, and Mr. SMITH of Oregon.

H.R. 3990: Mr. APPLEGATE, Ms. BROWN of Florida, Mr. LIGHTFOOT, Mr. MORAN, and Mr. WILLIAMS.

H.R. 3994: Mr. FILNER.

H.R. 4051: Mr. JEFFERSON and Mr. OBERSTAR.

H.R. 4056: Mr. TRAFICANT and Ms. SCHENK.

H.R. 4062: Mr. TORKILDSEN.

H.R. 4300: Mr. KREIDLER.

H.R. 4474: Mr. MANN, Mr. BACHUS of Alabama, and Mr. WELDON.

H.R. 4589: Mr. PACKARD, Mr. GILMAN, and Mr. WELDON.

H.R. 4592: Mr. HUTCHINSON.

H.R. 4617: Mr. WASHINGTON.

H.R. 4645: Mrs. CLAYTON.

H.R. 4657: Mr. KLUG and Mr. PAXON.

H.R. 4695: Mr. SAWYER and Mr. FRANK of Massachusetts.

H.R. 4737: Mr. VENTO.

H.R. 4790: Mr. CLAY, Mr. WHEAT, Mr. SKELTON, Mr. EMERSON, Mr. VOLKMER, Ms. DANNER, Mr. TALENT, and Mr. HANCOCK.

H.R. 4799: Mr. STUDDS.

H.J. Res. 388: Mr. HOCHBRUECKNER and Mr. KING.

H. Res. 255: Mr. BEREUTER and Mr. STEARNS.

H. Res. 270: Mr. LIVINGSTON.

H. Res. 434: Mr. ZIMMER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

115. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to the Health Research Act of 1994; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

DR. ELDERS' CONTROVERSIAL TENURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. CRANE. Mr. Speaker, as Congress debates the best ways for improving our Nation's health care system, Joycelyn Elders, the U.S. Surgeon General, is systematically working to destroy the moral and, by extension, physical health of our country. Dr. Elders has advocated giving condoms to school children, regardless of their age, with little or no regard for the consequences. These consequences have included children bearing children and children acquiring sexually transmitted diseases because they were not adequately informed about the risks involved with engaging in sexual intercourse.

Unfortunately, Dr. Elders does not see the need to inform children about the alternative to sex, abstinence. In fact, she sneers at the idea and would rather hand a condom to a teen. Considering that AIDS is a 100 percent fatal disease and condoms, due to improper use and defects, are not 100 percent effective, certainly she should inform teens that sex with condoms could be fatal. However, as we know, Dr. Elders refuses to inform anyone of the failure rate of condoms, lest they lose faith in that form of contraceptive.

I have included an article from the June 13, 1994, issue of the Washington Times by Suzanne Fields in which she discusses Dr. Elders' controversial tenure as the Nation's top doc. I commend this article to the attention of my colleagues.

JOYCELYN ELDERS, SEX GURU GENERAL

Joycelyn Elders is a surgeon general who turns satire into public policy. She wants to bring sex "out of the closet," tell all the little school children how much fun sex can be, and introduce lesbian love to the Girl Scouts.

How else, she asks, can we reduce sexually transmitted diseases or teen-age pregnancies?

She might get laughs if she was a stand-up comic (Gilda Radner could have done it better), but as the leading doctor in the country, it's time for Dr. Elders to recognize that she is bad for our mental and physical health.

In an extraordinary interview with USA Weekend, she suggests giving condoms to 9-year-olds. "We have junior high school girls having babies, 12-year-olds, 9-year-olds," she said. "We had a girl in Arkansas who at 8 gave birth to twins. We must teach them responsibility and make sure they have the availability of a condom."

Suddenly everything becomes clear. Joycelyn Elders wants to reduce policy to the behavior of that 8-year-old mother of twins. Not so long ago she defended giving away condoms in school because "poor children in the Delta have to go 13 miles to get to the drug store and they don't have the money."

Once upon a time in America it was an article of faith that the poor, no less than the rich and the middle class, could behave to decent standards of morality. Some would fall along the way. So would some of their more privileged sisters and brothers. But it was unthinkable to suggest that public schools sponsor sex education courses and condom giveaways for youngsters simply because no one at home taught them that humans are held to a higher standard than dogs and cats. What they didn't learn at home about the value of truth, courage, compassion, friendship, self-discipline, restraint and responsibility was meant to be absorbed from the general culture, and from appeals to the accepted absolutes of right and wrong.

Attitudes toward sex, like everything else, were clearly understood to be part of a comprehensive value system and children, like adults, were judged according to their adherence to the ideals of the Judeo-Christian tradition. In Dr. Elders' analysis, those who uphold such ideals today, those who crave the decent life that comes with restraint rather than indulgence, are the cultural outsiders.

A society whose Top Doc appeals to the lowest common denominator guarantees that those who listen to her continue on a moral decline. A dramatic increase in sexual activity among teen-agers under the age of 18 during the past three decades—accompanied by soaring rates of sexually transmitted diseases and out-of-wedlock births—reflects the vulnerability of the next generation to produce even more afflicted children.

Many young girls, under 15, according to a new study from the Alan Guttmacher Institute, are led, some say forced, by older males. Doesn't statutory rape apply to them? Donna Shalala, secretary of Health and Human Services, says the study is "further proof of how badly teen-agers need our help to avoid having sex while they are still just children themselves."

The problem goes even deeper than that. Dr. Elders once noted that she didn't intend to put condoms on the cafeteria tray, but she might as well. Her rhetoric reduces sex to the moral equivalent of hamburgers and fries. When she applauds abstinence, she does it as a sop to a speechwriter's work, without conviction. In fact, the Clinton administration seeks to zero fund the small abstinence-oriented school programs that encourage young men and women to bask in the self-esteem that inevitably accompanies self-discipline.

But here's a better idea for Dr. Elders: Why not push comprehensive character-building classes aiming at a better life? Not many parents would object to their 8-year-olds learning the Golden Rule and its implications for society. Teachers could have them read—or read to them—from "The Book of Virtues," Bill Bennett's best selling collection of moral wit and wisdom of the giants of the ages. These stories contribute to literacy as well as good habits (which include health).

"I dare say you can't teach reading, writing and 'rithmetic, to children who are not physically, emotionally and psychologically fit," says Dr. Elders. (But, by golly, you can teach them how to put on a condom.)

Over the past 30 years we have sexualized children so as to rob them of their innocence, interrupting their personal fantasies with technical information that only undercuts aspirations toward self-control and self-discipline. As long as we continue to "dumb down" sex, we make it more difficult for children to hear the better angels of nature.

TRIBUTE TO BEA VIDAKOVICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. McINNIS. Mr. Speaker, I rise today to honor Bea Vidakovich who was awarded Mother of the Year by the Glenwood Springs Chamber Resort Association. Bea, who is a 40-year resident of Glenwood Springs was nominated by her six children for the award.

Bea has dedicated her life to raising her children to be valuable and honorable people. She has always had an abundance of strength, individuality, and love. Her fine characteristics have made her a strong role model for her children.

Her children have followed her example and have accomplished much for themselves. Three of her children, Dick, Mike, and Tom are teachers in various schools in the Third Congressional District. Her daughter, Peggy, is a paramedic in Aspen, and her other daughter, Norma Jean Filson, is a secretary at Green Mountain High in Lakewood, CO. Her fourth son, Jim, lives in Los Angeles, and works for the Children's Television Workshop.

In addition to raising her family, Bea has been extremely active in her community. She has been involved in numerous Eagle events such as their Sunday pancake breakfast and rummage sales. She has worked for the Cancer Bowl-a-Thon and has acquired money for hospice, as well as charities benefiting patients of diabetes, heart disease, and cancer. She worked as a chief dispatcher for Garfield County, and for more than 20 years she served as an election clerk and judge for local and national elections.

When Bea has some spare time, she enjoys a diverse assortment of hobbies and activities—such as bowling, crocheting, and traveling.

I am very proud to have such a dedicated and devoted constituent as Bea Vidakovich. I commend her on receiving such a prestigious and important award.

RECOGNITION OF THE WORK DONE BY UNIT 389 OF THE AMERICAN LEGION AUXILIARY OF CHAFFEE, MO.

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. EMERSON. Mr. Speaker, I rise today to salute the outstanding contributions of Unit 389 of the American Legion Auxiliary of Chaffee, MO. This Auxiliary works with the hundreds of American Legion Auxiliarys across our Nation that proudly pay tribute to our veterans, ensuring that those who served and those who paid the ultimate sacrifice will always be remembered. The American Legion Auxiliary's efforts reflect not only their appreciation for Missouri's veterans, but also their interest in bettering the community as a whole.

In the interest of enhancing the appearance of their community, the Auxiliary has created an "Americanism Program" which provides flags to members of the community and replaces torn or faded flags being flown about the town. The Auxiliary has also developed a tree program which replaces trees lost to storms or disease. To date, 131 flowering and shade trees have been furnished to citizens and to the city park.

The Auxiliary supports the youth of their community by sponsoring Youth League Baseball, the Boy Scouts and Girl Scouts, and by developing drug education programs in the local schools. Further, the Auxiliary distributes pamphlets to help educate the youth of Chaffee on health and safety issues.

The retired citizens of Missouri also benefit from the work of the Auxiliary. The members spend time at the Missouri Veterans Home at Cape Girardeau, visit the Advance Nursing Care Center and sponsor bingo games at the Chaffee Nursing Center.

As Americans, our gratitude is not only directed to our veterans, but also to Auxiliaries, such as Unit 389 in Chaffee, which give support to military service people past and present, their families and communities. I commend the members of Unit 389 of the American Legion Auxiliary for their service to the community, the State, and country. These individuals exemplify the character and dedication that has continued to make the United States the greatest, freest nation in the world.

THE CIVIL WAR BATTLEFIELDS PRESERVATION TAX INCENTIVES ACT OF 1994

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to introduce the Civil War Battlefields Preservation Tax Incentives Act of 1994. This legislation amends the Tax Code to provide incentives to private landholders to preserve significant battlefields. The bill would codify the recommendations of the Civil War Sites Advisory Commission, which was established in 1991 to assess the state of our Nation's Civil War battlefields, and it is the first step in what I believe should be a comprehensive effort to preserve this part of our Nation's rich history.

The Civil War is the single most important event in our Nation's history. America's social and economic foundations before the war were forever changed by the war, and its impact continues to affect our national debate. The Nation was infused, in President Abraham Lincoln's words, with a "new birth of freedom." It is not by coincidence that students in this country divide their study of American history by the Civil War. Civil rights, women's rights, economic and trade policy were issues driven into the 20th century by the Civil War. America was a different country before the war, and it was a different nation after the war.

And so, understanding the Civil War—its reasons, its battles, its politics, its costs, its significance—is important in understanding who we are as a nation and where we are going.

Often, however, grasping the significance of events more than 125 years ago is difficult, especially when they are explained in the context of abstract political theories. There is, however, one tangible legacy of the war—its battlefields. With names like Antietam, Chancellorsville, the Wilderness, and Glorietta Pass, many remain today, undisturbed as reminders and lessons, to see and to feel. Our generation's obligation to our history is to protect these important sites from destruction or permanent change.

The Civil War Battlefields Preservation Tax Incentives Act of 1994 is a first step in this effort. This legislation would allow a deduction from gross estate for tax purposes for heirs to make a post mortem easement donation of land within a Civil War Battlefield Site as designated by the Civil War Sites Advisory Commission; eliminate the $750,000 limitation under section 2032(a) for property which is within a Civil War Battlefield, allowing for a devaluation of estate land for tax purposes above and beyond the $750,000 limit for devaluation allowed under section 2032(a); and convert the current federal income tax deduction for charitable donation of historic land to a 50 percent tax credit for contribution of land within a Civil War battlefield. By providing such tax incentives for preservation purposes, we would promote voluntary, private preservation effort that might otherwise not occur.

Mr. Speaker, I believe that this issue is very important. If we are to the pass down our Nation's rich heritage to our children and their children after them, we must strive to improve our preservation efforts and evaluate the many alternatives before us that will aid us in this task. We must look forward and anticipate potential problems and conflicts and work to resolve them early on, not waiting until it is almost too late, much like what happened just a few years ago with the battlefield of Second Manassas. Certainly, appropriate economic development is meritorious, and I support it. But, we can always build shopping malls—we can never rebuild battlefields.

I hope that through legislative efforts like the Civil War Battlefields Preservation Tax Incentives Act we can ensure that we never face the possibility of rebuilding battlefields. I believe this can happen. Today marks a positive step in our efforts to preserve the history which the Civil War left us. I hope that it will spark a renewed interest in this cause in Congress, in the historic areas themselves, and among the American people as a whole.

INTRODUCTION OF LEGISLATION ESTABLISHING HONEY SPRINGS NATIONAL BATTLEFIELD AND WASHITA BATTLEFIELD NATIONAL HISTORIC SITE

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. LUCAS. Mr. Speaker, I rise today with my colleague, the senior House Member from Oklahoma, Mr. SYNAR, to introduce the Honey Springs National Battlefield and Washita Battlefield National Historic Site Act of 1994.

These two sites represent two of the most significant historical events that took place in the region that is now our State of Oklahoma. Prior to the great landruns of the late 1800's and statehood in 1907, Oklahoma was referred to on most maps by the name "Indian Territory". In the 1860's, Indian Territory truly represented our Nation's western frontier. It was a land populated by indigenous Indian tribes, Indian tribes who had been forcibly settled due to Anglo expansions in the East, Union Forces, Confederate Forces, and freed slaves.

The Battle of Honey Springs on July 17, 1863, and the Battle of Washita on November 27, 1868, helped map the course of history of both the Union dominance in the West following 1863, and the U.S. Army's treatment of the Indian population following the American Civil War.

While I am sure Mr. SYNAR will go into greater detail about Honey Springs, I must state this battle represented the highwater mark of the Confederacy's dominance in Indian country. Its significance cannot be understated. It was one of the few multiracial engagements of the Civil War, as it pitted Indians along side with Anglos and African-Americans fighting against similar forces on the other side. It is truly deserving of this designation.

The Battle of Washita, whose site is in my district, the sixth District of Oklahoma, was the largest engagement between plains tribes in Indian territory and the U.S. Army. It had significant impact to both the history of the Cheyenne Tribe and the U.S. Army's dealings with native-Americans.

In the early morning hours of November 27, 1868, Lt. Col. George A. Custer led his 7th Cavalry in a fatal attack on the sleeping village of Cheyenne Peace Chief Black Kettle. Over 150 inhabitants of this village were killed or wounded, many of whom were women and children. This Custer victory is seen as a precursor to his later defeat at Little Big Horn where he engaged many of the same tactics he used on this Cheyenne village.

For the plains tribes, the engagement represents a solemn reminder of their struggles against reservation confinement and their fight to maintain traditional lifestyles.

It also must be stated that this site retains much of the same character as it did in 1868 and that it is already a registered National Historic Landmark.

Both Representative SYNAR and I, along with the National Park Service, have had the opportunity to hold public hearings with the landowners of both of these impacted areas. These hearings have given the citizens of both sites the ability to raise questions, concerns, and listen to the Park Service's plans for each site. You can be assured that we will continue to have these kind of events throughout the process as we work to give these two historic battles the national recognition they deserve.

In closing, I would like to thank Mr. SYNAR for his efforts on this bill. I further would like to thank Bob Blackburn of the Oklahoma Historical Society who has spearheaded these actions and would commend the Park Service for their guidance in this process.

INTRODUCING A BILL TO DESIGNATE THE HONEY SPRINGS AND WASHITA BATTLEFIELDS AS NATIONAL PARKS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. SYNAR. Mr. Speaker, it is with great pleasure that I and my colleague from Oklahoma, the Honorable FRANK LUCAS, introduce this bill to designate the Honey Springs and Washita Battlefield Sites as national parks. Oklahoma is rich with history and natural beauty, and, if enacted, these battlefield sites would be the first national parks in our great State.

For many years, Oklahoma has recognized the historical importance of these sites and considered them to be of value to the Nation, as well. In 1993, the Oklahoma Legislature created the Oklahoma Battlefield Commission to identify and promote the preservation of notable battlefield sites in our State. The commission found that the battles of Honey Springs and Washita were particularly important and worthy of inclusion within the National Park System.

The Battle of Honey Springs, which is in my district, was fought on July 17, 1863. Honey Springs may have been the most racially diverse battle of the Civil War and led to Union control over Indian territory in our area of the country for the rest of the war. Indeed, the Civil War Sites Advisory Commission's recent Report on the Nation's Civil War Battlefields includes Honey Springs among the major campaigns not currently represented in the National Park System.

The Battle of the Washita, on November 27, 1868, was one of the largest engagements between plains tribes and the U.S. Army on the southern Great Plains. Lt. Col. George A. Custer, leading the 7th U.S. Cavalry, attacked the sleeping Cheyenne village of Chief Black Kettle and inflicted more than 150 Indian casualties, many of them women and children. The Battle of Washita symbolizes the struggle of the southern Great Plains tribes to maintain their traditional ways of life and not to submit to reservation confinement.

Before introducing this legislation, both Mr. LUCAS and I held public information meetings in our districts to seek input from representatives of local communities, Indian tribes, effected landowners, and concerned citizens on the proposal to include these battlefield sites within the National Park System. As we move forward with this legislation, we remain committed to a process that guarantees full public disclosure and public input. We want national parks that all Oklahomans and other citizens of this country can take justified pride in, and which enjoy the continued strong support of the local communities.

At this time, I would also like to recognize several people who have endeavored for years to designate Honey Springs Battlefield as a national park. In particular, I would like to thank Dr. Leroy Fisher, the historian on Honey Springs; Lee Stidham, president of the Friends of Honey Springs; Emmy Scott Stidham, and all the other members of the Friends; Dr. Bob Blackburn and Mr. J. Blake Wade of the Oklahoma Historical Society; Gov. David Walters; State Senator Frank Shurden; State Representative Chester "Dusty" Rhodes; State Representative John Bryant; Checotah Mayor Mike Earlywine; Cherokee Chief Wilma Mankiller and Deputy Chief John Ketcher; Creek Chief Bill Fife; and, the many, many others that have labored long and hard to make this dream a reality. In addition, I would like to thank officials of the National Park Service, including Director Roger Kennedy, Edwin Bearss, Chief Historian, and Doug Faris, Associate Regional Director, Southwest Region of the National Park Service, and members of their staffs for their valuable assistance and support in this endeavor.

Mr. Speaker, I urge all our colleagues to join Congressman LUCAS and me in support of this important legislation.

TRIBUTE TO DR. H. DALE THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to speak of a most important citizen in the Third Congressional District, Dr. H. Dale Thomas. Dr. Thomas was recently honored for his 36 years of service to the San Luis Valley, when more than 100 people attended a surprise party and buffet dinner in his honor.

Dr. Thomas began his lifelong work in 1959 when he opened the La Jara Clinic. When the Conejos County Hospital opened in 1963, Dr. Thomas was its first physician. Although Dr. Thomas was offered jobs elsewhere, he chose to stay and work in the San Luis Valley, because he believed he could help bring quality health care to the valley. Dr. Thomas has been dedicated to his patients, as well as the residents of this beautiful area of Colorado.

In his work, Dr. Thomas has delivered nearly 3,000 children and has performed nearly 20,000 surgeries—clearly indicative of an outstanding career.

There are two aspects of his work he enjoys most. First, he still marvels every time he brings another human being into the world. Second, he loves working with older people who are so dependent upon the quality of care their physician can provide.

Through his dedicated work to medicine, Dr. Thomas has earned the respect of all his patients and peers. He has worked hard to research and study everything he can about his profession, so that he can help his patients in every way possible. Additionally he finds that through his devoted work with his patients, he is also serving God.

I am extremely proud to have a man like Dr. Thomas in the Third Congressional District. He epitomizes the dedication that doctors have for their patients and profession. I applaud him for all his accomplishments as a doctor and surgeon.

KENDALL SIKES: CIVIC ROLE MODEL

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. EMERSON. Mr. Speaker, communities all across America have outstanding sons and daughters who labor mightily, devotedly, unceasingly, often over a lifetime, to make those communities progressive, wholesome, desirable, safe and secure. These citizens are very often the largely unsung heroes and heroines that keep the fabric of our Nation knitted as tightly and as securely as it is; unfortunately we sometimes take them for granted or assume they will always be there, and fail to thank them for their labors or note their contributions until they have left us.

Fortunately, Kendall Sikes was recognized by his community for his leadership and service and contributions, and he was loved by his community just as he loved it. His passing last month left a void in Sikeston, and Scott County and southeast Missouri. His hometown newspaper, the Sikeston Daily Standard Democrat paid him a beautiful tribute at the time of his death, and I include it following my remarks. I hope it will be an inspiration to young people, and to people all across our great country, who wonder if they, as individuals, can make a difference. Of course they can. Kendall Sikes would be an outstanding role model for anyone aspiring to civic leadership and an example to emulate.

[From the Sikeston Daily Standard Democrat]

KENDALL SIKES DEVOTED TIME, TALENT TO SIKESTON

The term "civic leader" is often overused these days. We use the term to describe someone who has devoted their life to improving their community. Yet the term must be earned—and it should not be bestowed easily.

By any definition, Kendall Sikes was a civic leader. He realized early in life that you have an obligation and a responsibility to give back to the community. And he gave his time, his talent and his devotion to this community. Sikeston is clearly better because of his involvement. The same can be said for few people these days. Kendall Sikes lived his involvement each and every day of his life.

It does no good to list the accomplishments of this dedicated man. It's much easier to witness the progress that he brought to the activities he touched. Missouri Delta Community Hospital would most probably not enjoy the growth and progress were it not for the countless hours Kendall Sikes devoted. Few men, if any, served with the character and skill on the city council as did Kendall Sikes. The Jaycees would not have become a reality without the moving force that Kendall Sikes possessed.

Each day, Kendall Sikes was an example of what a small town should be. In both leadership roles and behind the scenes, Kendall Sikes worked tirelessly to improve his community. Can you imagine where we would be if there were a dozen Kendall Sikes in this community?

Among our community's highest honors is the title Man of the Year. Kendall Sikes received that title nearly 40 years ago! Can you imagine that his list of accomplishments and his love and devotion to this community spans that amount of time? Other lesser men would have taken the accolades and slipped into the background. Not Kendall Sikes. His was a labor of love for a community that bears his name. His family and friends can stand with understandable pride when Kendall Sikes' name is mentioned. His legacy is stamped on dozens of community projects that have brought pleasure and progress. No greater compliment can be paid.

Our community this week lost a leader. And a friend.

INTRODUCTION OF THE BOMBING PREVENTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Ms. SLAUGHTER. Mr. Speaker, last week in a courtroom in my hometown of Rochester, NY, the prosecution of alleged bomber Michael Stevens continued. He and his friend, Earl Figley, stand accused of sending a coordinated string of package bombs all around western New York shortly before New Year's Day. Five people were killed by those bombs—murdered in cold blood by remote control.

According to authorities, the two New Yorkers obtained their explosives by showing phony Vermont identification to a vendor in Kentucky. My constituents and I were shocked by the ease with which these two disturbed individuals apparently bought deadly dynamite over the counter. And the longer I looked at current explosives laws, the more gaping loopholes I found.

As my colleagues may remember, in April this House passed my amendment to the crime bill, which will correct some of the most glaring problems. Now it is time to finish the job. Today I am introducing the Bombing Prevention Act, which will achieve comprehensive reform of explosives regulation.

I have drafted this bill in consultation with the Treasury Department, ATF, and the explosives manufacturing industry. All these parties agree that comprehensive reform is long overdue. Allow me to summarize the major points of this legislation in brief.

The Bombing Prevention Act would require those who purchase explosives to hold a Federal permit, and would mandate a background check to get such a permit. In some States, a purchaser is not even required to register a name, and can buy a stick of dynamite as easily as a loaf of bread. This legislation sets the standard nationwide, not State by State. The effective regulation of interstate commerce in explosives is no longer feasible without such a system in place.

The Bombing Prevention Act also redefines the exemptions currently in place for black powder and smokeless powder, currently set at 50 pounds for the former and a complete exemption for the latter. In recent years, about one-third of criminal bombing incidents have involved these two explosive materials. At the same time, many Americans enjoy sporting and cultural activities which employ black or smokeless powder. It is therefore very important to balance safety measures against the danger of imposing too many burdensome requirements. For that reason, the bill exempts five pounds of black or smokeless powder from the permit requirement.

Finally, the bill acts to protect innocent people from bombs made of plastic explosives. Just such a bomb was used in the terrorist attack on Pan Am flight 103, which exploded over Lockerbie, Scotland. That tragedy killed all 270 passengers. After the Pan Am disaster, the United States worked with other nations to negotiate a treaty, which was approved by the Senate. This treaty, the Montreal Convention, would require plastic explosives to include a special chemical that would make the material detectable at security checkpoints. Such a system could have prevented the explosives in the Pan Am case from getting on the plane at all. Unfortunately, despite our ratification of the Convention, Congress has not passed implementing legislation to bring our laws into compliance. The Bombing Prevention Act would make the necessary changes.

Mr. Speaker, the number of criminal bombing incidents in this country has doubled in the last 6 years. This unprecedented increase cannot continue unchecked. We need to act now against these particularly cold-blooded killers. We must not wait for another attention-grabbing attack. In addition to the incidents I've mentioned, we have seen mail bomb attacks on a judge and a civil rights activist in the South, a string of bombings at abortion clinics, and the terrorist attack on the World Trade Center in recent years. How much more evidence do we need of the pressing need for stronger laws?

I urge my colleagues to cosponsor the Bombing Prevention Act, and I hope this House will take swift action to enact comprehensive reform of our explosives laws.

TRIBUTE TO FORMER MINORITY LEADER SENATOR HUGH SCOTT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. McDADE. Mr. Speaker, it is with great sadness that I inform my colleagues of the death late last week of one of the Nation's and Pennsylvania's finest public servants, former Senate minority leader Hugh Scott.

Senator Scott served with excellence and distinction for 18 years in the U.S. House of Representatives, beginning in 1940, and for three terms as Senator. He was elected Senate minority leader in 1969 after the death of Everett M. Dirksen.

Those of us who were fortunate enough to serve with Hugh warmly recall a principled man who fought with skill and determination for the best interests of the Commonwealth of Pennsylvania and the Nation. He was a goal-oriented practitioner who used his considerable talents as a most effective representative of the people of Pennsylvania and a forceful leader of Senate Republicans.

With his brand of moderate Republicanism and tenacious constituent service, Senator Scott set the stage for the success of many future Pennsylvania Federal officeholders.

I remember vividly how innovative and stalwart he could be in fighting for the jobs of his constituents. He helped to convince the Pentagon to shift the mission of the Tobyhanna Army Depot to electronics, thereby insuring that the depot, now the largest employer in northeastern Pennsylvania, would remain open.

Senator Scott served as minority leader during the difficult Watergate and Vietnam war years. He could be a tough partisan, but he was also able to forge alliances so that the interests of the Nation were served.

The current Senate minority leader, BOB DOLE, put it best when he said: "Few Americans gave more of themselves to public service than Hugh Scott."

The country, the Republican Party, and the Commonwealth of Pennsylvania are all better because of the contributions of Hugh Scott. I feel privileged to have known him and worked with him. He will be rightfully remembered as a giant of American public service.

A memorial service will be held on Thursday, and he will be buried with military honors in Arlington National Cemetery.

TRIBUTE TO M. SGT. MELISSA Y. TITTLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. McINNIS. Mr. Speaker, I rise today to honor M. Sgt. Melissa Y. Tittle of Glenwood Springs, CO. Sergeant Tittle was recently awarded the 1993 U.S. Air Force in Europe Medical Resource Management Noncommissioned Officer of the Year.

Sergeant Tittle's award recognizes her outstanding management and leadership qualities and the individual excellence she has displayed as an Air Force officer.

Furthermore, the award praises her outstanding duty and performance as a noncommissioned officer, for providing needed medical resource management at a unit level.

Not only is Sergeant Tittle a member of the U.S. Air Force, but additionally, she is also a member of the prestigious U.S. Air Force stationed in Europe. Her current assignment is to the 48th Medical Group for the Royal Air Force in the United Kingdom.

I am always proud to recognize the talented members of the U.S. Air Force. However, I am particularly proud to have the opportunity to acknowledge and commend Sergeant Tittle on this high honor, and this commendable award she has received from the U.S. Air Force. She is truly an exemplary citizen, and an asset to the Third Congressional District.

TRIBUTE TO NELSON GRACE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to pay special homage to a man of great devotion in my community. Nelson Grace, born in Evergreen, AL, in June 1935, died in Toledo, OH, in June 1994. Throughout his 59 years, he gave so selflessly of himself in pursuit of the betterment of humankind. He was constant presence wherever the need was greatest.

Nelson Grace arrived in Toledo after his honorable discharge from the U.S. Army in 1967. He immediately became an active participant in the affairs of our city, remaining so even after he became ill. Said one friend and long-time community leader:

> He touched so many lives and left a real legacy * * *. He worked hard not just for African-American people, but to improve things for everyone in the community.

For years an active member of the NAACP, Nelson Grace served on the Toledo Chapter's executive board and as its youth adviser. He taught the young people how our Nation's systems of government work, as well as many practical elements of daily living, such as how to write a resume and seek employment. He also served for several years as the director of the Toledo Board of Community Relations.

Perhaps Nelson's most significant public achievement was the creation of the Community Academy, founded in 1987. The Community Academy assists Toledo area youth earn their high school diplomas and provides encouragement to continue their education in college. Seeing the need for the academy's involvement in economic development, Nelson Grace developed the Toledo Business Development Corp., a small business incubator, currently comprised of 18 local companies. The incubator provides space to new and growing businesses, resulting in greater job opportunities for people in the heart of our community.

The loss of Nelson Grace is deeply felt on both a personal and professional level by many. His passing leaves a void in our community and in our hearts. Not only was Nelson a sparkplug in our community, but he was a gracious and charming person who cared deeply for his family, his friends, and all people. There are not many times in one's life when one encounters a man like Nelson Grace. I and all who knew him feel great privilege to have shared in his life and we express our gratitude for his life of dedication and, yes, true Grace.

IN HONOR OF CAPT. BARRY JANOV, USN, SHIPYARD COMMANDER, LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. HORN. Mr. Speaker, today I rise to salute a long and distinguished military career. Capt. Barry Janov, the shipyard commander at the Long Beach Naval Shipyard, will be completing 26 years of dedicated service to our Nation when he retires on July 28. He is a skilled administrator, impressive leader, and articulate spokesman. I recall with admiration his impressive briefing when Base Realignment and Closure Commissioner Harry MacPherson visited the shipyard for a day and Secretary of the Navy John Dalton toured the yard prior to the commissioning of the U.S.S. *Curtis Wilbur.*

I recognize Captain Janov for his work not only as the shipyard commander during a very difficult time for its work force, but also for his many contributions throughout his career to both the Navy and the communities in which he has served.

His 26-year career is an exemplary one in which he distinguished himself and served his country well, both on land and at sea. As an ensign freshly graduated from the Naval Reserve Officers Training Corps Program at his alma mater, Villanova University, he served aboard the U.S.S. *Zellars* (DD–777) from 1968 to 1971, and then went back to sea as executive officer of the U.S.S. *Observer.* Captain Janov also served aboard the U.S.S. *Pharris* (FF–1094), the U.S.S. *Portland* (LSD–37), and the U.S.S. *Yellowstone* (AD–41). He was ship superintendent and type desk officer at Norfolk Naval Shipyard, maintenance officer on the staff of the Commander of the Naval Surface Group Middle Pacific in Pearl Harbor, assistant repair officer for surface ships and submarines at Pearl Harbor Naval Shipyard, and Assistant Chief of Staff for Maintenance and Engineering for the Naval Surface Force, U.S. Pacific Fleet. In 1991, he assumed command of the Long Beach Naval Shipyard.

During his tour of duty as commander of the Long Beach Naval Shipyard, Captain Janov has provided impressive, innovative leadership in what has been a period of major change. The shipyard has been under consideration for closure through the base realignment and closure [BRAC] process, creating much uncertainty for employees and customers alike. But through Captain Janov's strong, competent guidance and expert management, the shipyard and its work force are moving ahead productively through this difficult time. In fact, the management initiatives implemented under Captain Janov's leadership were cited by one of the BRAC Commission members, retired Navy Capt. Peter Bowmen, as setting the example for all naval shipyards when he told me that other shipyards in the Nation recognized that Long Beach was 4 years ahead of them in both quality control and cost effectiveness.

The management style which Captain Janov has brought to the Long Beach Naval Shipyard assures its continuation as an active industrial facility and thus maintains it as a much-needed source of thousands of jobs and millions of dollars in income to the 38th Congressional District and surrounding communities.

Captain Janov's leadership and in-depth knowledge of all aspects of the shipyard's operations have been directly responsible for the major improvements and the shipyard's resultant success.

During Captain Janov's tour of command, the Long Beach Naval Shipyard has distinguished itself with exceptional performance in the execution of shipwork for the U.S. Pacific Fleet. Since 1991, it has completed 39 depot maintenance availabilities, of which 32 were completed early or on time. Under Captain Janov's command, the shipyard has executed successfully two ship deactivations—the ex-U.S.S. *Missouri* and the ex-U.S.S. *Ranger*—and three foreign military lease activation and repair availabilities. Three more are starting work now.

Captain Janov also recognized the importance of quality of life issues to the men and women of the fleet, as well as the shipyard's civilian workers. He initiated an innovative work schedule using 4-day work weeks. Worker response was highly enthusiastic since crew members were assured 3-day weekends on which they could take care of personal business and enjoy time with their families. This alternative work schedule has also been lauded by the South Coast Air Qualify Management District as a vital ingredient of an effective air pollution reduction campaign.

The credit for these successes belongs to the dedicated work force at the Long Beach Naval Shipyard and particularly to the inspirational leadership of Captain Janov. Please join me in congratulating Capt. Barry Janov on the culmination of a successful and rewarding career. We hope that he and his wife Deborah will enjoy a prosperous and happy future and that the country will continue to benefit from his talent and expertise as he moves to retired status.

Captain Janov has made innumerable contributions to his community, his Nation, and the Navy throughout his distinguished career. As he returns to civilian life, I know he will continue to play an essential role on behalf of his fellow citizens.

OXFORD STYLE DEBATE

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. KOPETSKI. Mr. Speaker, last Wednesday, July 20, I was honored to join my colleagues Mr. HOYER, Mr. DREIER, Ms. PELOSI, Ms. JOHNSON of Texas, Mr. WOLF, Mr. KOLBE, and Mr. SOLOMON in the third Oxford-style debate on the House floor. The debate addressed the following statement, "Resolved that the United States should use trade policy to implement human rights policy."

Importantly, this was the first bipartisan debate. The true winner in last week's debate was the House of Representatives. For America was able to watch eight Members debate

policy options in a bipartisan manner for a problem our Nation confronts on a daily basis. Too often, the congressional observer through C–SPAN or another media outlet only sees the partisan side of politics and the House of Representatives. Clearly, there are many differences between the Democratic and Republican Parties on a wide variety of issues. However, it is important to showcase the parties working together in the interests of our Nation. Last week's debate did just that.

I also want to take this opportunity to clarify a point discussed in the debate. Specifically, I want to correct a response of mine to a question from Congressman SOLOMON. Congressman SOLOMON asked, "At what point, though, does the economic interest outweigh human rights interest?" I responded to Congressman SOLOMON with the following, "The human rights interest never outweigh the economic interest. The issue is what is the most effective means to change the human rights policies of a nation."

In the heat of the debate, I misspoke and it was not until afterward that I recognized my mistake. What I meant to say, and fervently believe, is human rights interests always outweigh the economic interest. I believe my comments throughout the debate are consistent with this clarification. The issue, as I said in response to Congressman SOLOMON'S question, is what is the most effective policy for the United States to pursue to bring real change to the human rights practices of a given country, and importantly, to the citizens of the country who struggle to survive daily under repressive and violent government.

Our side of the debate, Mr. DREIER, Ms. JOHNSON of Texas, Mr. KOLBE, and myself, simply argued that the path of free trade and diplomatic engagement produce healthier and more just societies, with higher human rights standards. South Korea, Argentina, Taiwan, and Chile all stand out as bright examples of closed societies opened by commerce and the resulting cultural and political influences associated with free trade.

In my opinion, the debate focused on the means or policy objectives to achieve human rights improvements wherever violations occur. The debate was not about concern for human rights, as this objective was shared equally by all participants.

Again, Mr. Speaker, I want to thank the House leadership, both majority and minority, for scheduling last week's debate. I also want to add my admiration for the debate's participants. Truly, this exercise was in the interests of the American people and the House of Representatives.

HAITI: THE UNITED STATES SHOULD NOT INVADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. BEREUTER. Mr. Speaker, it has become increasingly clear that the Clinton administration is prepared to use military force to return Jean Bertrand Aristide to power in Haiti. This Member, like many other Members of Congress on both sides of the aisle, believes that such an invasion is a wholly inappropriate use of U.S. military power.

It is important to note that the vast majority of Americans oppose military operations in Haiti. The American people recognize that restoration of ousted President Aristide is not required by our national interest. As the July 19, 1994, edition of the Lincoln Star correctly noted:

A military operation appeals to some frustrated members of the administration who may feel pressured to do something simply to show Clinton is not afraid to use force or act decisively. Maybe they mistakenly think victory would be simple. However, now is not the time, nor is Haiti the place, to make up for Clinton's poor handling of foreign policy. In fact, a poorly defined, unpopular, unilateral invasion will go a long way toward turning Clinton's foreign policy headaches into a real migraine.

This Member would ask that the July 19, 1994, editorial from the Lincoln Star entitled "Many Reasons Why the United States Shouldn't Invade," be printed following these remarks.

The article follows:

MANY REASONS WHY THE UNITED STATES SHOULDN'T INVADE

Sending American troops to fight and die in Haiti because we do not know what to do with the exodus of Haitians is a poor reason to invade.

And premature.

New sanctions, for the first time aimed solely at the country's elite, have only recently gone into effect. We ought to give them time to work.

Meanwhile, we could put our diplomatic muscle behind building a united front to enforce sanctions, aid refugees and plan for economic and peacekeeping assistance once the military regime collapses.

We could also work on getting regional support for a military mission, with exit strategy and troops from other countries, should sanctions fail and the situation be deemed intolerable.

To date, however, Clinton has not won the approval of the United Nations, the Organization of American States, the U.S. Congress, the American public, nor, it would seem, most Haitians, for a military invasion.

We go this one alone at the risk of alienating obvious allies, including the Haitians in whose name we fight. Nor has the president identified a national security interest that would justify the involvement of U.S. troops and the loss of U.S. lives.

Except for the boat people. Invasion seemed imminent in the week in which 10,000 Haitians took to the sea in rickety, overcrowded boats.

Whether it's racism or simply the overwhelming numbers of immigrants, U.S. policy has always treated refugees from Haiti differently. For a time, both former President Bush and Clinton turned them back without even an asylum hearing.

Our humanity demands now that we take responsibility for worsening the situation in their country. The price of imposing sanctions is sanctuary.

The U.S. should be prepared to accept some refugees and to enlist other Caribbean and Latin countries into doing likewise.

The administration understandably wants a democracy in Haiti.

But military invasion is a crude diplomatic tool. Lives will be lost; animosities engendered. Even supporters of ousted President Jean-Bertrand Aristide do not want their leader brought back on the shoulders of U.S. Marines.

Only Haitians can bring democracy to their tortured island. With no democratic institutions to draw upon, this will not be an easy task for them. It's one the U.S. and others could help with, but it's not something we can readily establish as an occupying force.

A military operation appeals to some frustrated members of the administration who may feel pressured to do something simply to show Clinton is not afraid to use force or act decisively. Maybe they mistakenly think victory would be simple.

However, now is not the time, nor is Haiti the place, to make up for Clinton's poor handling of foreign policy. In fact, a poorly defined, unpopular, unilateral invasion will go a long way toward turning Clinton's foreign policy headaches into a real migraine.

TRIBUTE TO LESLIE CASANOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Leslie Casanova, who after attaining her U.S. citizenship, is now a constituent of Colorado's Third Congressional District.

Leslie accomplished this outstanding goal on May 20, 1994, during a very busy time of her life. In addition to her studies to become a citizen, Leslie, a wife and a mother, is also a kindergarten teacher in Basalt, CO. She is as dedicated to her young students, as she is to her own child.

In addition, Leslie has worked as a substitute teacher, and was secretary to the headmaster of the Country Day School in Aspen, CO, but her first love is teaching kindergarten.

Leslie was only 10 years old when she first came to the United States from Saskatoon, SK. In June 1971, she graduated from Hudson High School in Wisconsin and then attended Fort Lewis College in Durango, CO. I am especially proud that Leslie graduated from Fort Lewis College, which is also in the 3d Congressional District, because it is my alma mater. Leslie graduated from Fort Lewis in 1975 with a bachelors degree in elementary education, and it was during those years in college that she married and had her first child.

Leslie is very athletic, as well as musical, and she is excellent at playing the recorder, piano, and cello. Additionally, she enjoys rock climbing, running and skiing.

I am proud to say that on May 20, 1994, Leslie officially became a U.S. citizen. I am pleased to have her as a constituent, and I congratulate her on this major accomplishment in her life. I know she will embrace her new found freedom, and that she is proud to be an American.

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 Tuesday, July 26, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine the pricing of prescription drugs.
SD-342

10:00 a.m.
Finance
Business meeting, to resume mark up of proposed legislation to implement the Uruguay Round of Multilateral Trade Negotiations.
SD-215

Foreign Relations
To hold hearings on the nomination of Ralph Earle II, of the District of Columbia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.
SD-419

Judiciary
To hold hearings on the nomination of Lois Jane Schiffer, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.
SD-226

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.
SD-366

Small Business
To hold hearings on the Small Business Administration's minority business development program, focusing on the implementation of the Business Opportunity Development Reform Act of 1988 (P.L. 100-656) and the recommendations of the Commission on Minority Business Development.
SR-428A

4:00 p.m.
Foreign Relations
To hold a closed briefing on the status of negotiations on Bosnia.
S-116, Capitol

JULY 28

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.
SD-366

Governmental Affairs
To hold hearings to examine financial problems at Federal agencies, focusing on recent audits.
SD-342

Rules and Administration
To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.
SR-301

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Judiciary
To hold oversight hearings on the activities and programs of the Department of Justice.
SD-226

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on S. 985, S. 1478, and S. 2050, bills to improve existing legislative authority regulating the use of pesticides and to insure public health and environmental benefits.
SR-332

Labor and Human Resources
To hold hearings to examine recent research on sickle cell disease.
SD-430

JULY 29

9:00 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Juvenile Justice to examine the video rating system, focusing on violent video games.
SH-216

Judiciary
Juvenile Justice Subcommittee
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Regulation and Government Information to examine the video rating system, focusing on violent video games.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Communications Commission (FCC).
SR-253

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine issues relating to Whitewater.
SD-106

Labor and Human Resources
To hold hearings on S. 2238, to prohibit employment discrimination on the basis of sexual orientation.
SD-430

AUGUST 1

2:00 p.m.
Indian Affairs
Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and S. 2150, to establish a Native Hawaiian housing program.
SR-485

AUGUST 2

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, S. 1871, to establish a Whaling National Historical park in New Bedford, MA, S. 2064, to expand the boundary of the Weir Farm National Historical Site in Connecticut, S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act, and S. 2303, to provide for the exchange of lands within the Gates of the Arctic National Park and Preserve.
SD-366

AUGUST 4

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 399 and H.R. 457, bills to provide for the conveyance of lands to certain individuals in Butte County, CA, H.R.2620, to acquire certain lands in the State of California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, S. 2033, to provide for the exchange of certain lands within the State of Montana, S. 2078, to designate the Old Spanish Trail for potential inclusion into the National Trails System, and H.R. 1716, to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek.
SD-366

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

Veterans' Affairs

To hold hearings on the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and pending legislation.

SR–418

Indian Affairs

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

AUGUST 10

2:00 p.m.

Veterans' Affairs

Business meeting, to consider the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and to mark up pending legislation.

SR–418

AUGUST 11

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1991, to provide for the safety of journeyman boxers.

SR–253

AUGUST 12

2:00 p.m.

Indian Affairs

To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SD–628

POSTPONEMENTS

JULY 26

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.

SR–332